

**CONSULTATION ON  
THE DEFINITION  
OF A CHARITY**

**Submission by**

**Deafness Forum of Australia**

**19 SEPTEMBER 2003**

# Submission to Consultation on the Definition of a Charity

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## 1. GENERAL COMMENTS

The Deafness Forum (of Australia) Limited is a peak national consumer-based (and non-profit) body. It operates altruistically for the benefit of:

- a. those sections of the Australian community that comprise people who are Deaf, have a hearing impairment or have a chronic disorder of the ear and
- b. those members of the community who are at risk of joining those in a. above.

The Deafness Forum's purpose is to improve the quality of life of those people who form its constituency; for example by advocating on their behalf for:

- a. additional captioning of television broadcasts and movie screenings, so that the constituency may fully comprehend and enjoy the programs,
- b. hotels and similar accommodation to provide a range of facilities, so that the constituency may have equitable access to the facilities provided by the accommodation including fire alarm systems and telephones),
- c. public transport to provide a range of facilities, so that the constituency may access and travel safely on that transport, and
- d. affordable access to hearing aids and services, so that the constituency may afford the things that need to participate fully, both economically and socially.

It is critically important that the Deafness Forum continue to have the status of a Charity. Without such status, and its accompanying benefits, the Deafness Forum would not be able to afford staff of the necessary calibre unless it received a major increase in government funding support. It would be unable to continue providing its essential services as the peak body in the deafness sector. Without its high quality staff, the Deafness Forum would be at risk of losing much of the unpaid efforts of the many volunteers who contribute so much to its activities. Volunteers are attracted to contributing time and effort to an organisation that is effectively staffed and administered and, thus, likely to achieve tangible results. Also, volunteer efforts are more productive when harnessed and consolidated by skilled staff. The staff members improve efficiency of volunteer non-profit organisations by maintaining continuity and consistency.

Any narrowing of the definition of a Charity runs the strong risk of putting a greater strain on the government purse. Many charities have sources of income derived from business ventures, as they are obliged to compete with the for-profit sector. However, any profit they make is ploughed back into the service system and not paid as remuneration to directors, etc. or to shareholders. If they lost charitable status they would have to put their hands out further to government and or close services. The losers would be their clients and government.

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## 2. WORKABILITY OF PROPOSED DEFINITION

The Deafness Forum is not persuaded that the proposed legislative definition necessarily provides any greater clarity and transparency to it than the current interpretation of the term charity. However, the Deafness Forum does not consider that the new definition would impose any additional administrative burden on it.

The Deafness Forum believes that any definition of charities and related organisations must be framed in such a way as to clearly encompass peak national non-profit consumer-based bodies such as the Deafness Forum. Therefore, if the legislative definition of a charity is to require that the dominant purpose of a charitable entity be “altruistic”, then that term must clearly include organisations such as the Deafness Forum. According to two dictionary sources, altruism means “a regard for others as a principle of action” or “the principle of acting for the interests of others”. That is clearly what underpins the Deafness Forum’s purposes.

Essentially, the Deafness Forum’s specific activities can be categorised as leadership, provision of information and models, consultation, education, advocacy, generation of public awareness, the creation of better understanding between all areas of deafness, and research. In the Deafness Forum’s view all of those activities, including advocacy, constitute direct service delivery to members of the community. These activities are the Deafness Forum’s reason for existing. All of the Deafness Forum’s activities are to meet a voluntarily assumed obligation towards:

- the wellbeing of all members of the community who are Deaf, have a hearing impairment or have a chronic disorder of the ear, and
- preventing other members of the community from becoming Deaf, having a hearing impairment, or having a chronic disorder of the ear.

All the purposes of the Deafness Forum are aimed at achieving outcomes that achieve a common good, have practical utility, and are directed to the benefit of the general community.

Therefore, the Deafness Forum asserts that it is altruistic. None of its activities are done for the benefit of the organisation itself, but for the benefit of members of the community. All of its activities are undertaken for the public benefit and are in aid of its dominant purpose “to improve the quality of life of for Australians who are Deaf, have a hearing impairment or have a chronic disorder of the ear”.

If the Board of Taxation agrees with the above assertions, then the proposed definition is probably workable. If, for example, the fact that the Deafness Forum’s activities include being involved in “attempting to change the law or government policy” were to be seen as “more than ancillary or incidental to the other purposes” of the Deafness Forum, then the proposed definition definitely is not workable.

