

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2017 - 2018

Division/Agency: Australian Charities and Not-for-profits Commission (ACNC)

Question No: 60

Topic: Charity Status: Greenpeace Australia Pacific

Reference: Written

Senator: Abetz, Eric

Question:

Recently there was a protest where the Registered Charity Greenpeace Australia Pacific broke into and occupied Newcastle Port as part of its anti-coal activism. According to a report in the Newcastle Herald, "Police arrived about 8am and began arresting protesters for trespassing." It is noted that in Facebook videos the participants proudly state that the illegal activity was on behalf of Greenpeace. Is it the Commission's view that organisations which are Registered Charities lose their charity status if they break the law?

- a) Does the Charities Commission have the power to investigate organisations that publicly break the law?
- b) If so, does and/or has the ACNC use/d these powers? Please provide examples.
- c) Does the ACNC consider trespass to be a significant reason for a registered charity to be de-registered? If not, why not?

Answer:

- a. The ACNC has the power to investigate potential breaches of the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)* (the ACNC Act) or the [ACNC Governance Standards](#). Where registered charities break the law, they may be in breach of Governance Standard 3 - Compliance with Australian laws.
- b. The ACNC is unable to comment on specific actions due to secrecy provisions as outlined in Division 150 of the ACNC Act.

The ACNC has used the Governance Standards to revoke charity status, and publishes a list of revocations at acnc.gov.au/compliance/decisions.
- c. Where a trespass demonstrates a disqualifying purpose under Section 11 of the *Charities Act 2013 (Cth)*, the ACNC will revoke charity status.