

February 9, 2024

Commissioners and Associate Commissioners
Productivity Commission

Philanthropy inquiry: submission from a member of the public

Dear Dr Alex Robson, Julie Abramson, Krystian Seibert, and others whom it may concern,

Thank you for undertaking this public inquiry into philanthropy in Australia, and thank you so much for recommending the removal of the restrictions currently placed on the eligibility of certain charities for deductible gift recipient (DGR) status. If the DGR system is reformed in line with your recommendations, you will have significantly increased the alignment between the DGR system and the values of the Australian public.

The purpose of DGR categories and registers is “to align the activities of DGRs with **community expectations** and to ensure the tax concessions deliver **clear public benefits**.”¹ In my [submission](#) last year, I outlined some of the ways in which the *current* DGR provisions do not achieve these aims. In particular, the DGR provisions set out in Division 30 of the *Income Tax Assessment Act 1997* (Cth) (Gifts and Contributions) fail to include charities that work to prevent cruelty and nonhuman suffering, as well as charities that care exclusively for native wildlife. In this letter, I outline why the *current* DGR provisions therefore fail to reflect both the Australian public’s desire to prevent cruelty and nonhuman suffering, and the value we place in our wildlife (evidence for which I provide below). By removing the restrictions placed on the eligibility of animal welfare charities, you will be bringing the DGR provisions more into alignment with the values and interests of the public.

The removal of restrictions from advocacy charities (except in cases where they further an excluded purpose) is also a commendable and sensible decision. The conferral of DGR status to charities working to promote a better future, such as through advocacy against nuclear weapons or environmental advocacy, would constitute a significant step towards an alignment between Australian DGR provisions and the values and interests of the public. There is ample evidence,

¹ The Treasury, Australian Government. (2017). *Tax Deductible Gift Recipient Reform Opportunities, Discussion Paper, 15 June 2017*. Available from: <https://treasury.gov.au/consultation/tax-deductible-gift-recipient-reform-opportunities/>. | In this Discussion Paper, The Treasury states that the DGR tax arrangements are designed to encourage philanthropy in support of the not-for-profit (NFP) sector, which in turn benefits the public.

both in the literature² and in public opinion polls,³ that we care about our future. The degree to which donations to environmental charities have been increasing over time⁴ is at least partly attributable to the fact that donors care about the future. Furthermore, the Assistant Minister for Competition, Charities and Treasury, the Honourable Dr Andrew Leigh MP, has written an entire book about global catastrophic risks and why we should care about them.⁵ Multiple other submissions to the inquiry last year made strong arguments for why DGR status should be conferred to charities working to reduce these risks.

I would like to sincerely thank you for recommending reforms to the DGR system. Implementing the changes that you have recommended would completely resolve the problems that I explained in my [submission](#) last year. In my original submission, I focused on explaining why charities caring for wildlife and other nonhuman animals also provide benefits to the Australian public. I did this because it appeared to be a less intuitive conclusion at first glance. (In contrast, the fact that charities working to improve humanity's future are beneficial to the Australian public is self-explanatory.) For the remainder of this submission, I therefore focus on explaining the non-intuitive statement that removing the DGR status restrictions on animal welfare charities would also provide benefits to the Australian public.

Why charities that care for wildlife and other nonhuman animals also provide benefits to the Australian public

As outlined below, multiple studies have documented that the Australian public cares about wildlife and other nonhuman animals, and thinks that cruelty toward them and the infliction of suffering upon them should be prevented. Arising from these values, there are community expectations that we should support and work towards improving our country's animal welfare outcomes. There is also evidence that meeting these expectations would provide substantial benefits to the public (in addition to benefiting the nonhuman charity recipients).

² Albrecht, G., Sartore, G. M., Connor, L., Higginbotham, N., Freeman, S., Kelly, B., Stain, H., Tonna, A., & Pollard, G. (2007). Solastalgia: the distress caused by environmental change. *Australasian psychiatry*, 15(sup1), S95-S98. | Sciberras, E., & Fernando, J. W. (2022). Climate change-related worry among Australian adolescents: an eight-year longitudinal study. *Child and adolescent mental health*, 27(1), 22-29.

³ Mission Australia, *Top three issues that young people care most about in 2022*, 29 November 2022, Available from: <<https://www.missionaustralia.com.au/stories/people-and-communities/top-three-issues-that-young-people-care-most-about-in-2022>>.

