



TD 92/197 - Income tax: is an institution which is established to provide advice and information to disabled persons a public benevolent institution?

 This cover sheet is provided for information only. It does not form part of *TD 92/197 - Income tax: is an institution which is established to provide advice and information to disabled persons a public benevolent institution?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *10 December 1992*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part 4VAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, the Determination applies to transactions entered into both before and after its date of issue.

Taxation Determination

Income Tax : is an institution which is established to provide advice and information to disabled persons a public benevolent institution?

Yes. Where an institution's objectives and activities are directed predominantly towards providing information and advice to disabled persons and their carers it qualifies as a public benevolent institution.

2. An institution is considered benevolent where its dominant objective and activity is the immediate and direct relief of poverty, sickness, distress, misfortune, destitution or helplessness and it directly provides relief to persons requiring it. An organisation must satisfy certain tests to qualify as a public benevolent institution; including, being non-profitmaking, being established for the benefit of a section or class of the public, and providing relief without discrimination to every member of that section of the public which it aims to benefit.

3. Where employees of an institution of the above description spend most of their time answering telephone enquiries from disabled persons or their carers, providing information and advice to disabled persons through other forums (e.g. seminars and shopfronts), updating and maintaining a database, and other related activities it is considered the predominant activity of the institution is to relieve helplessness or distress and it is therefore benevolent. The assistance provided by the organisation is considered to be **direct relief** as it provides an information and advisory service directly to the persons in need and not, for instance, by acting as a referral agency to other trained professionals.

4. The information service may provide for a wide range of disabilities ranging from persons with physical or intellectual disabilities to persons who are disabled because of old age. The service is able to directly satisfy the needs of the disabled because a significant part of the target group are unable to obtain, or have difficulty in obtaining, the information and advice through usual everyday means. Information and advice may be provided on issues as diverse as employment, education, accommodation, transport, government concessions and pensions, wheelchair repairs and registering a seeing eye dog for the blind.

5. It is considered that an institution which provides the above service is distinguishable from an institution which merely promotes the relief of helplessness, distress, etc through providing advice, information, research and advocacy to the community at large. These latter institutions are not considered to be providing or administering immediate and direct relief; unlike institutions, such as a disabled information service, which through their activities are providing aid to a targeted group in a direct and immediate sense. Organisations which provide information or advice in a more general sense, for example to the unemployed or sufferers of a particular disease or ailment are not considered to provide direct relief or to directly alleviate one of the conditions outlined in paragraph 2 above.

Commissioner of Taxation

10/12/92

FOI INDEX DETAIL: Reference No. I 1213756

Previously issued as Draft TD 92/D132

Related Determinations:

Related Rulings: CITCM 806

Subject Ref: public benevolent institution; disability service

Legislative Ref: ITAA 78(1)(a)(ii)

Case Ref:

ATO Ref: 92/3279-6

ISSN 1038 - 8982