

Question on notice no. 8

Portfolio question number: BET008

2026-27 Budget estimates

Economics Committee, Treasury Portfolio

Senator David Shoebridge: asked the Australian Charities and Not-for-profits Commission on 4 June 2026—

Senator SHOEBRIDGE: If an activity has been condemned by the Australian government, if it's contrary to international law, are you saying you couldn't tell whether or not it would be defined as contrary to public policy? I would have thought funding illegal settlements on an occupied people's land would be contrary to public policy. Could I ask you to take that on notice-because it is not a simple question; I accept that given what you've just put-and provide a considered response.

Ms Bennett: You can.

Answer —

See attached response.

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Budget Estimates 2026 - 2027

Agency: Australian Charities and Not-for-profits Commission
Question No: SQ26-000458
Topic: Public policy considerations for overseas investment
Reference: Spoken p. 100 (04 June 2026)
Senator: David Shoebridge

Question:

Senator SHOEBRIDGE: If an activity has been condemned by the Australian government, if it's contrary to international law, are you saying you couldn't tell whether or not it would be defined as contrary to public policy? I would have thought funding illegal settlements on an occupied people's land would be contrary to public policy. Could I ask you to take that on notice—because it is not a simple question; I accept that given what you've just put—and provide a considered response.

Ms Bennett: You can.

Answer:

Section 11 of the *Charities Act 2013* (Cth) (**Charities Act**) defines the term 'disqualifying purpose' to include the purpose of engaging in, or promoting, activities that are unlawful or contrary to public policy.

The Charities Act gives examples of 'public policy' including the rule of law, the constitutional system of government of the Commonwealth, public safety and national security, and states that activities are not contrary to public policy merely because they are contrary to government policy.

A charity that undertakes activities that are inconsistent with international law but is not conduct that is unlawful under Australian law, will not necessarily have a disqualifying purpose.

Where concerns arise about a charity's (or charity applicant's) activities, the ACNC assesses entitlement to charitable registration on a case-by-case basis. However, generally speaking, a charity operating overseas will be at risk of losing (or not gaining) entitlement to charity registration if it undertakes activities that:

- benefit a sanctioned person or entity
- support violence, intimidation, illegal displacement of populations, or an armed force of a foreign country
- involve terrorism financing, money laundering, fraud or sanctions evasion
- do not further its charitable purposes, or
- amount to a purpose of promoting an illegal (under Australian law) or disqualifying purpose (as that term is described in the response above).

The ACNC publishes guidance on charitable (and disqualifying) purposes online here: www.acnc.gov.au/for-charities/start-charity/you-start-charity/charitable-purpose.