



Australian Youth
Affairs Coalition

Australian Youth Affairs Coalition

Submission in response to
The Review of the Definition of Charity

December 2011

The Manager
Philanthropy and Exemptions Unit
Personal and Retirement Income Division
The Treasury
Langton Crescent
PARKES ACT 2600
Email: NFPReform@treasury.gov.au

Dear Manager,

AYAC welcomes the opportunity to provide a submission to the Treasury regarding the review of the Definition of Charity.

We acknowledge the work of Treasury to date and support them in their endeavours to ensure the review of the Definition of Charity ensures the definition is broadened and modernised to reflect the current work and impact of advocacy and youth led organisations across Australia. We look forward to the findings of this review and would welcome the opportunity to meet to discuss this further.

This submission has been developed in consultation with AYAC's Policy Advisory Council, which comprises all youth State and Territory peak bodies, as well as young people and youth-led organisations, and specialist organisations with a youth focus, in areas such as mental health, drug and alcohol, academic bodies, and other relevant organisations.

In preparation for this submission AYAC consulted with young people through an online survey for youth led organisations on the issues surrounding around definition of charity. The results have been included throughout this submission.

AYAC would also like to acknowledge AYAC members who assisted us in providing relevant case studies to exemplify the impact and effectiveness of the work done by advocacy organisations

If you have any questions in relation to our submission or wish to seek further advice from AYAC please contact Maia Giordano, Deputy Director (Young People) via phone 0435 496 494 or email maia@ayac.org.au.

Kind regards,

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We acknowledge the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures, and to the elders both past and present.

Australian Youth Affairs Coalition

About The Australian Youth Affairs Coalition

The Australian Youth Affairs Coalition (AYAC) is Australia's non-government youth affairs peak body, which represents young people aged 12-25 and the sector that supports them.

AYAC represents a growing membership of State and Territory youth peak bodies, national youth organisations, researchers, policy makers and young people themselves, who are all passionate about creating an Australian community that supports and promotes the positive development of young people.

AYAC aims to:

- Provide a body broadly representative of the issues and interests of young people and the youth affairs field in Australia
- Advocate for a united Australia which respects and values Aboriginal and Torres Strait Islander heritage, promotes human rights, and provides justice for all
- Represent the rights and interests of young people in Australia, at both a national and an international level
- Promote the elimination of poverty and to promote the well being of young Australians, with a particular focus on those who are disadvantaged
- Recognise the diversity of Australian society, to promote the cultural, social, economic, political, environmental and spiritual interests and participation of young people in all aspects of society
- Advocate for, assist with and support the development of policy positions on issues affecting young people and the youth affairs field, and to provide policy advice, perspectives and advocacy to governments and the broader community
- Facilitate co-ordination and co-operation within the youth affairs field

AYAC and its members are committed to working for and with young people and seek to ensure they have access to mechanisms, which allow them get involved in decisions about issues that affect them in the Australian community.

Introduction

AYAC supports the suggested changes to the Charities Bill 2003, in particular, suggested changes to amend the definition of political activities to be included as charitable, and in the interest of public benefit.

AYAC strongly recommends that the Charity Bill 2003 be amended to include organisations that attempt to change law, government activities and government policy, particularly in relation to peak bodies, that may incorrectly be seen to have little impact at a service delivery level.

In the case of the Australian Youth Affairs Coalition, our peak body members and advocacy members, advocating for the interests of, primarily, disadvantaged, disaffected and disengaged young people provides direct, grass-root social benefits for young Australians. Yet our advocacy precludes us from registering for charitable status because that advocacy, in the current definition, is more than merely 'ancillary or incidental' to the other purposes of our organisation. Advocacy groups whose purposes are rooted in social justice remain unable to obtain DGR status. However, these organisations play a crucial role in engendering positive, systemic change achieving social benefits for all Australians.

AYAC commends the productivity commission report on the contribution of the not-for-profit sector as it affirmed the significant contribution of not-for-profits to Australia's society and economy. It also notes the arcane tax codes that restrict not for profits and calls for their reform. We believe reforms should reflect and acknowledge the work of groups to create positive change for community at a service delivery level via policy advocacy.

A crucial reform to the development of the sector is developing a definition of charity that allows advocacy groups that provide a social benefit to access charitable gift status broadening their access to diverse sources of funding.

In consulting youth led organisations in Australia, via an online survey, 79.5% of respondents believed the definition should be changed to include advocacy groups. Additionally, 87.5% of youth led organisation respondents believe the definition of charity should include advocacy even though only 66.7% of the same respondents identified engaging in advocacy as a main purpose.

