

## CHAPTER 18: THE ADVANCEMENT OF EDUCATION

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As noted in Chapter 15, education has long been accepted as a valid charitable purpose and in the development of the common law the courts have taken a wide view of the meaning of education.

‘The advancement of education’, and the common law interpretation given to it, continues to have contemporary relevance and should continue to be specifically recognised as a head of charity. However, the Committee concludes that ‘the advancement of culture’ should be explicitly recognised as a charitable purpose under its own head of charity. This is discussed in more detail in Chapter 21.

The Committee acknowledges that education in its broad interpretation provides a significant public benefit which goes well beyond the mere imparting of knowledge. Education provides the foundation skills, knowledge and experience which help develop in people, particularly the young, the capacity for a productive and fulfilling life and for their constructive participation in society.

The Committee does not accept the proposition put in some submissions that education should no longer be recognised as a charitable purpose. In our view, the fact that school education is now compulsory and that it is largely accepted as a responsibility of the state does not detract from it being a charitable purpose. Indeed, the insistence by the state that all children participate in formal education confirms the public benefit that it bestows. The fact that governments also provide education does not deny the charitable status of entities that provide education for altruistic purposes.

In affirming the common law interpretation of ‘the advancement of education’ as a charitable purpose, the Committee supports the view that education should be understood as having a broad meaning which embraces the fostering of learning irrespective of age.

The Committee considers that the following non-exhaustive list of purposes is indicative of the types of purposes that would fall within this head of charity:

- the provision of formal education through preschools, schools and tertiary education institutions, including the provision of buildings and related educational facilities;
- research directed towards expanding human knowledge;

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- non-formal education aimed at the development of citizenship and life skills, particularly in young people, such as through the Scouts and Guides;
- the support of education through, for example, the provision of prizes and scholarships; and
- the provision and support of facilities and services integrally associated with the operation of educational institutions, such as sporting facilities, student unions and parent organisations.