

# The Capture of the Myer Foundation

GARY JOHNS AND DON D'CRUZ

**T**HE prestigious and much admired Myer Foundation (Myer) and Sidney Myer Fund granted almost \$7 million last financial year to a range of organizations. Organizations that help the needy, promote artistic and scientific endeavour, and, oh yes, 'play politics'.

In the last few years, Myer has funded political campaigns on sustainable development, the environment, refugees, decolonization, and land rights. By doing that, Myer is following a growing trend in philanthropy, which has been little debated, or known outside philanthropic circles and which, potentially, conflicts with a basic tenet of charity.

Traditionally, philanthropists used their own money to directly help people help themselves. This is why governments give tax subsidies to wealthy individuals to engage in philanthropy.

But a new trend has emerged in philanthropy where philanthropists see their role not in directly helping people, but in paying others to lobby governments.

This newer philanthropic approach reflects a desire to tackle the 'root causes of problems' rather than simply deal with the symptoms. Many of the NGOs which they now fund also embrace the approach. There is nothing necessarily wrong with this approach, provided philanthropists and NGOs properly identify the problems, and are sure about the solutions.

The Sidney Myer Fund's *2020: A Vision for Aged Care in Australia* is a good example of how things should

be done. Before embarking on a campaign to improve aged care, it undertook extensive research, from objective sources, to identify the problems and possible solutions, and subject them to wide debate.

When this approach is handled poorly, however, it becomes inherently political. Many of the Myer Foundation's environmental and social justice grants are very good examples of this. In these cases, the Foundation appears to have simply jumped on board existing political campaigns. In the process, perhaps unwittingly, Myer has embraced a raft of assumptions underlying the apparently benign intentions of human rights, environmental sustainability, and indigenous separatism.

Fading from view, so it would seem, is the belief in liberal representative democracy, science, and free enterprise. In so doing, Myer often undermines the very system that helped create its wealth and the system that has proven essential to solving many of the problems which Myer seeks to address.

There is no suggestion that the trustees are not doing their job, but make no mistake, there is a battle for the 'soul' of Myer philanthropy and philanthropy in general—a battle that the political Left appears to be winning.

The Myer approach is not unique, indeed it is increasingly the norm. We have focused here on the Myer Foundation because of its reputation for leadership in the field, its size and, importantly, its high degree of transparency which allows for full scrutiny.

## THE ORIGINS OF MYER PHILANTHROPY<sup>1</sup>

Sidney Myer died in 1934 and was, as Michael Liffman described, one of Melbourne's 'leading and best-loved' citizens. More than 100,000 mourners witnessed his funeral procession, a scene unlikely to be replicated by any public figure today, let alone a leading businessperson. Myer was known for treating his considerable workforce well, but his enduring reputation came substantially from his public acts of civic philanthropy.

His first major gift, worth £50,000 to the University of Melbourne, indicated Myer's respect for learning and culture, and a belief that the remedy for poverty lay in education for all. Famously, on Christmas Day, 1930, with the full impact of the Depression starting to be felt, Sidney Myer invited 10,000 destitute citizens to join him for Christmas dinner in Melbourne's Exhibition Building. With free public transport provided, 11,500 attended. Film of this extraordinary event survives and was recently broadcast on the ABC 'Family Dynasties' series.

Myer family philanthropy originated in the will of Sidney Myer who founded the Myer retailing business. On his death, he left one tenth of his estate for the benefit of the community in which he made his fortune. The Myer Foundation was established in 1959 and initially endowed by Sidney Myer's sons, the late Kenneth Myer, and Baillieu Myer.

## THE BIG SHIFT

The shift from philanthropy to politics has been gradual. In 1999, a two-year review and strategic planning ex- ▶

ercise gave it added momentum. It resulted in five new areas of focus for the Myer Foundation: The Arts and Humanities, Beyond Australia, Growing Philanthropy, Social Justice, and Water and the Environment. There was also the formal unification of grant-making with the Sidney Myer Fund, though this fund seems to have escaped the activists. 'Experts in the field' joined each committee, previously filled only by family members. There are other areas within the funds that maintain a sense of proportion, especially the Growing Philanthropy project, the Asialink Centre, and Cranlana programme.

