

## Notes For The Solicitor And Accountant

### Organisation Aspects

The full and correct title of the organisation is “Open Doors Australia Incorporated.” (herein “Open Doors”). Open Doors is incorporated under the NSW Associations Incorporation Act 1984. The Registration Number is Y 02264-03.

ABN: 52 209 804 287 & ABRN: 164 482 731

Tax File Number: TFN: 92 563 140

### Taxation Aspects

Open Doors is a tax exempt body under Section 23(er) of the Income Tax Act. However, it has not been classified under Section 78 of the Income Tax Act so as to enable gifts to be tax deductible. Accordingly, there is a potential liability on an Estate to pay Capital Gains Tax on the gift to Open Doors in your Client’s Will of any non-cash assets (such as Real Estate or Shares).

### Gift of Money

Gifts of cash money are far easier for us to administer, and so we would request that any gifts be provided in that form. The following wording would be suitable for provision of a cash bequest:

“I give the sum of \$\_\_\_\_\_ (or \_\_\_\_\_ percentage of the residue of my estate) to Open Doors Australia Incorporated (herein “Open Doors”) AND the receipt of an appointed officer of Open Doors shall be a full discharge for my Executor.”

### Gift of Property

If the subject of your Client’s gift is currently in the form of Real Estate or Shares or other property, then giving it to Open Doors in that form may render your Client’s Estate liable to pay Capital Gains Tax. The following is a possible form of wording for the Solicitor’s consideration:

“I direct that my Executor sell [name of asset] and after the payment of all expenses for such sale and the payment of any Capital Gains Tax thereon, my Executor shall pay the net proceeds of the sale [or a percentage thereof] to Open Doors Australia Inc. (herein “Open Doors”) to be used for such purposes as the Board of Open Doors may in its absolute discretion decide AND I declare that the receipt by an appointed officer of Open Doors shall be a full and sufficient discharge for my Executor.”

### Residuary Estate

Alternatively, after making specific provision for the members of their Family in the Will, your Client may choose to leave the balance (the Residuary Estate) to Open Doors. Again, subject to the advice of the Solicitor on any Capital Gains Tax aspects, the following wording would be suitable:

“I direct that my Executor shall pay the residue of my Estate to Open Doors Australia Inc. (herein “Open Doors”) AND the receipt of an appointed officer of Open Doors shall be a full discharge for my Executor.”