

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

Question No: 371
Hearing: Supplementary Budget Estimates
Outcome: Corporate
Programme: Policy Analysis and Implementation
Topic: REGISTER OF ENVIRONMENTAL ORGANISATIONS - REMOVAL FROM THE REGISTER
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Question Date: 20 October 2014
Question Type: Spoken

Senator Canavan asked:

Senator CANAVAN: Has any organisation ever been taken off of the register?

Ms Jensen: I believe so. I would need to take that on notice, to be sure.

Senator Birmingham: From the information I have seen cross my desk over the last 12 months, a number of organisations come off of the register every year, some voluntarily of course. Some come off because of failures to comply with requirements under the DGR status. Usually they have not submitted the necessary reports and so on, and when dug into it is usually found that they have become inactive in any event. Whether there has been a serious breach of non-compliance of the nature suggested in this instance that has led to somebody being removed from the register, I am not sure. But it in both admittance to the register and removal from the register, I believe that they are decisions that need to be undertaken jointly between the Minister for the Environment and the Assistant Treasurer.

Senator CANAVAN: Can I narrow my question on notice to whether any organisation has been taken off the register because of non-compliance with section 30.270 of the Income Tax Assessment Act?

Ms Jensen: Certainly, we can take that on notice.

Answer:

Section 30–270 of the Income Tax Assessment Act 1997 (the Act) has four sub-sections that apply to the Register of Environmental Organisations (Register). They are:

- 30–270(1) No payment of profits to its members;
- 30-270(2) No acting as a conduit;
- 30–270(3) Surplus assets to be transferred on winding up; and
- 30–270(4) Statistical information to be provided.

Under Section 30-285 of the Act, the Assistant Treasurer and the Minister for the Environment may direct the Secretary of the Department of the Environment to remove an organisation, and the public fund it maintains, from the Register. The direction must be in writing and must specify the day on which the organisation and public fund are to be removed from the Register. The day must be the day on which the direction is given or a later day. In the cases noted below, the date given is the date the second minister signed the direction, and is the date the direction became effective.

On 15 April 2014, 17 organisations were removed from the Register. Of these:

- 10 requested removal; and
- seven were removed for non-compliance with Section 30-270(4) of the *Income Tax Assessment Act 1997* (failure to provide statistical information to the Department).

On 2 October 2014, 15 organisations were removed from the Register. All of these organisations requested removal.

Organisations often request removal after receiving a compliance notice.

The Department is unable to provide information on the reason for removal of individual organisations as this information is not publicly available as it is protected under Division 355 of Schedule 1 to the *Taxation Administration Act 1953*.