The change started in two areas in particular. The Welfare, Public Policy and Education Committee changed its name to Social Justice to 'reflect the new strategic focus in line with the approach embraced across all areas of the Foundation's activities'. The Science, Technology and Environment Committee changed its name to Water and the Environment in a move from the broader arena of the environment to an issue 'central to Australia's long term future: the management of water resources and the recognition that water quality and quantity are critical indicators of ecological health'.

## WATER AND ENVIRONMENT COMMITTEE

Philip Myer writes, 'My term as Convenor of the Science Committee (which folded into the Water and Environment Committee) has shown me how much we can achieve as philanthropists, because *we are not aligned with interest groups* (emphasis added) and we can take our own action where there is a need for an approach for the common good.' Not aligned with interest groups?! How does that square with funding political campaigns by environmental activists? The Water and the Environment committee contain activists Barry Traill from The Wilderness Society and Tim Fisher from the Australian Conservation Foundation.

How does Myer know that their work is for the common good? Where is the research to prove the need for

these political campaigns? There is very little focus on research in its grants, instead the overwhelming focus is on getting government to change things in a specific predetermined direction.

Indeed, Philip Myer again:

Some of these grants have been made to direct action groups ... to build their organisational capacity to advocate more sustainable land use practices in the landscape ... these projects have involved sophisticated nationwide co-ordinated campaigns designed to *change policy at a political level* (emphasis added).

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Outside of the funding of political parties for elections, these expenditures must be among the largest for political campaigns in the country. For example,

The Snowy River:

\$22,000 to Colong Foundation for Wilderness (NSW).

\$15,000 to Total Environment Centre Inc. (NSW).

\$16,023 to Environment Victoria Inc. (VIC).

\$10,000 to Snowy River Alliance/ Environmental Defenders Office Gift Fund.

*Controlling land clearing:*

\$110,000 to Queensland Conservation Council (QLD).

*Australia's Oceans Campaign:*

\$150,000 to Australian Marine Conservation Society Inc. (QLD)

(First of three payments)

*Stopping cotton in west Kimberley:*

\$38,000 to Environs Kimberley Inc.

(WA) (Second of three payments).

The grant to stop cotton from being grown in the Kimberley is particularly bizarre. The purpose of the grant is to protect local wetlands. The only place that cotton growing is being considered, however, is on the Ord irrigation scheme. The scheme was developed over 20 years ago and, as such, the swamps have already been drained, the irrigation channel dug and the reservoir is full.

## FUNDING ANTI-MINING CAMPAIGNS

The grant of \$35,500 for the Oxfam Community Aid Abroad (OCAA) Mining Ombudsman is another grant that should set off alarm bells. OCAA's Mining Ombudsman has targeted just about every large mining venture with Australian participants in the Asia-Pacific region, accusing them of exploiting people and raping the environment. OCAA portrays itself as standing up for the poor and marginalized through their links with the community. A perusal of the Mining Ombudsman's annual reports, however, reveals that OCAA's links with groups and knowledge of the issues 'on-the-ground' is weak. Their methodology, which aims to protect more than 50 separate human rights, is ludicrous.

Their claims against the firms in question are unsubstantiated and have contributed to the destruction of jobs and wealth in areas in which both are extremely scarce. The irony is that the Myer's family wealth was started by selling merchandise to the miners in the goldfields of Victoria.

This is not the first time that Myer money has been used to oppose Australian mining companies. The Myer-funded Asialink Centre funded a Community Services International Residency in 1999-2000<sup>2</sup> for an OCAA operative, who, while in the Philippines courtesy of Asialink, promptly went about organizing a campaign against a proposed Western Mining Corporation mine.

In a similar vein to the OCAA Mining Ombudsman, the Foundation granted \$25,000 to Aid/Watch for 'the commercialisation of aid: Monitoring Australia's Aid Program and Policies.' Aid/Watch is a group housed in the same building as the Mineral Policy Institute (an anti-mining NGO) in Sydney with which it shares numerous linkages.

Also of concern is a \$12,000 grant for its 'Filling the Gaps in Forest Conservation Project' to Friends of the Earth Melbourne. This NGO is possibly the most radical of the environmental NGOs who were intimately involved in organizing the less-than-peaceful anti-globalization demonstrations in Melbourne at the time of the World Economic Forum.