⁴ The Australian Environmental Grantmakers Network, *Environmental and Climate Change Giving Trends 2022*, 16 March 2022, Available from: <<https://www.aegn.org.au/environmental-and-climate-change-giving-trends-2022/>>.

⁵ Leigh, A. (2021). *What's the Worst that Could Happen?: Existential Risk and Extreme Politics*. MIT Press.

Certain species of Australian wildlife, such as the koala, have been labelled national “icons.”⁶ However, the Australian public also values a range of other species, not just national icons.⁷ In a survey of 1,431 Victorians, including participants from both rural and urban communities, Miller (2003)⁸ found that the two values most strongly expressed in relation to wildlife were:

- (1) a “*comparatively strong emotional attachment to individual animals,*” and
- (2) an interest in learning about wildlife.

A more recent survey of NSW residents also found positive attitudes toward a range of species of wildlife, with most residents valuing wildlife and believing that they should be protected, owing to the crucial role they play within the ecosystem.⁹ Our “very positive” attitudes have also been found to extend towards marine wildlife.¹⁰

The public’s belief that nonhuman animals deserve protection pertains not only to wildlife but to other animals as well.¹¹ Critically, the majority of the Australian public believe that animals are capable of experiencing pain.¹² The majority of them also believe that it is important to prevent animals from suffering.¹³ Indeed, it would be concerning if we did *not* think that suffering should be prevented. Empathic concern (and the related desire to prevent and alleviate suffering) is of central importance to our social functioning,¹⁴ and a deficit in empathic concern for others’ suffering is a hallmark of a psychopathic personality.¹⁵

A 2019 survey of 1,521 participants from across Australia¹⁶ found that the vast majority of Australians agree that “*animals should not be subjected to unnecessary pain or suffering.*” In fact,

⁶ Newsome, T. M. (2014). Makings of icons: Alan Newsome, the red kangaroo and the dingo. *Historical Records of Australian Science*, 25(2), 153-171. | Shumway, N., Lunney, D., Seabrook, L., & McAlpine, C. (2015). Saving our national icon: An ecological analysis of the 2011 Australian Senate inquiry into the status of the koala. *Environmental Science & Policy*, 54, 297-303.

⁷ Barratt, V., & Medvecky, F. (2022). Knowledge and attitudes towards Australian wildlife rescue services. *Australian Zoologist*, 42(3), 702-718. | Barratt, V. L. (2021). *Attitudes to wildlife rescue* (Doctoral dissertation, University of Otago). | FitzGibbon, S. I., and Jones, D. N. (2006). A community-based wildlife survey: the knowledge and attitudes of residents of suburban Brisbane, with a focus on bandicoots. *Wildlife Research*, 33(3), 233-241. | Miller, K. K. (2003). Public and stakeholder values of wildlife in Victoria, Australia. *Wildlife Research*, 30(5), 465-476. | Tisdell, C., Wilson, C., & Nantha, H. S. (2005). Policies for saving a rare Australian glider: economics and ecology. *Biological Conservation*, 123(2), 237-248. | Tisdell, C., & Wilson, C. (2004). The public’s knowledge of and support for conservation of Australia’s tree-kangaroos and other animals. *Biodiversity & Conservation*, 13, 2339-2359.

⁸ Miller, K. K. (2003). Public and stakeholder values of wildlife in Victoria, Australia. *Wildlife Research*, 30(5), 465-476.

⁹ Fabian, M. C., Cook, A. S., & Old, J. M. (2020). Attitudes towards wildlife conservation. *Australian Zoologist*, 40(4), 585-604.

¹⁰ Pearson, Mellish, Sanders, & Litchfield. (2014). Marine wildlife entanglement: Assessing knowledge, attitudes, and relevant behaviour in the Australian community. *Marine Pollution Bulletin*, 89(1-2), 136-148.

¹¹ Cornish, A., Raubenheimer, D., & McGreevy, P. (2016). What we know about the public’s level of concern for farm animal welfare in food production in developed countries. *Animals*, 6(11), 74. | Whittaker, D.A., Buddle, D.E., & Ankeny, R. (2022). *Research Survey on Australian Attitudes to Animal Research*. The University of Adelaide.

¹² Coleman, G. (2007). Public perceptions of animal pain and animal welfare. *Proceedings of the Australian Animal Welfare Strategy Science Summit on Pain and Pain Management*, 27(1), pp. 1-8.

