



CARE LEAVERS AUSTRALASIA NETWORK

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

PO Box 164, Georges Hall, NSW, 2198

'Taxpayer money is not an entitlement'

CLAN's submission to:

**Incentivising relevant charities to join
the National Redress Scheme for Child
Sexual Abuse – New ACNC
Governance Standard**

CLAN - Care Leavers Australasia Network is a national, independent, peak membership body which represents and advocates for those who were raised in Australia and New Zealand's Orphanages, Children's Homes, Missions and Foster Care. There were more than 500 000 children in Australia who grew up in 900 plus Orphanages, Children's Home, Missions and Foster Care. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including but not limited to advocacy, counselling, casework, records searching and publishing Care Leavers' stories.

We thank you for the opportunity to comment in this submission regarding the new governance standard to incentivise churches and charities to join the National Redress Scheme (NRS). CLAN are a Redress support and service and have been supporting large numbers of Care Leavers through the Redress process since its inception in 2018. One of the major flaws of the NRS has been the 'opt in' process and the delays and inequity it has resulted in.

Since the establishment of the NRS CLAN has been campaigning for the abusive churches and charities who have been a past provider of care and have not opted in to the NRS to have their charity tax concessions removed. CLAN wholeheartedly supports the new governance standards enabling the ACNC to revoke the registration and tax concessions of these abusive past providers. In actuality, CLAN takes issue with the fact that these regulations have not been proposed and introduced sooner.

Surely in the designing of the NRS and the 'opt in' feature it was foreseeable that many churches and charities would avoid opting in if possible. Whilst some have done the right thing from the beginning it was always a likelihood that many would not. The fact that the Australian Government have taken two and a half years since the establishment of the scheme to introduce these sanctions has only served to retraumatise a large number of Care Leavers. These sanctions should have been legislated and introduced when the scheme was first established with a much earlier deadline for joining the NRS. If it was, there wouldn't be Care Leavers who are now into their third year of waiting for an outcome because their abusers have chosen not to join the NRS. Nevertheless, the sooner these governance standards take effect the better.

Churches and charities need to understand that it is a privilege to be trusted with taxpayer money to do good in the community it is not an entitlement. However, many churches and charities now have an expectation that it is their right to be funded regardless of how they are operating and if they are doing the right thing by the community at large. Organisations expect their funding and charity tax status to continue to be rolled over, however they do not want to be held accountable for the harm they have done in the community. It should not be automatic it should be reviewed!

Many continue to ignore their abusive past (and sometimes present) and refuse to learn about the legacy of their actions. CLAN welcomes past providers to be members of our organisation and to learn about the legacy of the crimes committed on children in their Orphanages, Children's Homes, Foster Care and Missions.

At present we have only 5 past providers who have done this:

Sisters of the Good Samaritan, Glebe NSW

McKillop Family Services, South Melbourne

Sisters of St. Joseph, North Sydney

Anglicare Victoria, Abbotsford

Uniting Heritage Service, Uniting Wesley, Melbourne

How can organisations state they are learning from the past when they refuse to join the only national Care Leavers organisation that publishes Care Leaver experiences and highlights the intergenerational effects of physical, psychological, and sexual abuse that children endured.

Hundreds of thousands of children passed through these abusive institutions and were forever harmed and scarred because of it. The fact we have only five organisations join CLAN to learn about the legacy of being in care shows just how disinterested and unwilling to be held accountable for their past actions they are. Some children never made it out of these institutions due to the severity of their abuse. These organisations can commit the worst and most horrendous crimes, in fact many children died at the hands of these churches and charities, yet they are entrusted with taxpayer money as well as tax concessions over and over again with no sanctions and no accountability for their crimes committed against Australian children.

In fact, many of these abusive organisations made money from the labour of children in their orphanages and Children's Homes and have then gone on to sell their land and buildings and make millions of dollars, all the while receiving their tax concessions for supposedly doing 'good' in the community.

CLAN believe that churches and charities who hold tax concessions need to be made more accountable for funding that they are given. We have recently been made aware that religions have lower regulatory standards for financial accountability and governance. How can this be when we know the crimes they have committed upon children and the funds they misappropriated to do this? ALL churches and charities need to provide full financials every year before they can be given funding. We also believe that the ACNC should be conducting a review every two years on charity tax statuses and ensure that charities are doing what they are supposed to be and are not harming the community with the money that is being handed to them. Organisations which receive large numbers of complaints and legal action against them need to have their tax statuses reviewed and removed.

We also believe that an organisation's listing on the ACNC needs to be updated with vital information including if they have joined the redress scheme (if named), if they were named in the Royal Commission as an abusive institution, the number of formal complaints lodged with the ACNC regarding the organisation, as well as legal action against the organisation. We believe that the community has a right to transparency, and this is vital information about the conduct of organisations receiving taxpayer money and tax concessions. Taxpayers have a right to see this information and make decisions about where their money goes.

Furthermore, CLAN questions why organisations such as the Brethren and Jehovah's Witnesses who actively discourage voting and participation in our Australian democracy are still entitled to get Government funding? Surely the churches and charities of Australia need to at least respect Australian laws to be able to receive taxpayer money. How many other funded churches and charities actively encourage their members/followers to break the law? Please see the following tweet from CLAN's twitter account:

CLAN

@CLAN_AU

@GladysB@MarkSpeakman@ACNC.gov.au@Anne_Ruston

Why do #Brethren's who don't believe in voting

However receive taxpayer funds whilst not joining #Redress They have NO respect victims yet take TP

[Don't VOTE & get charity tax status](#)
[#Lutanda](#) [#SilkyOakes](#) [@mbachelard](#)

CLAN are also aware that the NSW Government has provided funding to the Brethren's and the De La Salle Brothers whilst they had not joined the redress scheme. Whilst the De La Salle Brothers have now joined the NRS, the Brethren's have not. In a time where we are threatening to take registration and charity tax status away, it is completely insensitive and insulting to Care Leavers and other victims of these organisations to provide them with government funding. Whilst the Federal government is in the midst of trying to incentivise churches and charities to join, CLAN feels it completely undermines the process and rewards those who haven't joined by providing new funding agreements to them.

Lastly, while CLAN completely supports the new sanctions being introduced we believe these sanctions must be made mandatory. The language in the exposure draft explanatory statement leads CLAN to believe that although these sanctions will now be in the power of the ACNC commissioner they are not an automatic consequence of not joining the NRS. Wording like '**may result in enforcement action**' and '**power to consider revocation**' does not give CLAN confidence that churches and charities will actually receive these penalties or sanctions. CLAN would like to see mandatory revocation of an entity's registration and therefore tax concessions for failure to join the NRS without leaving it as an optional decision. Care Leavers have seen their abusers get away with their crimes for long enough, they have not been held accountable and are seemingly able to remove themselves from difficult positions over time due to their power and influence with governments. If these sanctions are not made mandatory, we fear that this pattern will continue even if they continue to choose not to join the NRS.

We have been supporting and watching the re-traumatisation of Care Leavers since the inception of the NRS in 2018 due to its serious design flaws and poor policy and administration. We hope that the sooner abusive churches and charities are faced with mandatory sanctions, the sooner Care Leavers applications can be assessed and the trauma the NRS is causing can end.

CLAN sincerely hope you take our feedback and advise on board. CLAN are ourselves a charity and worked for many years with no government funding and no tax concessions. CLAN understand the privilege it is for us to be entrusted with taxpayer money and to be given tax concessions. As such we feel that some churches and charities have conveniently forgotten this fact and need to be reminded that it is a privilege and not an entitlement.