The grant of \$15,000 to Climate Action Network Australia (CANA) (NSW) for *Climate Change and Water Awareness* is intriguing. For example, last year, CANA launched the Australian Climate Justice Program. Acting on CANA's behalf, the law firm Maurice Blackburn Cashman notified the directors of selected Australian companies of the financial risks that climate change presents to their companies, and of their legal obligations to deal with those risks appropriately.

The notification has been delivered to companies that CANA has identified as major emitters and major facilitators of greenhouse gas emissions. This is the latest in a series of actions around the world that signal the rise of climate change legal initiatives as a means to deal with major 'greenhouse perpetrators'.

Dr Peter Cashman, General Counsel of Maurice Blackburn Cashman, which is a law firm specializing in class action and product liability, stated

What we're seeing is an emerging area of climate litigation. As the impacts of climate change worsen, the number of potential plaintiffs, and the range of legal actions available to those plaintiffs, will undoubtedly increase.<sup>3</sup>

There are many other funds flowing to environmental activists, some to researchers to investigate the claims

and the solutions, but a great deal is going to campaigns where the need and the solution are assumed.

Myer may be aware of a submission to the Board of Taxation on the Charities Bill 2003 by, among others, recipients of Myer grants—in particular, the Australian Conservation Foundation, Australian Marine Conservation Society, Friends of the Earth, Nature Conservation Council of NSW Inc and the Queensland Conservation Council. These groups are concerned at the (proposed) law's restriction on a charity's ability to advocate for or against changes in the law or public policy.<sup>4</sup> The bill would prohibit charities from being solely or primarily political lobbyists. If put into practice, the organizations mentioned above may lose their charity status, as lobbying is arguably their principal function.

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If lobbying by charities as a principal purpose is to be proscribed by law, should philanthropic organizations that fund such activities, also be proscribed?

### **SOCIAL JUSTICE COMMITTEE**

The Social Justice committee, assisted by Julie Edwards, Program Director from Jesuit Social Services, and Tim Costello, the new head of World Vision, who made a contribution at a planning meeting, has decided to pursue a policy not unlike the one introduced into the ALP platform a quarter of a century ago. The Foundation

will support those initiatives that:

- Explore how and why people are disadvantaged.
- Assist disadvantaged people to have an effective voice ...
- Provide mechanisms that redress inequities and the infringement of rights.
- Explore ways young people can make an impact on ... self-harm, addiction and suicide.
- Foster reconciliation with Aboriginal Australians ...

Philanthropy has come a long way since the days of feeding thousands of people Christmas dinner. It is indeed sensible to explore how and why people are disadvantaged. The real problems arise with the belief that the answers lie in the ideologies of sustainability, liberation, rights, and identity. This belief seeks to capture the benefits and at the same time discredit the very strengths of the system that has lifted so many from poverty, and stands the best chance of 'liberating' all.

The shift to the brave new world of activism seemed to have been anticipated, or indeed stimulated, by the views of Charles R. Lane, the new Chief Executive Officer of the Foundation. For example, he, like so many others, was a disciple of the Council for Aboriginal Reconciliation, and especially the call for the Prime Minister to apologize for past injustices to Aborigines.

He editorializes in the 1999–2000 *Annual Report*:

The inevitable tension surrounding these events was exacerbated by the Prime Minister's refusal to say 'sorry', the imposition of mandatory sentencing for minor offences in Western Australia and the Northern Territory that fell heavily on young indigenous offenders, and the test case brought by two members of the so called 'Stolen Generations'. Unfortunately, as yet fundamental change has not been achieved in any of these instances; the matter of an apology lingers on and is now complicated by calls by some for a treaty, the test case was lost in court, and mandatory

sentencing is still being imposed. A number of grants have been made to assist indigenous Australians advance their interests (emphasis added), and this heralds a new focus of the Foundation.

How naïve these views now appear as Reconciliation stocks have crashed, to be replaced by the harsh reality, often best understood by those philanthropists who first made their wealth, that political ideologies have a habit of satisfying only the promoters and leaving the poor even further from their salvation. Myer could help in the many good programmes, which involve helping Aborigines to make the transition to employment, their real long-term interest.

