

THE NSW COUNCIL OF CHURCHES

Representing the Anglican Church (Diocese of Sydney, the Baptist Union of NSW, the Churches of Christ, the Christian Reformed Church, the Fellowship of Congregational Churches, the Presbyterian Church and The Salvation Army.

This submission is on behalf of the Council of Churches in NSW and is not to be construed as the submission of any of its member churches.

1. **Name of Charitable Organisation:** The Council of Churches in New South Wales Incorporated (NSW Council of Churches), ABN 24 348 552 048
Contact Details: Secretary: Rev Bruce Thornton PO Box 2029, Burwood North NSW 2134. Telephone 02 9744 7755, Mobile 0438 603255, Email: thornton@pnc.com.au
2. **Main Purpose:** The advancement of Religion.
3. **Principal Reason for submission:** It is unclear if we do not come under the disqualifying provisions as we often make representations to and lobby governments concerning laws which appear to contravene Christian principles – as e.g. “same sex” marriages to which both the Prime Minister and Federal Treasurer are opposed. We believe that there is need for more clarity in this matter.
4. **ITEC Endorsement?** Yes. It would appear that this may not continue if we come within the disqualifying clause.
5. **Additional administrative burden:** If ITEC refused we would pay Income Tax and not be exempt from GST.
6. **Flexibility?:** Broadly “Yes”.
7. **Altruism?:** No.

SUBMISSION

TO THE CONSULTATION ON THE DEFINITION

OF CHARITY

1. The NSW Council of Churches (hereinafter called “the Council”) congratulates the Government on its intention to codify the law relating to the definition of charity and to expand the entities which may be included in that definition.
2. The Council understands and appreciates the concern of the Government to maintain the independence of charities from Government and the political process as far as possible, and notes that the Government has sought to achieve this aim by including as” disqualifying purposes” the matters set out in section 8 (2), (a), (b), and (c) of the Draft Bill.

3. However, the Council believes that the Government's concern as set out in paragraph 2 above fails to understand that, to serve the public benefit, it may be necessary for charities to engage in political processes, and the Council is concerned that the inclusion of section 8 (2) in the Draft Bill will place charities at a decided disadvantage in pursuing their altruistic objectives.

4. We do not believe that the Government intends to place charities at such a disadvantage having regard to the terms of paragraph 1.54 of the Explanatory Material which accompanies the Draft Bill. That paragraph states as follows:-

“Ordinarily, representing to Government, from time to time, the interests of those the entity seeks to benefit would be seen as incidental and in aid of the dominant purpose of the charity.”

No provision to this effect has been inserted in the Draft Bill. The Council believes that such a provision should be inserted in the Draft Bill.

5. The Council submits that a new sub-section (3) should be inserted in section 8 of the Draft Bill after subsection (2) to the following effect:-

“ Notwithstanding the provisions of subsection(2), representations to Government by an entity, from time to time, concerning the interests of those the entity seeks to benefit, shall be deemed to be, and are hereby deemed to be, incidental to and in aid of the dominant purpose of that entity.”

Rev Chris Moroney – President.

Rev Bruce Thornton – Council Secretary.