

9<sup>th</sup> December 2011

The Manager  
Philanthropy and Exemptions Unit  
Personal and Retirement Income Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Sir

**Re: Consultation Paper – A Definition of Charity Oct 2011**

I am writing on behalf of the 300 members churches of the Assemblies of God in Australia (Queensland Conference) expressing our deep concern that organisations involved in the relief of poverty, the advancement of education and the advancement of religion will no longer be presumed to be providing a 'public benefit' and will be subject to a 'public benefits' test under the new legislation. We cite four reasons for our concerns,

1. The removal of the presumption that these three pillars provide a public benefit sends a message that all such organisations are no longer essential institutions within our society and calls into question the work done by such organisations.
2. The extra work load resulting in maintaining compliance to the new test, whatever form it will take, will add extra costs to each organisation's administration base. Sufficient pathways and powers already exist which the ATO can enact to investigate any organisation that is suspected of not providing a public benefit. This current system may appear expensive to the public purse but the collective extra costs to these organisations could have the effect of reducing some of the benefits these organisations provide for our society. This loss could be more expensive in the long run and all due to a decrease in available funds as a result of the extra administration costs. Keep in mind our churches do not receive government funding to operate.
3. If an organisation has to prove its 'public benefit' to the new ACNC then it is left to the whim of an individual or group of individuals to decide the fate of such organisations. Challenge this has the potential to tie up our courts should these organisations object to the ruling. Due to the cost of challenging a ruling smaller organisations will be marginalised which flies against the principles of a fair and just society.
4. Ireland introduced similar requirements in its definition of a Charity (The Charities ACT (Northern Ireland) 2008) and earlier this year has reinstated the presumption of public benefit for organisations working in these areas.

Yours sincerely

Neil Scott  
Field Office (ACC QLD)