¹³ Buddle, E. A., Bray, H. J., & Pitchford, W. S. (2018). Keeping it ‘inside the fence’: an examination of responses to a farm-animal welfare issue on Twitter. *Animal Production Science*, 58(3), 435-444. | Tiplady, C. M., Walsh, D. A. B., and Phillips, C. J. (2013). Public response to media coverage of animal cruelty. *Journal of agricultural and environmental ethics*, 26(4), 869-885. | Whittaker, D.A., Buddle, D.E., & Ankeny, R. (2022). *Research Survey on Australian Attitudes to Animal Research*. The University of Adelaide.

¹⁴ Decety, J., & Moriguchi, Y. (2007). The empathic brain and its dysfunction in psychiatric populations: Implications for intervention across different clinical conditions. *Biopsychosocial Medicine*, 1, 22. | Numan, M., & Ebooks Corporation. (2015). *Neurobiology of social behavior: Toward an understanding of the prosocial and antisocial brain*. London, England: Elsevier : Academic Press.

¹⁵ Campos, C., Pasion, R., Azeredo, A., Ramião, E., Mazer, P., Macedo, I., & Barbosa, F. (2022). Refining the link between psychopathy, antisocial behavior, and empathy: A meta-analytical approach across different conceptual frameworks. *Clinical Psychology Review*, 94, 102145.

¹⁶ Futureye. (2019). *Australia’s Shifting Mindset on Farm Animal Welfare*. Available from: <<https://web.archive.org/web/20191108034242/http://www.agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf>>.

64% *strongly* agreed with this statement, 28% agreed, 6% were undecided, and only 2% disagreed. Consistent with these observations, the public tends to be very distressed when we learn about animal cruelty.¹⁷ For example, when footage was released in 2011 showing cattle suffering cruel treatment as part of the live export trade, the common responses of the Australian public ranged from “appalled” to “shocked” and “horrified.”¹⁸

The observations above follow naturally from the increasing recognition (among both scientific and lay communities) that animals are sentient and are capable of suffering. As soon as one recognises that animals are sentient, it follows that they are capable of experiencing negative emotional states. Consequently, unless one is sadistic or is lacking in empathy,¹⁹ one will be motivated to prevent animals from being subjected to unnecessary pain and suffering.

The Cambridge Declaration on Consciousness neatly summarises the neuroscientific evidence that humans are not the only animals capable of consciousness. The Declaration was made by an international group of prominent cognitive neuroscientists, neuropharmacologists, neurophysiologists, neuroanatomists and computational neuroscientists, and it states that:

*“The weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Nonhuman animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.”*²⁰

In addition to the above scientific consensus on animal consciousness, members of the public are also increasingly understanding of animal sentience, in part thanks to the educational materials available. For example, the Royal Society for the Prevention of Cruelty to Animals provides the public with accessible information on animal sentience so that anyone can freely read and readily understand the information.²¹

In the Australian Capital Territory, the recognition of animal sentience became enshrined in legislation on September 26, 2019,²² when the Animal Welfare Legislation Amendment Bill was passed to amend the ACT’s *Animal Welfare Act* (1992).²³ The main objects of the Act are now to recognise that:

“(a) animals are sentient beings that are able to subjectively feel and perceive the world around them; and

¹⁷ Tiplady, C. M., Walsh, D. A. B., & Phillips, C. J. (2013). Public response to media coverage of animal cruelty. *Journal of agricultural and environmental ethics*, 26(4), 869-885.

¹⁸ Coghlan, S. (2014). Australia and live animal export: wronging nonhuman animals. *Journal of Animal Ethics*, 4(2), 45-60.

¹⁹ McPhedran, S. (2009). A review of the evidence for associations between empathy, violence, and animal cruelty. *Aggression and Violent Behavior*, 14(1), 1-4.

²⁰ Low, P., Panksepp, J., Reiss, D., Edelman, D., Van Swinderen, B., & Koch, C. *The Cambridge Declaration on Consciousness*. Available from: <<http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf>>.

²¹ RSPCA. (2018). What is animal sentience and why is it important? Revised March 14 2018. Available from: <<https://kb.rspca.org.au/knowledge-base/what-is-animal-sentience-and-why-is-it-important/>>.