### **NAIVETY REIGNS**

The Myer investment in Aboriginal issues is large indeed. Some has a practical bent, designed to increase the chances of Aborigines finding dignity through employment. There are programmes that have a universal application and ignore the ideology of separate development based on race. For example, Scouts Australia was granted \$16,000 to help gain corporate and philanthropic support for introducing scouting to six Aboriginal and Torres Straits Islander communities. Much in the arts funding is defensible, although it is to be hoped that when the Myer family granted monies for a play 'detailing the experiences on the Royal Commission into Black Deaths in Custody', they were aware of the findings of the Commission. In all 99 cases considered by the Commission, there was no foul play, and the chance of death in custody for an Aborigine was the same as for a non-Aborigine.

The Council for Aboriginal Reconciliation in the ACT was granted \$5,000 towards *Corroboree 2000 at Sydney Opera House* where thousands walked across the Sydney Harbour Bridge in support of reconciliation. Similarly, Australians for Reconciliation Victoria was granted \$5,000 for its *Walk for Reconciliation*. These spontaneous gestures of solidarity do not come cheap. Sending delegates to con-

ferences is also popular. For example, La Trobe University's Ngarn-Gi-Bagora Indigenous Centre was successful in being granted \$2,838 for a student to attend the *World Indigenous Peoples Conference 2002*. The Foundation for Young Australians was granted \$5,000 to enable an individual to attend the *UN World Conference against Racism*. It will be recalled that this conference was famous for its shocking displays of anti-Semitism by Arab delegates and the European Left.

More bizarre was the grant of \$37,000 to the Kimberley Land Council to send a delegation of indigenous Australian leaders to England and Ireland 'to raise awareness of Australian Aboriginal issues in the United Kingdom'. There were meetings with HM The Queen arranged by Sir William Deane, members of the British Government, corporate leaders, community groups, academics, and students to stimulate support for Aboriginal rights. Just in case the well-educated and seasoned campaigners, Pat Dodson and Peter Yu, did not know why they were there, Myer paid Professor Henry

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Reynolds \$1,000 for a paper 'on the historical context of British responsibilities in relation to the treatment of Aboriginal Australians' as a reference for the leaders. It would have been cheaper to buy two copies of Reynolds' book on Aboriginal sovereignty.

The Public Interest Advocacy Centre of NSW (PIAC) was granted \$450 to enable a senior PIAC worker to make a submission on a Reparations Tribunal to the Senate Legal and Constitutional Reforms Committee Inquiry into the Stolen Generation. It must have worked, because it was then granted \$30,000 for a *Reparations Tribunal Consultation Project*. The major parties have ruled out a reparations tribunal on the basis that historical reparations are not only notoriously difficult to prove and of dubious moral value, they actually prevent people from moving on with their lives.

Australians for Native Title and Reconciliation Inc. in NSW were granted \$6,000 towards educational materials for an education campaign, and Australians for Native Title and Reconciliation (Vic) Inc. were granted \$25,000 for the employment of a part-time Program Coordinator, and \$24,000 for the aptly named, *Fanning the Flames of Reconciliation: Treaty Consultation Project*. The recipient of these last two was the former Democrat Senator Sid Spindler. Myer may have been unaware that the Commonwealth had established a Native Title Tribunal to facilitate and pay for native title claims.

### **HUMAN RIGHTS AS POLITICS**

The human rights agenda is used as some sort of 'moral trump card whose function is to bring political disputes to closure.'<sup>5</sup> In fact, it does no such thing. Instead, it seeks to weight the law, and public debate in such a way as to give one side of the argument an overweening importance. For example, it wants to weight the claims of asylum seekers more highly than the right of citizens to decide who should be able to join them. Myer has stepped into this controversial arena in a major way.

Quite strange was the grant of \$20,000 to Australian Lawyers For Human Rights Inc. for a feasibility study for a national human rights non-governmental organization. Perhaps Myer forgot the \$10,000 granted to the Catholic Commission For Justice, Development And Peace for the *Austra-*

lian Human Rights Register. In the introduction to the Register for 2002–2003 the grant applicant, Marc Purcell, writes:

The Government and Opposition, with a few notable exceptions, within the current Federal parliament, are amongst the most ignorant and indifferent in half a century with regard to human rights. The forcible turning away of asylum seekers by the Navy at gunpoint with Tampa ... the invasion of Iraq by the 'Coalition of the Willing' have represented significant undermining of respect for human rights ... The emphasis by State, Territory and Federal governments on running large budget surpluses at the expense of the advancement of the economic and social rights of the community. Many social services continue to be under-funded, including support for the unemployed, housing, health, and education.<sup>6</sup>

Perhaps unaware that the Australian government funds every asylum seeker—under the Immigration Advice and Application Assistance Scheme—to pursue their rights, Myer has obviously taken the political view that this is insufficient and further, that Australia should not control its intake of asylum seekers through the UNHCR, but by people-smugglers. Consequently, it funded a large number of refugee advocacy groups.