"Often the main purposes of orgs is diverse, with each facet [Sic] inter-related. Yes of course one of our main purposes is advocacy because that intrinsically relates to our perceived social position, which means marginalised, excluded from decisions that effect our lives. Often in providing welfare and support (charity) you also get to understand the "big picture"- the upstream causes of that disadvantage- isn't part of our job then to tackle that as well as the direct needs? Isn't advocacy really just a prevention-focussed form of "charity"?"

- Survey Respondent

The position of the Australian Youth Affairs Coalition, and many others like it, is that one of our core functions is to advocate for change at a systemic level, this however, does not mean the outcomes of our work fail to provide a social benefit. Either through creation of space for grass roots and service delivery organisations, or the

direct execution of projects for social benefit, advocacy organisations fulfil the criteria of achieving social good, as required to be considered as charitable.

“Charities are severely restricted from creating sustainable, meaningful change if they cannot be advocates. It (stupidly) dampens the voice of people speaking up for those who can't speak for themselves....”

- Survey Respondent

AYAC is representative of its members, as a result AYAC's work is fundamentally linked to the aims and goals of its charitable members. This emerges in time spent lobbying and advocating for an improved government policy agenda and more effective service delivery, to support and improve the capacity of our members. It is therefore essential that the definition of charity change's to include political advocacy groups.

AYAC strongly suggests that amendments support organisations that advocate to change law, government activities and government policy. We offer the following case studies from the Australian Youth Affairs Coalition, Youth Affairs Council of Victoria (YACVIC) and Youth Affairs Council of Western Australia (YACWA) to exemplify the various charitable impacts of these groups via both advocacy and project work.

Case Study # 1: Australian Youth Affairs Coalition

National School Chaplaincy Program

Summary

During the review of the National School Chaplaincy Program, the Australian Youth Affairs Coalition introduced significant recommendations to the program. The recommendations provided were largely adopted by government and strengthened the program to ensure that chaplains are and will be appropriately trained to support young people in their contexts, that the program is not exclusive to other qualified youth support workers, and that those currently suffering barriers to appropriate support, including rural and remote communities, are prioritised for funding. AYAC campaigned for change by galvanising NGO support and submitting a paper outlining the changes that needed to happen in order for our school system to be holistic and underpinned by the principle of choice.

Impact

In September 2011, The Hon Minister Peter Garrett MP announced changes to the program that mirrored AYAC's recommendations.

The most significant changes were:

- Schools are now able to choose secular workers
- Current chaplains employed under the program are required to complete two core competencies of the Certificate IV in Youth Work
- The program now requires all new workers hired under the scheme to have a minimum qualification of Cert IV in Youth Work or equivalent

- Priority is now given to schools in rural, remote and disadvantaged areas
- The program's name was changed to National School Chaplaincy and Student Welfare Program to better reflect its aims.

"The submission into the review of the Chaplaincy Program that AYAC pulled together from the advice of youth sector representatives across the country the has made some real impact in this area. The option to hire secular youth workers instead of Chaplains is one the Australian Community will not regret."

- Jethro Sercombe, Chairperson of the Western Australian Association of Youth Workers, AYAC Member

The changes to the National School Chaplaincy Program will transform how students can access support across the 2700 participating schools (and with the changes it is foreseeable that even more can now participate) will benefit the lives of all of Australia's youth, and their communities. Without the Australian Youth Affairs Coalition, these changes would either not have occurred, or would have been delayed and diminished. This case study reinforces the necessity of advocacy groups in achieving systemic change, the impact that this change has on the ground at a service delivery level and shows why groups such as AYAC who achieve positive outcomes for Australia's youth should be able to access charitable status.

Online Community Youth Spaces

It is important to recognise that many advocacy or lobby groups who are unable to obtain DGR status, in addition to their core work, also run projects designed for a direct social benefit at the grass roots level.

Summary

An example of this is the Online Community Youth Spaces project run by the Australian Youth Affairs Coalition. This project enabled nine groups of young people to realise their vision for a unique website to connect young people, promote youth involvement and leadership, and encourage positive images of young people in their local community. The groups received a website package, training and technical support.

Themes included promoting youth arts in Cairns, events and activities in Northern Sydney, mental health forums and support, and connecting multicultural young people in Darwin.

Impact

The impact of this project long term is potentially far greater than the project itself. The young people from across Australia who participated in the program now have new skills and platforms that enable them to connect to other young people around Australia, using 21st century technology, and collaboratively work to build innovative solutions to tackle issues presenting in their community. The young people in each community now have a space that acts to encourage community participation, promote creative expression, stimulate discussion, advise, and to encourage the establishment of support networks. AYAC created the opportunity for young people to become empowered, which will benefit not only themselves and their peers, but also their communities and broader society.

