

## Chat room from the CLAANZ online seminar on illegal activities

9 March 2021, 1-2pm

### Questions and comments:

- Has CLAANZ made a submission to Treasury?
- Question for Murray Wesson - Do we have a good argument about lacking a constitutional head of power - the Taxation power?
- The charity sector has and will speak against this sort of legislative overreach (via the mandated consultation) - but our concerns seem to fall on tin ears. What is the best strategy to have our concerns heard and acted upon?
- The argument I often hear raised is that charities receive tax privileges and therefore their advocacy work should be subject to government control. Personally, I don't agree with that argument but would be interested in the panellists' thoughts about how best to counter it?
- Thanks all - see this great article for discussion - 'Charities are the New Constitutional Law Frontiers' Nicholas Aroney and Matthew Turnour question (2017) 41(2) Melbourne University Law Review 446
- Potentially this could deter people from volunteering to be on the board of charities given that the duty of care can be triggered by causing or allowing an entity to breach the law. Falk J in the Kids Company case warned against such deterrence (in a different context)
- McGregor-Lowndes, Myles, Turnour, Matthew, Turnour, Elizabeth (2011) Not for profit income tax exemption : is there a hole in the bucket, dear Henry? Australian Tax Forum: a journal of taxation policy, law and reform, 26 (4), pp.601-631
- For anyone interested in seeing the size of tax concessions to for-profits:  
[https://treasury.gov.au/sites/default/files/2021-01/145906\\_2020-tbvs.pdf](https://treasury.gov.au/sites/default/files/2021-01/145906_2020-tbvs.pdf)
- Do our politicians really understand charities this is a problem for all our politicians. They seem more interested in being Twits sorry twiterati. Having served on the 2000 Charities Report the political parties did not submit anything
- Has anyone delved deeply into what will practically be involved in taking, and documenting, "reasonable steps to ensure" resources aren't used for the relevant acts and omissions? Given it extends to social media, websites, and other publications at first blush it seems like it will be a significant task.
- Sorry, ignore this if I am totally off base here! I understand that this amendment seems to be directed at political protests, but could it impact 'trespass to the person' summary offences...e.g. charities working in care sector...these offences can be 'anticipated' and therefore could trigger this amendment??