

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

Question No: 7
Hearing: Budget Estimates
Outcome: Corporate
Programme: Policy Analysis and Implementation (PAAI)
Topic: Register of Environmental Organisations
Hansard Page: 10-11
Question Date: 25 May 2015
Question Type: Spoken

Senator Canavan asked:

Senator CANAVAN: My final question relates to the last estimates. In question 102 I was asking whether anyone has been taken off for noncompliance with a certain section of the act. You said that last year you warned an organisation that it could be breaching the relevant section and later on the organisation agreed and consented to its removal. Which organisation was that?

Dr Kennedy: I will take that on notice.

Answer:

The Department previously submitted the following answer to Question on Notice 102 (Supplementary Budget Estimates, 20 October 2014):

On 2 July 2014, the Department warned an organisation that its operation could be breaching section 30-270(2) of the Income Tax Assessment Act 1997. In a letter dated 7 July 2014, the organisation agreed with the department's assessment and consented to the Department seeking its removal from the Register.

It should be noted this removal from the Register has not yet been formalised and is currently under consideration.

The Department does not ordinarily provide information obtained or generated in the day to day process of administering the Register as it is protected by the confidentiality provisions of the *Taxation Administration Act 1953*.

Without naming the organisation, this particular matter relates to an administrative issue resulting from the merger of two organisations, each with a public fund.

The *Income Tax Assessment Act 1997* requires that a fund be wound up and the surplus assets transferred to another fund on the Register rather than just moving money collected from the fund being made redundant to the ongoing fund. This is the issue that has been resolved by agreement.