



9 December 2011

Manager  
Philanthropy and Exemptions Unit  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Sir/Madam,

Response to the 'A Definition of Charity' Consultation Paper

General Practice Network NT (GPNNT) is pleased to provide the following response to the Government's consultation on introducing a statutory definition of a charity.

GPNNT is a registered, not-for-profit company limited by guarantee and functions as a Division of General Practice, State Based Office (SBO) and Rural Workforce Agency across the entire jurisdiction of the Northern Territory. Our core activity is to promote the health and wellbeing of Australians through the delivery and organisation of primary care through general practice and broader primary care teams. GPNNT together with our partners Aboriginal Medical Services Alliance of the Northern Territory (AMSANT) and the Northern Territory Department of Health is currently in the process of establishing the NT Medicare Local primary health care organisation under the National Health Reform Agenda.

GPNNT is an income tax exempt charitable entity under subdivision 50-B of the *Income Tax Assessment Act 1997* and a tax concession charity (health promotion) under section 123D of the *Fringe Benefits Tax Assessment Act 1986*.

Through our core activity of health promotion or advancement and recruitment and retention of health workforce, we play a pivotal role in ensuring the people of the Northern Territory can access a high quality health system. Many programs implemented by GPNNT are funded through the Australian Government Department of Health and Ageing. These programs include aged care, mental health, Aboriginal health, practice nursing, immunisation, quality use of medicines, chronic disease management, rural and remote general practitioner recruitment and retention and eHealth.

GPNNT supports the Government's proposal for a statutory definition of a charity that would be applicable across all Commonwealth laws from 1 July 2013. Such an approach will provide greater certainty as to what is considered charitable and assist in reducing the current compliance burden of the organisation. GPNNT also supports the Government's long term aim of having a single definition of charity and charitable purpose for all purposes and for all levels of government.

GPNNT notes that the proposed definition of a charity will take a similar form to that proposed in the Charities Bill 2003, where an entity satisfying the following elements would be a charity:

1. the entity must be a not-for profit entity;
2. it has a dominant purpose which is charitable;
3. it is for the public benefit;
4. it does not engage in activities that do not further, or are not in aid of its dominant purpose; and
5. it does not have a disqualifying purpose.

GPNNT supports amending the 2003 definition to replace the 'dominant purpose' requirement with the requirement that a charity have an 'exclusively charitable purpose', so long as the charity can undertake activities that are unrelated, or not intrinsically charitable, but are ultimately in furtherance or in aid of its charitable purpose.

With respect to the charitable status of a peak body, GPNNT believes that further clarification is needed following the New South Wales Administrative Tribunal's decision. GPNNT believes that the charitable status of a peak body such as AGPN should be based on the fact that it satisfies the definition of a charity (as outlined above) in its own right and not simply the degree of integration and commonality of purpose with its members (who are charities).

GPNNT supports the 2003 definition of charitable purpose, which included the following:

1. the advancement of health;
2. the advancement of education;
3. the advancement of religion
4. the advancement of social or community welfare;
5. the advancement of culture;
6. the advancement of the natural environment; and
7. any other purpose that is beneficial to the community.

Finally, we note that the 2003 Bill defined a 'disqualifying purpose' as:

1. political advocacy that is more than ancillary or incidental; or
2. illegal activities.

GPNNT supports the Government's proposal to amend the 2003 definition of political advocacy, such that charities can engage in public debate and policy advocacy in order to influence government law or policy, provided their attempts to do so fall within their charitable purpose (e.g. the advancement of health).

Thank you once again for the opportunity to comment on these reforms.

Yours sincerely



Sue Korner  
Chief Executive Officer