

# Facsimile Transmission

P186

Date:	30 SEPTEMBER, 2003
To:	Consultation on the Definition of a Charity
Fax Number:	(02) 6263 4471
Subject:	Submission
From:	PENINSULA COMMUNITY LEGAL CENTRE
Branch:	<input checked="" type="checkbox"/> Head Office <input type="checkbox"/> Bentleigh <input type="checkbox"/> Pines
Total number of pages: (including this page)	4

Peninsula Community  
Legal Centre Inc.

Registered No. A8T  
ABN: 23591244622

### HEAD OFFICE

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### PINES BRANCH

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### Regular Visits to:

- Hastings
- Rosebud
- Mornington
- Cranbourne
- Chelsea
- Monash University  
(Caulfield & Peninsula Campuses)

### Consumer Affairs Program also visits:

- Emerald
- Mordialloc
- Narre Warren

### Covering:

- Frankston City
- City of Casey
- City of Kingston
- City of Glen Eira
- Mornington Peninsula Shire
- Shire of Cardinia  
(Consumer Affairs Program only)

**Donations over \$2.00  
are tax deductible**

Celebrating  
25 years of service  
to the community  
1977 - 2002

## Special Message:

URGENT

Please find attached Submission  
to Consultation on the Definition of a  
Charity for your attention.  
Thank you.

RECEIVED  
30 SEP 2003  
BY: MB

**PLEASE ADVISE US IF YOU HAVE TROUBLE WITH THIS TRANSMISSION**

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**Our Ref:** JG:GHK  
**Your Ref:**

**Reply to:** Head Office

30 September, 2003

**Peninsula Community  
 Legal Centre Inc.**

Registered No. A8T  
 ABN: 23591244622

Consultation on the Definition of a Charity  
 Board of Taxation  
 C/- The Treasury  
 Langton Crescent  
 PARKES ACT 2600  
 Via Facsimile: (02) 6263 4471

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 Telephone: (03) 9786-6980  
 Facsimile: (03) 9785-3582


Dear Board,

**RE: SUBMISSION TO CONSULTATION ON THE DEFINITION OF A CHARITY**

Please find enclosed our Submission in respect of the Consultation on the Definition of a Charity.

The original document will be forwarded by mail.

Yours faithfully,

  
**JACKIE GALLOWAY**  
 ACTING EXECUTIVE OFFICER  
 PENINSULA COMMUNITY LEGAL CENTRE INC.

Enc.

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- Morningside
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**Peninsula Community Legal Centre Inc.****Submission to the Board of Taxation  
Charities Bill 2003****About Peninsula Community Legal Centre**

1. Peninsula Community Legal Centre Inc. ("PCLC") is a not-for-profit community organisation incorporated pursuant to the Associations Incorporation Act 1981 (Cth) and holds charitable, deductible gift recipient (DGR) and public benevolent institution (PBI) status for taxation purposes.
2. PCLC, formerly Frankston North Legal Service, has been operating for 26 years, having merged with the former Southern Community Legal Centre in 1998. Its catchment area includes the Cities of Frankston, Glen Eira, Kingston, Casey and Mornington Peninsula Shire, a total of approximately 720,000 residents.
3. PCLC's mission is: "To empower and support disadvantaged community members of the South East and Westernport Region to use the law and legal system to protect and advance their rights and broaden their awareness of their responsibilities."
4. PCLC provides advice and casework (subject to guidelines), conducts community legal education and participates in law reform. It provides general legal services in respect of a broad range of legal issues and specialist services in the areas of Child Support, tenancy and consumer law.
5. PCLC receives funding from the State and Federal Governments through Victoria Legal Aid, Commonwealth Legal Aid, Family Services and Consumer Affairs Victoria, as well as receiving support from local government and Monash University (Student Union).
6. PCLC currently has over 80 volunteers, including the voluntary Committee of Management, solicitor volunteers, paralegal volunteers and administrative volunteers. Their combined contribution is substantial and enables the Centre to provide services well beyond funding.

**Concerns about Charities Bill (2003)**

7. PCLC has serious concerns about the workability and impact of the definition of a charity proposed in the Charities Bill 2003.

Peninsula Community Legal Centre Inc.  
Submission to the Board of Taxation  
Charities Bill 2003  
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8. PCLC is a member of the Federation of Community Legal Centres (Victoria) Inc and endorses the submission made by that body in respect of this Consultation.
9. Of particular concern is the inclusion of "disqualifying purposes" in clause 8 which would deny charitable status to an organisation with a purpose of "advocating a political ... cause" or "attempting to change the law or government policy". In a democratic society, it is vital that charities be able to advocate on behalf of those they represent to combat poverty and injustice. Restricting charities in performing this essential function would mean silencing the voices of those in our community who, through disadvantage, cannot advocate on their own behalf on issues which affect them. The government would not be alerted to the effect of laws and policies on those most vulnerable.
10. Having charitable status enables organizations to apply for grants from philanthropic trusts, offer tax deductibility on grants and donations, and offer salary packaging to staff (PBI status giving exemption from fringe benefits tax). This is essential in maximizing limited resources, obtaining funding for special projects and attracting and retaining staff. If the application of the definition of "disqualifying purpose" denied an organisation like PCLC charitable status (and it is assumed this would also affect PBI status), it could threaten its very existence, unless the financial effects were offset by substantially increased government funding.
11. Under the proposed definition, it seems that charities would be placed in a position where they must either forego their role of advocating on behalf of those they represent (silencing the disadvantaged in our community) or risk being crippled financially and perhaps unable to survive (a disastrous result for those who rely on their assistance).