

Submission to the Charities Commission re Public Access to Information or Documents on the Charities Register

The National Council of Women of New Zealand (NCWNZ) is an umbrella organization representing 42 Nationally Organized Societies and individual members. It has 32 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

NCWNZ welcomes the opportunity to make this submission which has been prepared by the Public Issues Standing Committee following consultation with NCW members.

Because of the timing of this request for feedback, after most of our branches had had their final meeting of the year, there was a very low response. There were responses from 2 branches, 2 Nationally Organized Societies (NOS) and some individual members.

Whilst it is noted that this consultation did not address the issue of deregistration of an entity one organization which is not an NCWNZ member registered its overall concern about the Charities Commission power to deregister charities. This organization stated: "Our members are most concerned about the serious implications that would occur should the Charities commission carry out the deregistering of organizations which enjoy charitable status. The efforts by charitable organizations is often not recognized by government but greatly appreciated, for example by specialists and hospital staff working with the terminally ill Charitable groups have earned their status by hard work, dedicating their efforts for the community and should be applauded for their work not tithed."

Specific Comments

7: The majority of those who responded agreed with the reasons that are stated in the draft policy for restricting access to information.

10: There was a concern that simply writing a letter to request a restriction would not be an efficient method; that a template noting the details required, would assist the process.

11: One Nationally Organized Society expressed serious concern about their organization being put on the Charities website if it included names and address of the Committee or Board. As a minority ethnic group they felt vulnerable.

NCWNZ assumes that the Commission would apply the restriction criteria empathetically for any person or group of a minority cultural, racial, and religious or sexual orientation.

12: One branch stated that "one of the main reasons for supporting the Charities Register was to ensure transparency so the public would be fully informed before committing financially to support organizations, local or national."

All those who responded agreed that a request for restriction should be recorded in the information about that entity and that the organization must give a valid reason for the restriction. One group stated "that the public should be fully informed as to why the

Commission has allowed the restriction and a fully substantiated and factual request must be accountable in a Court of law, to guard against a future offence by that entity."

Section 24 of the Act includes in the contents of the register...."a list of all officers since the organization was first registered." Several respondents asked what relevance there was in having the names of former officers who have resigned, retired, were dumped or died listed in perpetuity. Also an officer who resigned for reasons of disagreement may not want to have his/her associated with the organization forever.

14: In response to whether the public interest in availability of information being adequately served by the proposed process, one group agreed.

The response from another group was that "this is totally dependent on the ability of the Commission to fully investigate the relevant background information. Not all Charities will be upfront-some may resent this ruling and attempt to hide information they do not want in the public arena. The grounds listed in 16 a-e for restricting access need to be fair to organizations but the public's right to know should always be paramount."

19 Withholding of information from public scrutiny could be an issue, one group stated - if for example, public monies allocated to a charity activity, was actually spent on the administration of that charity instead, and, the details of which were withheld from the public. Another group stated:

a) Any members in management or decision making roles in Charities who may have had convictions and for this reason office-bearers and membership lists should be open to public scrutiny;

b) Restrictions on financial reporting, access of funding and how it is spent must be fully accounted for and disclosed.

There is no guarantee that everyone is honest in management. Recent cases of individuals in the public arena as well as government departments where people have been duped into investing in dishonest schemes.

c) If overseas interests are involved, the sources of support and funding should be fully and publicly declared.

d) If any form or letter received from an entity requesting restrictions is found to contain information that is false or misleading to the Commission, full charges should be laid within the court system and the public informed action is pending. Until the entity is fully cleared they should not be able to access any further support from the Government or the public."

In summary there was general agreement regarding the proposals for registrations, while concerns were raised regarding minority groups' ability to gain approval for restrictions on publicly available information about them.

Thank you for providing us with the opportunity to provide this feedback.

Christine Low
National President

Joan Macdonald
Convener, Public Issues Standing Committee