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Ref: MC26-004062

re: Administrative circumvention and  
the subversion of regulatory integrity

Mr Robjent

Thank you for your correspondence of 27 March 2026. Your response, however, serves as a deeply troubling admission that the Australian Government has chosen to prioritise political patronage over the impartial application of the law.

Your central premise—that ‘prior ineligibility is the precondition’ for a specific listing—is a logical absurdity. It suggests that the findings of the Australian Charities and Not-for-profits Commission (ACNC), the Administrative Appeals Tribunal, and the Full Federal Court are merely optional hurdles that the executive may ignore at its discretion. If an organisation is found to be a ‘political lobby group’ rather than a ‘benevolent institution’ by every relevant judicial and regulatory body in the country, it is because that organisation does not warrant a taxpayer-funded subsidy. To treat this failure as a ‘precondition’ for a special legislative carve-out is to openly mock the rule of law.

If there were any possibility I might get a detailed explanation about this matter, I would ask you to explain the following points of failure in the logic of your reply:

1. Your department’s public guidelines state that specific listing is reserved for ‘exceptional circumstances.’ Given that Equality Australia’s own representatives have stated that there is ‘nothing unique or exceptional’ about their listing, by what objective metrics did the Treasury determine they met this threshold? In the absence of such metrics, the decision appears to be a clear case of ideological bias.
2. Your department’s internal Explanatory Materials for the Deductible Gift Recipient (DGR) reforms admit that the specific listing regime ‘lacks compliance infrastructure’ and has ‘a low level of regulatory oversight.’ Why has the government chosen to move a controversial advocacy group, already accused of

'channelling' donations through Thorne Harbour Health to bypass tax rules, into a category that is shielded from the ACNC's routine audits?

3. The Full Federal Court ruled unanimously in 2024 that Equality Australia's advocacy is 'too far removed' from traditional concepts of benevolence. By overriding this finding, is the Treasury now establishing a new policy where 'political lobbying' is considered a 'community benefit' equivalent to the direct relief of poverty or sickness? If so, when can other political lobby groups expect their specific listings?
4. DGR status is a public subsidy funded by all Australian taxpayers. The Treasury has facilitated a financial advantage for an organisation that actively campaigns against the legal protections of religious schools. This is a departure from the principle of state neutrality and represents the government 'picking a winner' in a contested social debate. (Further, and perhaps more important, the specific advocacy of Equality Australia includes support for medical treatments for minors that are currently being restricted in other jurisdictions. Critics have highlighted the closure of the Tavistock child gender clinic in the United Kingdom following the Cass Report as evidence that the treatments promoted by Equality Australia are a matter of intense medical and public debate. By subsidising an organisation that campaigns for these treatments at a time of global reassessment, the Australian Government is effectively taking a side in a global medical controversy using taxpayer funds. Your letter provides no evidence that the potential for 'public harm' or the 'medical uncertainty' of these treatments was considered during the DGR assessment process.)
5. The listing of Equality Australia within an 'omnibus' bill regarding superannuation and wine taxes was a transparent attempt to stifle debate and avoid the scrutiny that a standalone measure would attract. Does the Treasury consider it 'good lawmaking' to bundle controversial political payouts with uncontroversial industry support measures?

Your suggestion that concerns regarding conduct be raised with the ACNC is a vacuous deflection. The ACNC has already spoken (<https://archive.is/gpW5Y>) on this organisation's fundamental nature and was ignored. The issue at hand is not Equality Australia's conduct, but the Treasury's decision to reward a legal failure with a legislative gift.

I look forward to a response that addresses these systemic failures in logic and integrity rather than one that relies on bureaucratic scripts.

Respectfully,

*Stephen J. Williams*

cc. Members of the Not-for-profit Stewardship Group