For example, the Centre for Advocacy Support and Education for Refugees Inc. (WA), was granted \$30,000 for a *Temporary Protection Visa Project*. Other grants included \$10,500 Hazara Australian Community Association of Victoria; \$23,700 to Centre for Citizenship and Human Rights Faculty, Deakin University; \$15,000 to the Federation of Community Legal Centres Victoria for legal skills training at the *Inclusive Activism Conference 2002*; \$25,000 to the Refugee Council of Australia Inc. (Vic) for policy and advocacy; \$30,000 to the South Australians for Justice for Refugees Inc. for a project facilitator; \$20,000 to Asylum Seekers Centre Inc. (NSW) and

\$35,000 to Community Education (NSW) for a project titled, *Fearing Going Home*; \$50,000 to Australians for Just Refugee Programs Inc. (NSW) for National Coordination; \$8,000 to Mudgee Rural Australians for Refugees; and \$20,000 to Justice for Asylum Seeker Alliance (VIC) for

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*Partnership: Oxfam Community Aid Abroad Towards A National Network- ing Website.*

A close examination of the Myer Foundation's annual reports reveals that there are not many individuals or groups involved in the debate on illegal asylum seekers that are not receiving money from the Myer Foundation. Illegal asylum seekers seem to be less of a cause and more of an occupation for many activists with remarkably little money actually having been spent on illegal asylum seekers directly.

Highly political is the grant of \$20,000 to Stuart Rees at the University of Sydney's Centre for Peace & Conflict Studies for *Towards the West Papuan Project*. The project is to support the cause of independence for West Papua, in other words, regime change in Indonesia. The Centre for Peace & Conflict Studies recently caused a storm of controversy when it awarded a peace prize to Palestinian activist Hanan Ashrawi. More recently, the foundation has given the Australian West Papua Association, in partnership with Friends of the Earth, about \$5,000 for the *Sounds of the*

*Morning Star: The Black Paradise Tour of Australia*, a tour designed to generate support in Australia for independence in West Papua.

Only a little subtler is the \$50,000 in grants to Diplomacy Training Program (DTP) Ltd. (UNSW) for a number of programmes, in particular a training course run jointly with the Pacific Concerns Resource Centre (PCRC) in Suva, Fiji, for 25 members of non-government organizations. The PCRC is the secretariat for the Nuclear Free and Independent Pacific movement, and has programmes on sustainable human development, environment, demilitarization, decolonization, and land rights and sovereignty for indigenous peoples. It also campaigns for regime change in Indonesia (West Papua), against mining in the Pacific region and the Howard Government's refugee policy.

### **CAPTURE OF FOUNDATIONS OVERSEAS**

In the United States, the home of philanthropy, there are numerous examples of money from the charitable foundations created by some of the world's greatest entrepreneurs being spent, not on good works, but on activists pursuing dubious projects. The foundations that fall into this category include names such as Ford, Rockefeller, Carnegie, Pew and McArthur. For example, the Ford Foundation tried to offer funding to the anti-globalization Left's version of Davos, the World Social Forum in Mumbai, having funded previous gatherings in Porto Alegre in Brazil. Ironically, the organizers knocked it back because of the foundation's origins<sup>7</sup> and took money from Oxfam instead.<sup>8</sup>

The institutional capture of many of America's leading philanthropic foundations by the Left and their re-routing of this vast amount of money from traditional charities to fund their own political activities is really quite breathtaking. Many of these case studies have been compiled by the Washington-based Capital Research Center, which has an extensive archive.<sup>9</sup> In addition, the Website *activistcash.com*, ►

run by the Center for Consumer Freedom, has an extensive database of how these fortunes have become a financial drip for the Left.

While the individual circumstances of these foundations differ, there are common threads with those of Myer. A key one is the rise of non-family executives who often assume control and slowly invite more 'experts' and board members from outside the family.

