

PAXTON-HALL/127050 PPH:JB

20 July 2012

To: Committee Secretary
Of: House of Representatives
 Standing Committee on Economics

E-mail address: Economics.reps@aph.gov.au
From: Paul Paxton-Hall
E-mail address: paul.paxton-hall@foxthomas.com.au

Dear Sir

**Exposure draft for the Australian Charities and Not-for-profits
 Commission Bill**

In relation to the draft bill could I make a comment in relation to clause 205-35 of the bill dealing with basic religious charities.

Clause 205-35(2) provides that an entity is not a **basic religious charity** if it is incorporated under one of the various pieces of legislation identified in the clause including the *Corporations Act*. From a Queensland perspective this also extends to bodies incorporated under the *Associations Incorporation Act 1981*.

In practice there are certain religious organisations, at least in Queensland, who are incorporated pursuant to letters patent, issued under the 1867 *Religious Charitable and other Institutions Act (RECI)*. The provisions of the *Queensland Associations Incorporation Act 1981* allow for an opt in arrangement for bodies previously incorporated under the *RECI*. It would be advantageous therefore to clarify whether the carve out in clause 205-35(2) also extends to bodies incorporated pursuant to the grant of letters patent.

In addition, some religious organisations have their status granted pursuant to enabling acts of parliament e.g. the Brisbane Catholic Archdiocese and the Brisbane Anglican Diocese whilst other exist pursuant to legislation enabling cannons of the church to grant corporate status to entities.

Director

Paul Paxton-Hall

Senior Associates

Melissa Fitzpatrick
 Rebecca Parry

Level 10

15 Adelaide Street
 PO Box 12088
 Brisbane Qld 4003

t: 07 3007 9200

f: 07 3007 9270

brisbanemail@foxthomas.com.au
www.foxthomas.com.au

Fox and Thomas Brisbane Pty Ltd
 ACN: 151 130 111


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In other words, there are a number of ways in which religious organisations have corporate status and, in my view, the definition of basic religious charity could be clarified to make it quite clear what organisations are and are not court by the definition.

Yours sincerely 

Paul Paxton-Hall
Director
Fox and Thomas Brisbane Pty Ltd