Section 9 of the exposure draft of the Charities Bill 2003 defines open and non-discriminatory self-help groups. Part of that definition includes “(c) it is made up of, and controlled by, individuals who are affected by the disadvantage, discrimination or need”. This seems, potentially, to be in conflict with “(a) it is an association of individuals that has an open and non-discriminatory membership”. If membership is to be open and non-discriminatory, how can it only be made up of individuals who are affected by the need? This Section also speaks only of individuals. There clearly is a need for peak organisations to be permitted to have organisation members as well as individual members. It is the co-operative bringing together of organisations that makes peak organisations effective in working for the wellbeing of the community.

Section 7 of the Bill is also somewhat of concern. It seems to exclude groups that do not serve “a sufficient section of the general community” and where the number of people to benefit is negligible. What constitutes “sufficient” and “negligible”? Are people any less important or valued because there are few of them in a particular category? For example, the number of people who are both legally blind and profoundly Deaf is small, but the Deafness Forum would categorically state that their wellbeing is just as important as the wellbeing of the much larger group of people who are just hearing impaired. Organisations that exist just to meet a voluntarily assumed obligation towards the wellbeing of the DeafBlind should not be excluded by the definition.

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## ATTACHMENT

### ABOUT THE DEAFNESS FORUM

#### Introduction

Deafness Forum is the peak body for deafness in Australia. Established in early 1993 at the instigation of the Federal government, the Deafness Forum now represents all interests and viewpoints of the Deaf and hearing impaired communities of Australia (including those people who have a chronic disorder of the ear and those who are DeafBlind).

#### Structure

The representational base of the Deafness Forum is divided into five Sections:

- a) Hearing Impaired Section - persons with a hearing loss who communicate predominantly orally,
- b) Deaf Section - i.e. the Deaf Community - those persons who consider themselves to be members of that community by virtue of its language (sign language known as Auslan) and culture,
- c) Ear Disorders Section - persons with a chronic ear disorder (such as Tinnitus, Meniere's Disease or Acoustic Neuroma) and
- d) Parents section - parents or legal guardians of persons who are Deaf or hearing impaired,
- e) Service Providers section - service providers to the Deaf and/or hearing impaired communities.

#### Objectives

The Deafness Forum exists to improve the quality of life for Australians who are Deaf, have a hearing impairment or have a chronic disorder of the ear by:

- advocating for government policy change and development
- making input into policy and legislation
- generating public awareness
- providing a forum for information sharing and
- creating better understanding between all areas of deafness.

#### Disability Discrimination Act Standards Project

In addition to its own work directly in respect of its objectives, the Deafness Forum currently auspices the Disability Discrimination Act Standards Project. It does this on behalf of the peak disability bodies that were members of the now defunct National Caucus of Disability Consumer Organisations. The Project co-ordinates the disability sector input and consultation into the development of Regulatory Standards under the Commonwealth Disability Discrimination Act (1992). It is expected that the Project will be taken over from 1 January 2004 by the "in formation" Australian Federation of Disability Organisations, of which the Deafness Forum will be a founding member.

#### Membership

As at 30 June 2003, the Deafness Forum had 79 organisation members and 119 individual members. It also regularly consults with all other known organisations operating in the deafness sector that are not amongst its membership, so that it is adequately equipped to effectively represent the interests of its entire constituency.

#### Community Involvement

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The following pen pictures of the Deafness Forum's current Board members and key staff demonstrate the broad extent to which that group of people are involved with the specific deafness sector and the broader disability sector. It is these involvements, as well as the Deafness Forum's own activities and consultative processes, that ensure the Deafness Forum is consumer-driven and well able to effectively represent the interests and concerns of the entire deafness sector, including:

- people who have a hearing impairment
- people who are oral deaf
- the signing Deaf community
- people who have a chronic ear disorder
- the DeafBlind community
- parents who have children from one of the above groups in their families

## **Diana Hodgetts**

Diana has been a Director of the Deafness Forum since April 1996. She lives in Hobart, Tasmania. She was elected as a Director by the Parent Section until 2001, then by the Deaf Section. She has served a term as Deputy Chairperson of the Board. She is a Deaf person, who uses Auslan to communicate. She is married and has two Deaf children. Diana is employed by the Tasmanian Deaf Society as Deaf Liaison/Information Officer and as an Auslan Tutor at Adult Education. She is part of a group for Disabilities Awareness Training within Tasmanians with Disabilities. Diana also has been a Teacher of Deaf Studies and a Teacher's Aide at the Claremont Hearing Impaired Project. She has an extensive history of involvement with community organisations, including Tasmanian Sports Association of the Deaf, Hobart Deaf Committee and Hobart Signing Choir. She was a founding Board member of the Tasmanian Deaf Society and was a long-standing member of the Tasmanian State Advisory Committee on Library Services to People with Disabilities. She was Tasmanian representative on the National Working Party on Captioning and now serves on the Deafness Forum's own Captioning Issues Committee.

