

ACNC Health Promotion Charities Position Statement

Commitment:

Injury Matters will lead the way in advocating for Injury Prevention Charities to be recognised within Australian Charities and Not-for-profits Commission (ACNC) definition of a Health Promotion Charity.

Purpose:

To achieve legislative change in the definition of a Health Promotion Charities in Australia to further support organisations prevent injury-related hospitalisations and fatalities.

Target audience:

Legislators, Not-for-profit organisations.

Date: 5 October 2023

Version: Two

1. Background

Injury is the leading cause of death in Australians aged 15-44 and in 2021 over 11,600 Australians died due to injury.¹ Injury hospitalisations have continued to increase over the past decade and now exceed 528,000 per annum.² Injury is not random nor an inescapable event; they are preventable. With the ongoing burden that injury places on the health system in Australia and the preventable nature through increased knowledge around the mechanisms in which injury occurs, injury prevention should be prioritised within Australia.

The Australian Charities and Not-for-profits Commission (ACNC) is the national regulator of charities and was established under the *ACNC act*. The objectives of the ACNC are to:

- maintain, protect and enhance public trust and confidence in the Australian not-for-profit sector,
- support and sustain a robust, vibrant, independent and innovative not-for-profit sector, and
- promote the reduction of unnecessary regulatory obligations on the sector.

The ACNC has a category of charities called *Health Promotion Charity (HPC)*. The current definition of a *Health Promotion Charity* is "An institution whose principal activity is to promote the prevention or the control of diseases in human beings".³

Charities registered as Health Promotion Charities can qualify to become a Deductible Gift Recipient (DGR) via the Australian Taxation Office (ATO).³ DGR's are organisations that can receive tax-deductible donations. If a donation is tax-deductible, donors can deduct the amount of their donation from their taxable income when they lodge their tax return.⁴ Thus, organisations that qualify as a Health Promotion Charity with DGR status have greater ability to generate funds via philanthropic donations to help them achieve their purpose.

2. Summary

The current definition of an ACNC Health Promotion Charity is limited to *the prevention or control of diseases in human beings*, therefore excluding injury from its interpretation. The Commissioner's Interpretation Statement of the Health Promotion Charity also outlines that "Injury is not included in the definition of 'diseases'. Therefore an HPC cannot have a principal activity of promoting the prevention or the control of injury. However, diseases may arise from an injury. An HPC can have a principal activity of promoting the prevention or control of a disease that result from an injury."⁵

The exclusion of injury from this definition results in the dependence of injury prevention organisations to raise funds predominantly through government grants. Broadening the definition of Health Promotion Charities to include 'prevention of injury' enables greater opportunity to attract funding from philanthropic bodies.

Changes in eligibility to qualify as a Health Promotion Charity would enable injury prevention organisations to have a greater impact on the reduction of injury in Australia, which will result in an overall improvement to the health of Australians.

Additionally, the revision would significantly support the injury prevention not-for-profit sector by improving the ability to provide competitive remuneration features and benefits that other Health Promotion Charities are able to offer therefore improving the recruitment and retention of a professional and qualified injury prevention workforce.

3. Key Policy Statements

Injury Matters supports the need for the following:

- The Australian Government recognise the prevention of injury as a priority and advance changes in legislation to extend the Health Promotion Charities definition beyond disease, and to include the prevention of injury.

6. References

1. Australian Bureau of Statistics. Causes of Death, Australia, 2021. *Australian Bureau of Statistics* <https://www.abs.gov.au/statistics/health/causes-death/causes-death-australia/latest-release> (2022).
2. AIHW. Injury in Australia. *Australian Institute of Health and Welfare* <https://www.aihw.gov.au/reports/injury/injury-in-australia/contents/introduction> (2023).
3. Australian Government, ACNC. Health Promotion Charities. *Australian Charities and Not-for-Profits Commission* <https://www.acnc.gov.au/tools/factsheets/health-promotion-charities>.
4. Australian Government, ACNC. Deductible Gift Recipients. *Australian Charities and Not-for-Profits Commission* [https://www.acnc.gov.au/tools/topic-guides/deductible-gift-recipient-dgr#:~:text=Deductible%20Gift%20Recipients%20\(DGRs\)%20are,they%20lodge%20their%20tax%20return](https://www.acnc.gov.au/tools/topic-guides/deductible-gift-recipient-dgr#:~:text=Deductible%20Gift%20Recipients%20(DGRs)%20are,they%20lodge%20their%20tax%20return).
5. Australian Charities and Not-for-Profits Commission. Commissioner's Interpretation Statement: Health Promotion Charities. *ACNC* <https://www.acnc.gov.au/tools/guidance/commissioners-interpretation-statements/commissioners-interpretation-statement-health-promotion-charities> (2023).

7. Acknowledgements

This policy was developed by; Rachel Meade, General Manager Research, Advocacy and Evaluation.

This policy has been approved and issued by; Sandy Lukjanowski, Chief Executive.