

# Family First

worth fighting for



## Submission to the Senate Economics Legislation Committee

### *Inquiry into the Treasury Laws Amendment (Supporting Choice in Superannuation and Other Measures) Bill 2025*

Submitted by:

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on behalf of

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### About Family First

Family First Party Australia Limited (Family First) is a federally registered political party with the Australian Electoral Commission (AEC) and is also registered with state electoral commissions in New South Wales, Queensland, the Australian Capital Territory, Victoria and South Australia.

Family First advocates for policies that strengthen families, protect children, defend freedom of belief and speech, and promote economic prosperity and social stability.

The party has more than 53,000 supporters nationwide and approximately 8,000 party members.

### 1. Introduction

Family First thanks the Committee for the opportunity to provide a submission regarding the *Treasury Laws Amendment (Supporting Choice in Superannuation and Other Measures) Bill 2025*.

Family First opposes the provision within the Bill granting Deductible Gift Recipient (DGR) status to Equality Australia for the period 1 July 2025 to 30 June 2030.

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- The circumvention of established regulatory and judicial processes;
- Equality Australia's prior use of a conduit arrangement to obtain tax-deductible donations;
- The integrity of the DGR framework;
- The organisation's controversial public policy advocacy;
- Its public campaigning for discredited paediatric medical interventions; and
- Broader public confidence concerns.

## 2. Rejection by Regulator, Tribunal and Federal Court

Equality Australia sought registration as a Public Benevolent Institution (PBI) in order to access DGR status.

Its application was rejected by:

- The Australian Charities and Not-for-profits Commission (ACNC);
- The Administrative Appeals Tribunal (AAT); and
- The Full Court of the Federal Court of Australia.

The ACNC found that Equality Australia's activities were primarily advocacy for law reform and social change and were too far removed from traditional concepts of benevolent relief.

*The ACNC refused the application because it considered that it had an independent, non-benevolent purpose of engaging in advocacy to agitate for law reform and social change, and this purpose did not amount to benevolent relief to people in need. – Decision Impact Statement 1 November 2023.<sup>1</sup>*

This was upheld by both the AAT and the Full Court of the Federal Court of Australia.

After exhausting these processes, Equality Australia did not succeed in obtaining DGR status through the established legal framework.

The current Bill effectively overrides these determinations by granting DGR status through specific legislative carve-out.

This represents a significant departure from the ordinary regulator-administered pathway.

## 3. Use of Thorne Harbour Health to Collect Tax-Deductible Donations

Public reporting has revealed that while Equality Australia was being denied DGR status, it entered into an auspicing arrangement with Thorne Harbour Health, an HIV/AIDS charity with existing DGR endorsement.<sup>2</sup>

According to reporting in *The Australian*, Equality Australia funnelled tax-deductible donations through Thorne Harbour Health for at least two years. Donors received receipts from Thorne Harbour Health, and Equality Australia stated it paid a "nominal amount" for the processing service.

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<sup>1</sup> <https://www.acnc.gov.au/media/news/acnc-publishes-decision-impact-statement-equality-australia-ltd>

<sup>2</sup> <https://www.theaustralian.com.au/nation/knocked-back-on-tax-break-status-lobby-group-uses-someone-elses/news-story/a63f9487cb984df e1fbb7b0830d41eb>

Written complaints have reportedly been lodged with the ACNC and the Australian Taxation Office questioning:

- Whether the activities funded fall within Thorne Harbour Health’s benevolent remit;
- Whether Equality Australia indirectly accessed DGR concessions after being rejected; and
- Whether this arrangement complied with governance standards.

Equality Australia has denied any wrongdoing and described the arrangement as a standard auspice model.

Regardless of legality, the existence of such an arrangement while simultaneously seeking legislative intervention raises serious integrity concerns.

#### 4. Role of the Assistant Treasurer

Public reporting indicates that Equality Australia’s Chief Executive wrote directly to Andrew Leigh seeking specific legislative listing for DGR status after its legal avenues were exhausted.<sup>3</sup>

The Government subsequently announced that Equality Australia would be granted DGR status through legislation.

This sequence – regulator rejection, tribunal affirmation, Federal Court confirmation, followed by ministerial legislative action – creates the appearance that independent processes have been overridden.

The DGR framework exists to ensure neutrality and consistency. Legislative carve-outs for individual advocacy bodies risk politicising that framework.

#### 5. Advocacy Against Female-Only Spaces

Equality Australia has taken public positions opposing female-only spaces for biological women and has been involved in high-profile litigation connected to such issues.

Its intervention in litigation involving the women-only “Giggle” platform has further highlighted its policy position that biological sex distinctions should not determine access to certain spaces.

Whether one agrees or disagrees with that position, Equality Australia is undeniably a politically active advocacy organisation engaged in highly contested cultural and legal debates.

It is therefore inappropriate for such an organisation – having been found by multiple institutions to be primarily advocacy-based – to receive special tax treatment through legislative exception.