²² Pallotta, P. (2019). Australian Capital Territory Enacts New Law Recognizing Animal Sentience. Available from: <<https://aldf.org/article/australian-capital-territory-enacts-new-law-recognizing-animal-sentience/>>.

²³ *Animal Welfare Act* 1992 (ACT). Available from: <<https://www.legislation.act.gov.au/View/a/1992-45/current/html/1992-45.html>>.

(b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value; and

(c) people have a duty to care for the physical and mental welfare of animals.”

The Victorian government also recognises that animals are sentient in its recent Animal Welfare Action Plan.²⁴ Furthermore, even in cases where there *isn't* an explicit mention of animal sentience *per se*, there is still an acknowledgement in multiple pieces of Australian legislation that animals are capable of suffering and that unnecessary suffering should be prevented.²⁵

In light of the research and attitudes outlined above, the Australian public has high expectations for animal welfare. Sinclair and colleagues concisely summarise these expectations as follows: *“The Australian public will not accept cruelty to animals, perceived or otherwise.”*²⁶ These attitudes give rise to community expectations that we should support and work towards improving our country's animal welfare outcomes.²⁷ It follows, then, that providing DGR support for charities which work to reduce animal suffering would serve to bring the DGR framework into greater alignment with the emotions, expectations and beliefs of the Australian public.

If animal charities are more effectively supported by the DGR framework, the nonhuman recipients of charities are not the only ones that will benefit: there are multiple reasons to expect that the Australian public will benefit significantly from this development as well. When it comes to general donation behaviours, charitable giving has been found to predict wellbeing in several studies,²⁸ so incentivising people to donate is likely to confer benefits to the donors as well as the recipients. Furthermore, animal welfare and human welfare can directly positively reinforce each other, as explained in detail elsewhere.²⁹ Bidirectional relationships between animal welfare and human wellbeing might form part of the explanation for why Rhoads and colleagues (2021) found that, across a sample of 48 countries, there was a statistically significant ($p < .001$) positive correlation (with a correlation coefficient of 0.649) between the degree to which countries were deemed to treat animals humanely (according to the World Animal Protection Index) and the subjective wellbeing of people in those countries.³⁰

²⁴ *Animal Welfare Action Plan 2018* (Victoria). Available from:

<https://agriculture.vic.gov.au/__data/assets/pdf_file/0003/562386/Animal-Welfare-Action-Plan-Dec-2017.pdf>.

²⁵ Queensland legislation provides one example: *Animal Care and Protection Act 2001* (Qld). It includes multiple references to animal suffering. Available from: <<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2001-064>>.

²⁶ Sinclair, K., Curtis, A. L., Atkinson, T., & Hacker, R. B. (2020). Public attitudes to animal welfare and landholder resource limitations: implications for total grazing pressure management in the southern rangelands of Australia. *The Rangeland Journal*, 41(6), 477-484.

²⁷ de Witte, K. (2009). Development of the Australian Animal Welfare standards and guidelines for the land transport of livestock: Process and philosophical considerations. *Journal of Veterinary Behavior: Clinical Applications and Research*, 4(4), 148-156.

²⁸ Hui, B. P., Ng, J. C., Berzaghi, E., Cunningham-Amos, L. A., & Kogan, A. (2020). Rewards of kindness? A meta-analysis of the link between prosociality and well-being. *Psychological Bulletin*, 146(12), 1084.

²⁹ International Fund for Animal Welfare. (2022). *One Health*. Available from:

<https://d1jyxxz9imt9yb.cloudfront.net/resource/1415/attachment/original/FS_ONE_HEALTH_LETTER_US_RGB_FINAL_DIGITAL.pdf>. | International Fund for Animal Welfare. (n.d.). *Thriving Together Achieving the Sustainable Development Goals and Increasing Well-Being for Animals and People*. Available from:

<https://d1jyxxz9imt9yb.cloudfront.net/resource/225/attachment/original/IFAW_SDG-animals-human-wellbeing-report.pdf>.

³⁰ Rhoads, S. A., Gunter, D., Ryan, R. M., & Marsh, A. A. (2021). Global variation in subjective well-being predicts seven forms of altruism. *Psychological Science*, 32(8), 1247-1261.

Once again, thank you for undertaking this inquiry, and thank you for reading this submission. Most of all, thank you for recommending the removal of DGR eligibility restrictions from animal welfare charities and advocacy charities.

Best wishes,

Clare Harris