**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Environment portfolio

Question No: 99

Hearing: Additional Estimates

Outcome: Corporate

Programme: Policy Analysis and Implementation (PAAI)

Topic: Register of Environmental Organisations

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Question Date: 23 February 2015

Question Type: Spoken

Senator Canavan asked:

Senator CANAVAN: If an organisation's principal purpose is education, is there any obligation on them not to make misleading or deceptive claims?

Dr Kennedy: That is a good question. If it were drawn to our attention that one of the bodies were making claims that did not have educational value—let's put it that way—so they were deliberately misleading, then they would be—

Senator CANAVAN: Have you ever investigated an organisation for those reasons?

Dr Kennedy: I do not know off the top of my head. I will have to take that on notice. When we say 'education' we do not mean you can just make up something and say something patently misleading. But there would be a point—and this again would be a spectrum—where a set of statements are clearly misleading, are advocacy and are beyond education. Then there would be a set of contested areas.

Senator CANAVAN: I am really interested in how this is enforced, because, whatever the law says, if it is not enforced then it does not matter—if you could take that on notice. I know from last estimates you gave me some information. But could you take on notice if anyone has been even investigated for not complying with that particular principal purpose.

Answer:

The Department is not aware of any investigations conducted into a registered organisation for making false or misleading claims. There are no specific obligations under the *Income Tax Assessment Act 1997* about making misleading or deceptive claims. Such allegations could however be investigated in terms of whether the organisation's principal purpose continues to meet the requirements of section 30-265(1).