

The definition in the Charities Bill 2013 manages at the same time to be both highly prescriptive and inadequately described, and may not cover the wide range of purposes for which charities exist and in which they deliver public benefits. The aim appears to be to exclude rather than include.

Clause 6(4)'Sufficient' is not defined well enough to support decisions: comparing one number with another will provide a ratio - but the Bill gives no guidance as to what ratio is to be regarded as 'sufficient'. This should be transparent and not left to the subjective and arbitrary judgement of a regulator.

Clause 7 The list does not recognise that people can be disadvantaged in ways other than being ill, aged, illiterate or poor. For example, disadvantage or distress may arise from experiencing traumatic events, suffering physical or mental disability (not associated with 'illness'), or marginalisation. Relieving the impacts of that disadvantage is of benefit to the public as well as to those assisted, and should be recognised in this list.

There is inadequate recognition of the facilitation role played by peak bodies which support, advocate for and build the capacity of charities engaged in direct provision of services. The definition should clearly include these bodies where the majority of their members meet the definition of 'charities'.

It is unclear whether the recent trend of government purchasing 'services' for the disadvantaged rather than funding the activities of mission-directed charities will affect whether activities are considered 'charitable purposes'.

Anne Hill