

**John Church**  
**Unit 12, Northwood**  
**25 Tryon Rd**  
**Lindfield NSW 2070**

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The Assistant Treasurer and Minister for Competition Policy and Consumer Affairs,  
The Hon Chris Bowen MP.  
PO Box 6022  
Parliament House  
Canberra ACT 2600

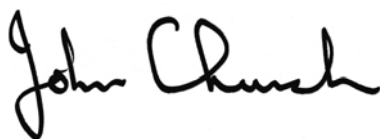
**Exposure Draft “Tax Laws Amendment (Prescribed Private Funds) Bill 2009**

Dear Minister,

I note you have requested comment on the above mentioned Bill . I am making the following comments on the Bill though I note that the most important aspects of the proposed changes will be done by Regulation. I am accordingly merely commenting on the Bill :

1. The change of name to “private ancillary funds” seems to a strange use of the word “ancillary”. It means as I understand it something that is “subordinate, supplementary dependent” There seems to be no reason to change the name to include the word “ancillary”. Perhaps Private Charitable Fund would be clearer.
2. 1.15 Though this is sensible I trust that if the Government decides as a result of other inquiries it is conducting and elects to establish a “Charities Commission” it will transfer these powers to that body. It would be good to see an undertaking to this effect.
3. 1.17 This is probably the most critical element of the changes and therefore I trust this will released as a draft for comment..
4. 1.19 If the person establishing elects to appoint a public trustee company is it clear that the deed may specify that that donor and or his representatives may be appointed to give advice to the Trustee as to who the recipient of the distributions are to be made? An individual may wish to ensure that an independent person is responsible for complying with all the rules/regulations and the management of the funds.
5. 1.23 It surely should in incumbent on the Commissioner to publish guidelines if he is the person responsible for determining whether a fund complies and is entitled to be endorsed.

Yours Faithfully,



John Church.  
28 May 2009