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P183

# Fax

**To:** Consultation on the Definition of a Charity **From:** Denele Crozier

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**Of:** Board of Taxation **Date:** September 30, 2003

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**Fax:** (02) 6263 4471 **Pages:** Two to follow

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**Re:** Charities Bill 2003 **CC:**

Urgent     For Review     Please Comment     Please Reply     Please Recycle

•Comments:

Thanks and Regards.

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30 SEP 2003  
BY: MB



# **WHNSW**

**Women's Health NSW**

Non Government  
Feminist Health  
Services

30 September 2003

Consultation on the Definition of a Charity  
Board of Taxation  
C/- Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Consultation Committee,

Thank you for the opportunity to comment on the draft Charities Bill 2003 and for the invitation to attend the recent forum held at NCOSS.

WHNSW is the peak body for 23 women's health services in NSW. All of them are non profit charities, some have PBI status. We have looked forward to this review as a means of clarification and transparency.

Our comments are as follows:

#### **Clause 4 Core Definition**

We would recommend an addition to the core definition of charity that further characterises the dominant purpose:

4 (1)(b)(iii) is altruistic

#### **Clause 8 Disqualifying Purposes**

We believe that advocacy, and or participation in processes that may result in a change in government policy or law is an intrinsic part of our service delivery, charitable purpose and community relationship.

Working to improve the health status of women in need includes a collaborative effort of government and non government agencies developing an approach to service planning and delivery that aims to understand all the barriers to health achievement.

We believe that information, consultation, advocacy and community participation are important elements of the health processes and, governments have come to recognise the value of our participation in policy development and review.

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# WHNSW

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Feminist Health

Services

We feel the current wording of this clause does not adequately reflect the value and intent of our advocacy purposes which aim to further and aid our charitable purpose rather than act as ancillary or incidental.

We would therefore promote a rewording such as:

"A Charity may have public advocacy purposes (which would be described in the explanatory material as including 'attempts to change the law or government policy') provided those purposes further, or aid, or are ancillary or incidental to its dominant charitable purpose"

### General Comment

It was difficult to consistently separate and comment on the role and definition of Charity as a separate entity from Public Benevolent Institution.

We understand that PBI status relates to making a priority of 'those disadvantaged members of the community most in need' and 'relief of poverty' yet, as workers in the charitable sector, we have made an effort to prioritise our programs to 'those most in need' and we believe that the community would perceive a charity as an organisation making a dominate effort to provide services to those 'most in need'.

It would be useful to have clarified the definition of both Charity and PBI at the same time and or have at least made reference to the relationship between them.

Thank you for your time.

Yours sincerely,

Denele Crozier  
Executive Officer

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