

A tribunal ruling that found benevolent institutions are allowed to advocate for political change will free charities from “always looking over their shoulders”, reverend Tim Costello says.

Earlier this month, the [administrative appeals tribunal \(AAT\) delivered](#) a landmark decision in the case of Global Citizen, a global charity that was initially denied public benevolent institution status in Australia because of its political advocacy.

The charities regulator had taken the position that charities which attempt to lobby politically or advocate to governments for change should not be afforded benevolent status, which helps organisations secure vital tax deductible donations and grants from ancillary funds.

But the AAT found the decision to deny Global Citizen – a highly successful international education and advocacy group headquartered in New York – the crucial PBI status was wrong, and that such organisations were engaged with the political process as a “regular and indispensable part of their work”.

The decision will have widespread ramifications for the charity sector. It is likely to embolden charities to directly pursue political change without fearing their benevolent status – and the associated fundraising benefits – will be at risk.

The decision was made at a time when the sector feels increasingly targeted by the Morrison government. Last month, the sector united to protest new laws that allow charities to be deregistered if their staff commit even the most minor of offences, even if no charges are laid.

Costello, the chair of the Community Council for Australia and former chief executive of World Vision Australia, said the AAT’s ruling would bring Australia into line with arrangements in other western countries.

“Charities always understood that they are actually about two things: practical love, and change,” he said.

“Advocacy is fundamental to change and this decision that recognises this is part of what PBIs do is really just falling into line with what happens in other Western free democracies.

“I think it frees charities from always looking over their shoulders and being anxious. We can be honest about what our mission is with our donors.”

Costello, who supported the Global Citizen application, has also led the fight against regulations that [expand the kinds of offences](#) that can prompt the charities regulator to deregister an organisation.

The regulations allow the Australian Charities and Not-for-profits Commission (ACNC) to investigate charities if they promote or engage in trespass, threatening behaviour, vandalism, theft, or assault.

An alliance of dozens of charities, named Hands Off Our Charities, says the regulations will allow for deregistration if a staff member blocks a footpath at a vigil, for example, or refuses to leave an MP's office.

The group says the charities regulator would be able to launch an investigation if it thought such an offence may have occurred, regardless of whether charges have been laid.

Speaking last month, Anglicare Australia's executive director, Kasy Chambers, said the rules were designed to stop charities from speaking out.

"They are not just an attack on charities," she said. "They are an attack on democracy. We're calling on the Senate to disallow these changes – and we ask the Morrison Government to put an end to these attacks for good."

The ACNC said it was considering the tribunal's decision on Global Citizen.

"The ACNC welcomes decisions that assist with clarifying the law relating to eligibility for registration as a Public Benevolent Institution. We are currently considering the implications of the decision."

Source: [Tim Costello lauds ruling allowing charities to lobby for political change](#)