The Myer Foundation directors have promised that an evaluation of the new programmes will be forthcoming in the next 12 months. With Myer also indulging in grants for the ideologies of Corporate Social Responsibility and Ethical Investment, with grants of \$20,000 (the first of three payments) for the Australian Business Deans Council (QLD) for a National Annual Public Lecture on Corporate Social Responsibility, the prospects for a return to philanthropy seem bleak.

## NOTES

- 1 Material in this section is drawn from Michael Liffman, 1999. 'Sidney Myer: 1878–1934', *A Century of Myer Philanthropy: The First Chapter*. <http://www.myerfoundation.org.au> Unless otherwise indicated, all references may be found at this site.
- 2 <http://www.asialink.unimelb.edu.au/cpp/myer/profiles/bobm.html>
- 3 <http://www.climateaustralia.org/>
- 4 Arnold Bloch Liebler, Submission To Board of Taxation On *Charities Bill 2003* <http://www.qccqld.org.au/files/taxationsubmission.pdf>
- 5 Michael Ignatieff, 1996. *Human Rights as Politics and Idolatry* (Princeton), 21.
- 6 The Australian Human Rights Register 2002–2003, v. <http://www.melbourne.catholic.org.au/ccjdp/pdfHumanRightsRegister2003e.pdf>
- 7 <http://www.iht.com/articles/126087.html>
- 8 <http://www.guardian.co.uk/globalisation/story/0,7369,1125176,00.html>
- 9 See [www.capitalresearch.org](http://www.capitalresearch.org)

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IPAA

# Farmers: Beware the Waterkeepers Alliance!

MIKE NAHAN AND DON D'CRUZ

**I**NITS *Annual Report 2002–2003*, the Myer Foundation proudly announced a \$150,000 grant to establish Waterkeepers Australia as a joint initiative of the Myer Foundation, the Australian Conservation Foundation (ACF) and Environment Victoria:

Drawing on the experience of the Waterkeeper Alliance in the United States, it is designed to provide a mechanism for communities to become more informed and effective legal advocates for local waters—a dimension that is largely missing from the water debate in Australia. Sir William Deane AC has agreed to become its inaugural patron. It is hoped that he will be joined by Robert Kennedy Jnr, who is President of the Waterkeeper Alliance (USA) to help Waterkeepers Australia in 2004.

This should send shivers down the back of Australian farmers. But why?

While the publicity blurb for the Waterkeepers Alliance (USA) describes itself innocuously as a 'community watch programme for the nation's water ways', in reality it is a franchise operation, created in large part, and now controlled, by Robert Kennedy Jnr to mobilize class action suits against modern agriculture. One can only conclude that the ACF, Myer Foundation and Environment Victoria partnership will be trying to do the same thing here.

The adventures of Robert Kennedy and his Waterkeepers Alliance have filled American tabloids for years. And in the Kennedy tradition, it is a gripping but disturbing story. ActivistCash,

a project of the US Center for Consumer Freedom ([www.activistcash.com](http://www.activistcash.com)) gives a detailed account.

The Waterkeepers Alliance is organized very much in the mould of McDonalds—the global hamburger chain. The Alliance owns a set of registered brand names including, 'Riverkeeper', 'Lakekeeper', 'Baykeeper' and 'Coastkeeper'. It licenses the use of these brands to local activist groups under the condition that the licensees follow the Alliance programmes and support the Alliance's national campaigns. To date, there are 100 Waterkeeper franchises operating in the US, and the Alliance is actively looking to expand overseas (see [www.waterkeepers.org](http://www.waterkeepers.org)).

Robert Kennedy Jnr's involvement in Waterkeepers and environmentalism started in 1984, when he was convicted of possession of heroin. To avoid prison, he agreed to do 800 hours of community service and chose to work with the Hudson River Foundation—a small lobby group in New York State. Given the need to develop a new career, Kennedy accepted a position as 'chief prosecuting attorney' for the Hudson River Foundation upon the completion of his community service. Over the years, Kennedy immersed himself in the environmental movement, specializing in the mobilization of trial lawyers against selected targets. Along with Robert Boyle, founder of the Hudson River Foundation, he also developed the brand name and franchising operations of the Waterkeepers Alliance.

Things took a disturbing turn at the Alliance in 2000, when Kennedy

REVIEW