

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

Question No: 182
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Programme: Environment Standards Division (ESD)
Topic: Environmental Organisations Deductible Gift Register
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Question Date: 13 November 2015
Question Type: Spoken

Senator Canavan asked:

Senator CANAVAN: Given that you are one of the departments in charge of the deductible gift register for environmental organisations, is it your understanding that those donations would receive a tax deduction?

Mr Thompson: I cannot answer that. It is not really an area of the department that I look after.

Senator CANAVAN: Okay; I understand that.

Mr Thompson: I would have to take that on notice.

Senator CANAVAN: I realise we have only 1.5, so I am happy for you talk to that, Dr de Brouwer.

Dr de Brouwer: We can come back on that one on notice. I think the sense is that the legislation is very broad—the requirements, the purposes are very broad—under the act.

Senator CANAVAN: And when you do take that on notice, I would refer you—and maybe I will send you the relevant link—to the Australian Conservation Foundation's website, where it says that all donations to the Australian Conservation Foundation over \$2 are tax deductible. From that I am presuming that these particular donations for which they are asking for this legal action are also tax deductible. But if you have other information I would be interested in that.

Senator RONALDSON: You will take all that on notice.

Dr de Brouwer: We will. I assume that what you are saying is right, Senator Canavan, but we will come back to you on notice.

Answer:

The Australian Conservation Foundation Incorporated is an 'Environmental Organisation' listed by name under Item 6.2.1 of table 30-55(2) in Subdivision B of the *Income Tax Assessment Act 1997*. The Australian Taxation Office is responsible for the administration of organisations listed by name in the Act.

As the Australian Conservation Foundation Incorporated is listed by name, it is not considered to be listed on the Register of Environmental Organisations and is not subject to the Register provisions of Subdivision 30-E of the *Income Tax Assessment Act 1997* which contains the requirements on the operation of the Register.

The Australian Conservation Foundation Incorporated is required to have a policy of not acting as a mere conduit in the collection of donations on behalf of other organisations. The *Income Tax Assessment Act 1997* does not expressly restrict the types of activities (such as litigation) that a registered organisation may itself engage in using donations it receives.

Deductable donations

Donations made to an organisation with Deductible Gift Recipient status, such as the Australian Conservation Foundation Incorporated, are tax deductible only if the applicable special conditions in the *Income Tax Assessment Act 1997* are met (relevantly for the Australian Conservation Foundation Incorporated, sections 30-15 and 30-60).

The legislative requirements set for deductible gifts and determining Deductible Gift Recipient status are administered by the Australian Tax Office, rather than the Department of the Environment.

The Australian Tax Office has reviewed this response and agrees with it.