Good charities being tossed to the dogs on technicalities

Susan Barker
COMMENT

When I think of charities, an image of Fantine in Les Misérables comes to mind: there she lies, enfeebled and abandoned in her sick bed, having sold her hair and her two front teeth in an effort to meet the extortionate claims of her "friends", to whom she has entrusted the care of her beloved young daughter. Unbeknown to Fantine, her "friends" are subjecting her daughter to servitude, drudgery and abuse. Weak from tuberculosis, Fantine dies of shock and betrayal when she learns of the trap which she thought was bringing her daughter to see her but had done so and is actually a convict. 

No doubt the story reflects the reality of many people who suffered in the harsh circumstances of the nineteenth century. When I think of charities, I think of the efforts people make to do such in circumstances. Of course, not all charities work in that area, and not everyone is interested in such circumstances manages to get help from a charity, but you get my point: charities are a "good thing". Our society needs them. But right now, many charities need us. Many perfectly good charities are being deregistered or declined registration by the Charities Commission on fine points of legal distinction. Take the National Council of Women for instance. For 163 years, NCW has been working for the betterment of women, children and families in New Zealand. However, on 23 July 2010, the Charities Commission Knocked NCW off the charities register on the basis that it has been advocating for the betterment of women, children and families in New Zealand too much. Without registration, NCW is unable to access charitable exemption from income tax, one of the key means by which we, as a society, support charities. In addition, in a competitive funding environment, many funders know only support registered charitable entities, meaning NCW's ability to fund its operations will likely decrease, or disappear altogether. What all this really means is that unless we do something, NCW, another charity like it, may cease to exist.

Speaking out: Struck from the charitable register for its advocacy work, the National Council of Women risks a miserable end, leaving its clients to face harsh reality without its support.

Let's be clear: NCW hasn't done anything wrong. Of course it should advocate for the betterment of women, children and families in New Zealand. It has been knocked off the register on a technicality. The Charities Commission has taken the view that advocacy is "political" and that political purposes are not charitable. On that basis, the Charities Commission is refusing registration to entities it considers are advocating "too much".

Many of the Charities Commission's decisions on political purposes could justifiably have been decided the other way by the authorities available in New Zealand. There are many other fine points of legal distinction causing comparable difficulty, such as the public/private dichotomy, the distinction between purposes and activities, and the necessity to "assess need".

In areas such as these, the Charities Commission appears to be taking a "hard line", contrary to the "presumption of charity".

But isn't the Charities Commission supposed to be a "soft" body, contrary to the "presumption of charity"? Why are we obstructing good charities from carrying out their work?

Something needs to be done, and quickly. Many registered charities now fear that by "speaking out" even on their own behalf they will face a similar fate to NCW. We need to advocate now on behalf of charities to change the review forward – or some of them may die like Fantine.

Susan Barker is the principal of Chen Palmer.

Efforts to find employees sabotaged, says boss

Catherine Harris

A FLEDGLING cleaning company has accused a Work and Income NZ worker of sabotaging its efforts to hire staff in Wellington.

Maxine Cook, owner of the start-up company, has made a formal complaint to Work and Income after hearing that her Winz work broker had "blacklisted" the company, saying it was a scam and urging co-workers to refer job candidates.

Work and Income denied it blacklisted employers but confirmed Ms Cook's complaint was being investigated. It said there was an unusual upfront fee that Ms Cook asked job candidates to pay, but it did not meet their criteria.

Ms Cook said she was mystified about the scam allegation, "It is an nothing back, she contacted a recruitment specialist, who had a contact within Work and Income. "That person informed us that the mobile work broker I originally dealt with . . . has advised all other Winz workers not to assist us in our search for workers, alleging my business is a scam and employs illegal workers."

Ms Cook said her business was "absolutely isn't a scam" and she needed to stop any damage to her fledgling company.

The head of Work and Income, Liz Jones, said it would be "inappropriate for any staff member to talk negatively about vacancies that we list and it would not tolerate that type of behaviour".

"The positions available with Darlings Who Do remain listed with Work and Income," Ms Jones said.

Equidays to push Waikato industry

Lauren Twentyman

MYSTERY CREEK is to host a major equestrian industry event in November attracting international companies and providing a large cash injection for the local economy.

The inaugural Equidays will, over three days, bring together local, domestic and international-related equine exhibitors.

Mystery Creek events manager Vanessa Richmond hopes the event will attract about 15,000 visitors and the proceeds from ticket sales, exhibitions, demonstrations and a range of on-site activities.

"All disciplines within the industry will have equal opportunity to showcase their areas of expertise at the event," she said.

Equidays will take place at the Mystery Creek venue and is expected to cost $1 million to $1.5 million, funded by grants and sponsorship.

Smelter investors in spending, power contract

Scott Mackay

THE Trelawny aluminium smelter has ramped up its capital expenditure and is planning to spend about $80 million a year over the next few years, with shareholders expected to benefit.

New Zealand Aluminium Smelters is expecting a doubling of its normal spending until 2015 after it secured a long-term electricity contract with Meridian Energy, ensuring power for the smelter unil.

Smelters general manager Ryan Cavanagh said the smelter typically spent $40 million a year on project work and rebuilding aluminium cells, but last year spent around $70m, and

knocked off the register on fine, technical, points of legal interpretation that could quite reasonably have been decided the other way. Are the current arrangements really working for this century New Zealand?"

But the review hasn't even started and it isn't scheduled to be completed until 2014. Will NCW and others like it be able to last that long? What if they don't survive and then the review finds they were charitable all along? In the current economic climate, why are we obstructing good charities from carrying out their work?

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