#### 6. Public Advocacy for “Gender Affirming Care” for Minors

Family First further submits that it would be inappropriate for taxpayers to subsidise, via DGR status, an organisation that publicly campaigns for paediatric medical interventions that are increasingly contested internationally.

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<sup>3</sup> <https://www.theaustralian.com.au/business/margin-call/some-more-equal-than-others-equality-australias-free-ride-to-tax-free/news-story/de262ecfbbfd558f011b4b9952f7fb18>

### *Equality Australia's Campaigning*

On its Queensland campaign page, Equality Australia describes the Queensland Government's reinstatement of a ban on puberty blockers and hormone treatments and calls for these decisions to be left to "young people, their families and medical professionals."

In its open letter, Equality Australia states that:

"The evidence on the benefits of gender affirming medical care is clear and well established"; and

"Puberty blockers and hormone treatments ... are essential and life-saving healthcare."<sup>4</sup>

These are strong advocacy claims supporting access to medical interventions for minors.

### *International Reassessment*

Recent US reporting has highlighted that the American Society of Plastic Surgeons has recommended that gender-related surgeries for minors be deferred to adulthood due to insufficient evidence of favourable risk-benefit outcomes.

Media reporting has also noted statements from the American Medical Association indicating agreement that surgical interventions in minors should generally be deferred to adulthood in the absence of clear evidence.<sup>5</sup>

In the United Kingdom:

The Tavistock Gender Identity Development Service has closed; and

NHS England has issued new policies restricting routine access to puberty-suppressing hormones for children.<sup>6</sup>

These developments demonstrate that this field is undergoing serious reassessment in comparable jurisdictions.

### *Legal Accountability: \$2 Million Verdict*

In the United States, a New York jury awarded US\$2 million in damages to a young woman who underwent a double mastectomy at age 16 as part of a gender transition pathway and later sued for malpractice.<sup>7</sup>

This case underscores the irreversible nature of such procedures and the legal risks now emerging overseas.

### *Relevance to DGR Status*

The issue before the Committee is not whether Equality Australia may advocate its position.

The issue is whether Parliament should grant special, legislated DGR status – after regulator and court rejection – to an advocacy body campaigning for expanded access to puberty blockers and hormone treatments for minors at a time when these practices are being restricted, reassessed or legally challenged overseas.

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<sup>4</sup> <https://equalityaustralia.org.au/>

<sup>5</sup> <https://www.nytimes.com/2026/02/04/health/gender-surgery-minors-ama.html>

<sup>6</sup> <https://www.gov.uk/government/news/ban-on-puberty-blockers-to-be-made-indefinite-on-experts-advice>

<sup>7</sup> [https://nypost.com/2026/01/31/us-news/detransitioner-wins-2-million-against-new-york-docs-who-pushed-double-mastectomy/#:~:text=US%20News-,Detransitioner%20wins%20\\$2%20million%20against%20New%20York%20docs%20who%20pushed,REUTERS](https://nypost.com/2026/01/31/us-news/detransitioner-wins-2-million-against-new-york-docs-who-pushed-double-mastectomy/#:~:text=US%20News-,Detransitioner%20wins%20$2%20million%20against%20New%20York%20docs%20who%20pushed,REUTERS)

Taxpayers should not be compelled to subsidise such advocacy through special legislative privilege.

## 7. Patronage of the Governor-General

Equality Australia counts the Australian Governor-General, Ms Sam Mostyn, as patron.

Where:

- An organisation is engaged in active and contested public policy advocacy;
- It has been denied DGR status by independent bodies; and
- It then receives special legislative treatment,

questions of institutional propriety and public confidence arise.

The Committee should consider whether the special treatment the bill affords Equality Australia has the capacity to undermine public confidence in the office of the Governor General.

## 8. Integrity of the DGR Framework

DGR status is a public subsidy. It reduces tax revenue and impacts all taxpayers.

If Parliament grants DGR status through ad hoc legislative amendment to organisations unsuccessful under ordinary law, it creates a precedent whereby:

- Political access may override regulatory standards;
- Judicial findings can be sidestepped;
- The DGR framework becomes politicised.
- This undermines good governance and equal treatment under the law.

Questions will be rightly asked as to why advocacy groups like the Australian Christian Lobby are not able to be granted DGR status.

## 9. Recommendations

Family First respectfully recommends that:

1. The provision granting DGR status to Equality Australia be removed from the Bill;
2. DGR eligibility remain subject to established statutory criteria and independent regulatory processes; and
3. The Committee examine whether reforms are required to prevent legislative bypass of regulator and court determinations.

## 10. Conclusion

This submission is not about denying Equality Australia the right to advocate its views.

It is about preserving the integrity of Australia's charitable and tax framework.

Equality Australia was rejected by the ACNC, the AAT and the Federal Court because it was primarily an advocacy organisation.

It then relied on an auspicing arrangement to obtain tax-deductible donations and subsequently sought legislative intervention.

Parliament should not undermine regulatory integrity by granting special treatment through bespoke legislation.

For these reasons, the Committee should recommend removal of the DGR provision from the Bill.

Yours faithfully



***Lyle Shelton***  
***National Director***  
***Family First Party***