

N.Z. ASSOCIATION OF RATIONALISTS & HUMANISTS (Inc.)

ESTABLISHED 1927

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Adrian Shields
Charities Commission
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by email: adrian.shields@charities.govt.nz

Public Access to information and documents on Charities

Dear Sir,

We are writing on behalf of the New Zealand Association of Rationalists & Humanists (NZARH). The NZARH is a non-profit organisation that exists to serve the interests of non-religious people in New Zealand.

The NZARH has a subscribing membership of around 300 individuals, and an 8-person Council who administer the Association.

The Government is to be congratulated for establishing the Charities Commission. The Commission's work so far has been very good.

In response to the Charities Commission's request for submissions, the NZARH would like to offer its views on how to deal with requests from charities to restrict public access to information and documents pertaining to their organisation.

Summary

1. The NZARH believes there are few, if any, reasons why information or documents relating to charities should not be publicly available on the Charities Commission website.
2. The NZARH believes it is in the public interest that information or documents relating to charities be made publicly available.

Duty of charities to the taxpayer

3. Charities are exempt from most forms of taxation and are therefore publicly supported by tax-paying New Zealanders. New Zealanders do not have a choice in how the taxes they pay are used to subsidise charities, including religious charities.
4. There are 1.297 million people currently living in New Zealand who are non-religious. The fact that their taxes could potentially be used by religious and other organisations for non-charitable purposes may not be acceptable to them.
5. Taxpayers should be able to see for themselves that the funds of charities are being used strictly for humanitarian purposes and not for non-charitable purposes or for indoctrination in ways that may breach the New Zealand Bill of Rights Act or the Human Rights Act.

Honorary Associates: Gianni Bartocci, H James Birx, Raymond Bradley, Steve Cooper, Richard Dawkins, Warwick Don, Zoë During, Denis Dutton, Sanal Edamaruku, Brian Edwards, Antony Flew, Levi Fragell, Ida Gaskin, Maurice Gee, Dame Barbara Goodman, Finngair Hiorth, Bernard Howard, Paul Kurtz, Lavanam, Richard Leakey, Tim Madigan, Michael Martin, Taslima Nasrin, Jean-Claude Pecker, Ian Plimer, Anwar Shaikh, Younas Shaikh, Barbara Smoker, Dame Catherine Tizard, David Tribe, Ibn Warraq, Lewis Wolpert

6. It is therefore necessary that total transparency and accountability are used to assure citizens their taxes are not being wasted. Transparency and accountability would aid the credibility of worthwhile charities, and, in the long-term, would increase revenue from donations.

Types of information that should not be restricted

7. The type of information that should be publicly available ought to include all of the assets of the charities and all of their income and expenditure.
8. If there are legitimate reasons why all the assets of charities and their income and expenditure should not be made publicly available, the Commission should state what those reasons are and justify them.

Reasons for restriction

9. The NZARH agrees that restricting access to information for the purposes of maintaining the law and ensuring the safety of persons could be justified.
10. However, the NZARH also believes that Charitable Organisations receiving public monies have an obligation to be open and honest with the taxpayer as to how those monies are being used.
11. As many charities are public corporations limited by guarantee without shareholders, rather than private corporations, there should be no impediment to public access to these corporations' financial details.
12. If charities are structured as private organisations, it does not follow they should be exempted from putting all their financial information on the public record.
13. If charities opposed the release of this information, the public could rightly ask - what have they got to hide?

Duty of the Charities Commission

14. The NZARH notes that, among other things, the Charities Commission exists to:
 - promote public trust and confidence in the charitable sector;
 - encourage the effective use of charitable resources;
 - to collect and disseminate information about charities.
15. It would be at odds with its aims if the Charities Commission were to restrict information concerning charities.
16. Restrictions on information would give the public the impression that the Commission is participating in the activity of concealing information.

We hope you find our comments useful. Please feel free to contact us if you have any questions relating to this submission.

yours faithfully

Elizabeth McKenzie, President, NZARH

Dr Max Wallace, Member, NZARH

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