Case Study # 2: Youth Affairs Council of Victoria

Victorian Indigenous Advisory Council

Summary

VIYAC is a state-wide network of volunteer Indigenous young people between 12 and 25 years who provide a voice to government and community on issues of importance to them. VIYAC is an avenue for Indigenous young people to come together and voice their ideas, passions and interests, in a safe, structured and supportive environment. VIYAC is committed to supporting and encouraging all who become involved to build their skills and capacity. A few examples, which illustrate the achievements of this council and its members are:

- Developing the Community Spirit Awards which promotes positive relations between Koori young people and police; and
- Holding forums e.g. for young parents so that they may network and improve access to services and state-wide gatherings which focus on culture and identity of young people and connects them to job opportunities.

Impact

VIYAC is an excellent example of advocacy groups providing support to empower disadvantaged groups, such as Aboriginal and Torres Strait Islander young people, who can in turn develop innovative methods to empower and build self-determination in their communities.

The Youth Disability Advocacy Service (YDAS)

Summary

YDAS was established in 2006 and funded by the State Government, YDAS is the only disability advocacy service in Australia (and possibly the world) that exists specifically to represent and work on issues of concern to young people with disabilities. For example, making sure young people with disabilities are able to participate in mainstream youth activities and ways that young people are able to engage in sexual activities in a similar manner to those without disabilities.

Impact

YDAS is a further example of how advocacy groups can impact change through empowering others. As the study shows, it is a unique organisation that can provide a defined social good to a specific group. This shows how advocacy groups provide a unique social benefit, seeing the gaps where issues or people are neglected by government and charities and developing innovative solutions through both running projects and lobbying for policy changes.

Case Study # 3 Youth Affairs Council of Western Australia

Home Is Where My Heart Is Project

Summary

For four years the Youth Affairs Council of Western Australia has run a photographic exhibition title Home Is Where My Heart Is. The exhibition connects young emerging photographers with young people who have experiences of homelessness, the photographers teach the fundamentals of photography to allow the young people to take a photo that captures their interpretation of home. The money raised from the sale of the prints is donated back to the direct service delivery organisations from which the young people have come.

Impact

The project is the quintessential embodiment of how a not-for-profit organisation's core charitable business can be so inexorably linked to its advocacy work so as to make the 'ancillary or incidental' requirement meaningless. YACWA works closely with young people who are homeless throughout the project.

Criminal Investigation Amendment Bill (WA) 2009/2010

Summary

Youth Affairs Council of Western Australia was the lead opposition voice to the Criminal Investigation Amendment Bill (WA) in 2009/2010. The Bill was set to give Western Australian police the ability to stop and search any individual in a designated area without the need to have a reasonable suspicion that the person was committing, or about to commit, a crime. The laws would have inevitably resulted in the unfair and disproportional targeting of young people. Consequently this would have lead to the marginalisation of many more young people that would have in turn increased pressure on service providers, already operating at capacity, to meet the needs of the State's disadvantaged young people.

Impact

Thanks largely to YACWA's intense and effective lobbying the bill was abandoned. Public and political advocacy is but a corollary to the core business of any charity or human rights organisation. The advocacy demonstrated by YACWA in this case shows the disproportional benefit advocacy groups have in achieving genuine social change and protecting the rights of marginalised groups like young people. These actions also protect the interests of social service delivery organisations whose work would be made more difficult by an increase in caseload due to manifestly discriminatory legislation.

Conclusion

From the above case studies it is clear that groups who advocate for political change often create a direct social benefit for individuals, groups and society at large. Advocacy groups are the voice of those who cannot articulate or conceptualise their needs. Large direct service providers, for example AYAC member organisations delivering outreach youth work, or assisting young people, often do not have the time, resources or expertise to be engaged in large political or public lobbying campaigns to bring about effective change that would directly benefit their work. It is therefore integral for AYAC to fill this gap and act as the conduit for the views and needs of our members and of young Australians generally.

AYAC is the voice in Australia for marginalised and disadvantaged young people, and our state peak partners do the same. Young people generally are often voiceless in public discourse; marginalised young people are almost always voiceless. Those young people rely on AYAC to listen to them and be their voice. This social benefit is demonstrated in both quantitative and qualitative terms. Our impact is increasingly growing and our advocacy underpinned by a social justice framework reflects the best interests of young Australians and the youth support sector. It is crucial that our work is recognised by changing the definition of charitable organisations to include political advocacy groups whose values and vision are based on the principles of social justice.