## **Stan Batson (current Deputy Chairperson)**

Stan has been a Director of the Deafness Forum since December 1997 and was Chairperson from 2000 - 2002. He lives in Geelong, Victoria and was elected as a Director by the Deaf Section. He is a Deaf person, who uses Auslan to communicate. He is married. In retirement, Stan works part time as a researcher of Deaf history at La Trobe University in Melbourne. He is a qualified teacher of Auslan. He is Deputy Chairman of the Deafness Foundation (Victoria) and has an extensive history of involvement with a range of community organisations. These include Deaf Clubs and church organisations for people who are deaf. He currently represents the Deafness Forum on the Telstra Disability Forum.

## **Margaret Robertson (current Chairperson)**

Margaret has been a Director of the Deafness Forum since October 1999, and was elected as Chairperson in October 2002. She lives in Melbourne, Victoria and was elected as a Director by the Hearing Impaired Section. She has a progressive, sensorineural hearing loss and has been reliant on hearing aids for more than 15 years. She also uses various other techniques to assist her communicate. These include assisted-listening devices, captioning and speech reading. By profession she is a psychologist and she worked in university counselling for 23 years, eight as the Director of a Counselling Service. She now counsels part time in the area of hearing impairment and tinnitus, and is currently developing a psychological rehabilitation model based on cognitive-behavioural approaches to therapy. She has a history of involvement with community organisations, in particular Better Hearing Australia, at both the local and state levels. She also served as a member of the Victorian Government's Reference Committee for the Redevelopment of Services for Deaf and Hearing Impaired people. Margaret currently represents Deafness Forum on the Hearing Services Industry Forum.

## **Lynette Walker**

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Lyn has been a Director of the Deafness Forum since October 1999. She lives in Melbourne, Victoria and was elected as a Director by the Service Provider Section. She is employed in the area of special education and has extensive experience in the field of education for deaf children. She also has an extensive history of involvement with community organisations, in particular the Deafness Foundation (Victoria).

### **Sheila Hittich**

Sheila has been a Director of the Deafness Forum since February 2000. She lives in Perth, Western Australia and was elected as a Director by the Ear Disorders Section. She has a hearing impairment. She uses various techniques to assist her communicate. These include hearing aids, assisted-listening devices, captioning and lip reading. She has an extensive history of involvement with community organisations, including Better Hearing Australia (WA), Tinnitus WA, Deafness Council WA, ACROD and the Disability Access Improvement Network. She has been a member of the Australian Hearing Services Consumers Panel and the Liaison Disability Services Commission WA.

### **Kathy Challinor**

Kathy has been a Director of the Deafness Forum since October 2002. She lives in Tamworth, NSW and was elected as a Director by the Ear Disorders Section. She has Tinnitus and a mild-to-moderate hearing loss herself. She has extensive experience in hearing assessment and knowledge of hearing difficulties arising from her employment as a Clinical Nurse Consultant Audiometrist for 20 years. Kathy has a particular passion about noise injury prevention in rural communities and the need for appropriate hearing services in rural and remote Australia. She has been involved in the development of a Graduate Certificate in Audiometry Nursing, which will be available to registered nurses throughout Australia in 2003. Kathy is currently Treasurer of the Community Nurse Audiometry Association, a Preceptor for the University of New England's Bachelor of Nursing, and a lecturer in university and TAFE courses relating to audiometry and hearing issues. She is also a member of Self Help for Hard of Hearing and the Australian Tinnitus Association (NSW).

### **Claire Harris**

Claire has been a Director of the Deafness Forum since October 2002. She lives in Adelaide, South Australia and was elected as a Director by the Parent Section. She is a parent of a profoundly deaf child who has a cochlear implant and currently is employed as the Development Officer of the Cora Barclay Centre. She is a member of Parents of Hearing Impaired South Australia. She has been a member of the Cora Barclay Centre Council and the SA Universal Newborn Hearing Screening Working Party.

