



MEDIA RELEASE

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Victory for free speech as AID/WATCH regains charity status

Aid advocacy organization AID/WATCH has regained its charity status after the Administrative Appeals Tribunal (AAT) overturned a decision made by the Tax Office that the organization was too political to be considered a charity.

The initial decision made by the ATO in 2006 sent shockwaves across the charity sector by ruling that charities could not 'propagate or promote a particular point of view'. As one of the most outspoken critics of Australia's aid program, the decision to revoke AID/WATCH's charitable status was widely criticized as a being a veiled attempt to silence charities which questioned government policy.

Director of AID/WATCH Mr. Flint Duxfield commented "This is an important victory, not just for AID/WATCH but for charities in general. This is a great vindication of the rights of charities not merely to deliver services, but also to advocate in the public interest by speaking out against misdirected policies which hamper the effectiveness of Australia's aid."

AID/WATCH was represented on a pro bono basis by Maurice Blackburn Principal Anne Gooley, David Williams SC and Sheila Kaur-Bains of Counsel.

Ms. Gooley explained that having found that Aid/Watch's objectives were charitable, Justice Downes then determined that trying to influence government policy as to the nature, extent and means of delivery of overseas aid did not preclude Aid/Watch from being a charity.

"This is a significant decisions for all NGO's in Australia. They are now free to publicly criticise the impact of program delivery and advocate for a change in the direction of government policy without being worried that they will loose their charity status and the tax benefits associated with being a charity" said Ms. Gooley.

Justice Downes comments in the ruling "Taking steps to ensure aid provided by others is provided in such a way as to maximize the public benefit would seem to be charitable in itself. If is government policy to furnish aid to less developed countries, why would seeking to increase or redirect the aid not be charitable because the purpose is political".

Mr. Duxfield commented that although AID/WATCH was relieved to have won the case, the fact that AID/WATCH's charity status was removed in the first place was considerable cause for concern. "The legal action was a considerable waste of time and money and was a clear attempt to silence us. We would hope that the new government will stick to its commitment to protect the right of charities to advocate in the public interest even if that does mean questioning government policy."

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