

5 December 2018

Hon Dr Gary Johns
Commissioner, Australian Charities and Not-for-profits Commission
Via email: Gary.Johns@acnc.gov.au
CC: employeeandindustrialrelations@ato.gov.au
Calum.Dyer@ato.gov.au

Dear Dr Johns,

I am writing to you on behalf of Community and Public Sector Union (CPSU) members at the Australian Charities and Not-for-profits Commission (ACNC) regarding your email sent to staff on 31 October 2018. I wish to convey their serious concerns requesting employees refrain from using the pronoun 'we' when making an Acknowledgment of Country in the ACNC email signature block.

CPSU members feel this instruction is inconsistent with the ATO's Reconciliation Action Plan (RAP) and, when it was raised at the Australian Taxation Office's (ATO) National Consultative Forum, the ATO advised CPSU representatives that the ACNC directive is contrary to ATO's viewpoint, and that they would discuss matter with you.

CPSU members note that this instruction is also in contradiction to the position of the Hon. Mr. Nigel Scullion, Minister for Indigenous Affairs. He has stated that the current acknowledgement of country is not biased and supports ACNC staff members using the first-person plural in the acknowledgment of country in their signature block.

CPSU members note that your concern in using the pronoun 'we' is that it may be perceived as granting favour to one group of individuals over another. CPSU members do not hold this view as recognising Traditional Owners, and Elders past, present and future, is consistent with legally established fact that has been ratified by the courts and the Commonwealth Parliament. As you would be aware, the legal concept of terra nullius was set aside by the High Court of Australia in *Mabo v Queensland [No 2]* [1991-1992] 175 CLR 1, enabling it to recognise the Meriam people as the traditional owners of the land in the Murray Islands. This decision led to the passing of the *Native Title Act 1993* (Cth) which established the framework for deciding native title claims.

CPSU members are seeking to continue using the pronoun 'we' and ask for you to retract your instruction. CPSU members ask this as they do not want their Acknowledgement of Country to be in contradiction of the recommendation of the Minister of Indigenous Affairs or of the ATO's RAP Action 2.4.

If you require any further information regarding members' views on this matter, we would be happy to discuss further with a hope to work collaboratively on solutions. I, [REDACTED], and our workplace delegate, [REDACTED], will be our contacts if you seek a meeting.

Yours sincerely,

[Redacted signature]

[Redacted name]