### **Ruth Fotheringham**

Ruth has been a Director of the Deafness Forum since October 2002. She lives in Sydney, NSW and was elected as a Director by the Hearing Impaired Section. She has had a hearing loss for over 30 years and acquired a cochlear implant in 2002. She joined Better Hearing Australia in 1972 and is still an active member, being on the Committee of Management for BHA Sydney. She also is a member of the Blacktown City Council Disability Access Advisory Committee and the Deafness Council of NSW Committee. Ruth previously has been a member of the Australian Hearing Services Steering Committee for Expanded Service Delivery, the Commonwealth Government's Hearing Services Advisory Committee and the External Review Panel for the NSW TAFE Audiometry Certificate Courses. She also has a wider interest in people with disabilities, having worked as a Social Educator for people with an intellectual disability prior to retirement. She has been nominated to represent the Deafness Forum on the Board of the "in formation" Australian Federation of Disability Organisations.

### **Veronica Pardo**

Veronica has been a Director of the Deafness Forum since October 2002. She lives in Melbourne, Victoria and was elected as a Director by the Service Provider Section. She is currently employed as the Manager - Policy & Development of VSDC - Services for Deaf Children. Previously, Veronica has held positions relating to Auslan curriculum, Deaf studies and sign language research. She has a passionate interest in empowering people and is committed to working proactively to achieve

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systemic social change in a way that benefits service users and affords them self-determination to direct that change. Veronica has been granted leave of absence from the Board until the end of 2003.

### **Jo Quayle**

Jo has been a Director of the Deafness Forum since December 2002. She lives in Echuca, Victoria and was appointed as a Director to represent the Parent Section. One of her children has a severe bilateral sensory neural hearing loss. He undertakes his studies as a mainstream student with the assistance of a trained Teacher of the Deaf (Visiting Teacher Service) and a trained notetaker. Jo has been involved with the Parents of Hearing Impaired Children Victorian Federation since 1992 and has been its President for three years. She has served on a reference committee that fine-tuned the establishment of Deaf Infolink throughout rural and regional Victoria, for the Victorian Minister for Human Services. She is a member of a reference group with the Office of School Education in Victoria to assist with an analysis of government support and services provided for Deaf and hearing impaired students in Victorian government schools.

### **John Paton**

John has been a Director of the Deafness Forum, filling in for Veronica Pardo, since March 2003. He was appointed by the remainder of the Board, having indicated an interest in joining the Board when an opportunity arose. John is currently employed as the Chief Executive Officer of the Victorian Deaf Society. He has been involved in the disability/welfare sector since 1987 in a variety of senior management roles. John is committed to making a difference to people's lives. John also worked in the federal Attorney General's Department for ten years and brings a balance of bureaucratic and not-for-profit skills to the Board. He is the Treasurer of the ACROD (Victoria) Committee. John has presented on disability issues at a number of Conferences.

### **Brian Rope OAM**

Brian has been Chief Executive Officer and Company Secretary of the Deafness Forum since April 1996. He has an extensive history of involvement with community organisations, in particular the Councils on the Ageing at ACT and National level. He was awarded an OAM in 1992 for his services to the community. He has worked in the general disability sector for over a decade. He was a Deafness Forum representative on the National Caucus of Disability Consumer Organisations until it ceased to operate and is a member of the working group establishing an Australian federation of Disability Organisations. Brian is also Deputy Convenor of the Disability Discrimination Act Standards Project, a member of the Attorney-General's Working Party on DDA Standards and a Deafness Forum voting representative to the Australian Council of Social Service.

### **Kirsten Preece**

Kirsten has been the Policy & Project Officer of the Deafness Forum since October 2002. She has immediate family members with deafness, Tinnitus and Meniere's Disease. She has an extensive history of paid and voluntary work with a variety of church and community organisations. Those involvements have included being an English language tutor and teacher, a direct care worker and a nursing aide. She has undertaken a review of a disabilities service, taught English to Japanese students with disabilities and advocated for children, youth and people with disabilities. Kirsten is currently a member of the Christian World Service committee and its International Programmes sub-committee, and a member of the Uniting Church Assembly Theology and Discipleship Reference Group.

### **Robyn Swadling**

Robyn has been the Deafness Forum's part-time (6 hours per week) Administrative Officer since 2002. Robyn has an extensive history of involvement with church organisations and their activities. She also has experience of providing support services for students with various disabilities, through the Australian National University's Disability Support Unit. When not working for the Forum, Robyn is employed elsewhere as a medical typist.

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