

**Submission to the Senate Standing Committee on Economics:  
Inquiry into the Tax Laws Amendment (Public Benefit Test) Bill  
2010**

**By the Atheist Foundation of Australia Inc**

1. The *Atheist Foundation of Australia* supports the TAX LAWS AMENDMENT (PUBLIC BENEFIT TEST) BILL 2010 which will insert a public benefit test into the Income Tax Assessment Act 1997, requiring religious and charitable institutions seeking tax exemption to demonstrate public benefit through its aims and activities.
2. The *Atheist Foundation of Australia* agrees that a Public Benefit Test is an essential part of this reform, and this test should be administered by an independent body that must be convinced that in the proposed charity:-
  - There is an identifiable benefit arising from the aims and activities;
  - The benefit must be to the public or a significant section of the public, and not merely to individuals with a material connection to the entity.
  - Any public benefit the charity provides must outweigh any harm it causes.
3. The *Atheist Foundation of Australia* agrees with the broad definition of charity as outlined in the Bill as follows:
  - the prevention or relief of poverty,
  - the advancement of health or the saving of lives, the advancement of citizenship or community development,
  - the advancement of human rights, conflict resolution or reconciliation or
  - the promotion of religious or racial harmony or equality and diversity, etc.
4. The *Atheist Foundation of Australia* agrees that activities that: -
  - are damaging to the environment;
  - are dangerous or damaging to mental or physical health;
  - that encourage or promote violence or hatred towards others;
  - that unlawfully restrict a person's freedom, are not acceptable in all cases, but especially in organisations that describe themselves as a charity.

**Discussion**

1. Organised religions in Australia have changed radically since they were granted tax-free status. At that time the government judged their primary function to be charity. Charities are, by definition, non profit-making enterprises, however, the primary activity of organised religions in Australia today, is commerce – some denominations being among the wealthiest corporations in the country with lucrative share market portfolios, vast land holdings, prime real estate, commercial interests in manufacturing, food production – even casinos. The untaxed annual profits of the three largest religious corporations have been estimated to be in the billions of dollars.



2. In light of these changed circumstances, giving the commercial arms of organised religions the same taxation advantages as charities is a grave injustice to the honest tax and rate payers of this country who have to make up the taxation shortfall.

Although the trigger for this enquiry was alleged abuses by Scientology, it is essential that all charitable organisations, including and especially those run by organised religions, are subjected to a rigorous 'public benefit' test.

3. The fundamental doctrines of organised religions are opposed to democracy, liberal humanism, multiculturalism, pluralism, religious tolerance, secularism, free speech, equality for same-sex-oriented people, and equal rights for women. It is therefore inevitable that some of the activities of religion-based charities will do harm. For example;

- withholding information about the possibility and, in some cases, the desirability of pregnancy terminations;
- actively opposing the rational desires of aged sufferers of chronic and terminal illness to end their suffering with dignity;
- failing to address the status and sense of self-worth of women;
- and undermining the self-confidence of same-sex-oriented people while tacitly supporting active homophobic behaviour. Inevitably, these religion-based anti Human Rights attitudes are carried through to religious charities with sometimes disastrous results.

**Until these and other obstacles to fairness for everyone are removed, charities under the jurisdiction of organised religions should not receive support from Australian taxpayers.**

4. The problem of abuse is compounded by the fact that there is no fiscal or social accountability requirement for religious charities; thus, there is no way of knowing how much, if any, of the money actually comes from the religious organisation's funds, or how the money is spent. This situation is intolerable in a society that desires to be open, honest and accountable.

If organised religions want their charitable activities to receive taxpayer support, then these activities must become legally separate entities with audited accounts, clearly described objectives, and guarantees that they will honour the U.N. Charter of Human Rights.

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