



CONSERVATION COUNCIL ACT REGION

Submission to House of Representatives Standing Committee on the Environment inquiry into the administration, transparency and effectiveness of the Register of Environmental Organisations under the *Income Tax Assessment Act 1997*

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The Conservation Council ACT region is the peak non-government environment organisation for the Canberra Region. We have been the community's voice for the environment in the Canberra region since 1979.

Our mission is to achieve an ecologically sustainable and zero net carbon society through advocacy, education, research and engagement with community, the private sector and with government.

We represent more than 40 member groups who in turn represent over 15,000 supporters. We harness the collective expertise and experience of our member groups and networks. We work collaboratively with Government, business and the community to achieve the highest quality environment for Canberra and its region.

The Conservation Council is active in a number of campaign areas. Our current focus includes:

- **Biodiversity Conservation** – protecting our unique ecological communities and the Bush Capital
- **Climate Change** – a regional, national and global challenge
- **Planning** – the right things in the right places
- **Transport** – connecting people and places
- **Waste** – being efficient through closed-loop systems
- **Water** – smart use of a scarce resource
- **Governance** – for a Smarter, Sustainable Canberra

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1 Overview

The Conservation Council ACT Region welcomes the opportunity to address this inquiry and its terms of reference. The Council has existed since 1979 as an advocate for the environment in the ACT region, working with member groups to protect and enhance the local environment.

Our funding has included base funding through government grants (ACT only, Commonwealth funding has ceased), project funding from governments and others, philanthropic trusts, public donations, fundraising events. Tax deductibility of donations has been useful in advertising and attracting donations, reducing our call on other sources.

Our advocacy work includes liaison with a range of elected and non-elected government officials, developers and business groups, other community organisations, and with the general public.

We advocate to protect and enhance the environment for a range of reasons:

- on behalf of our member groups who have limited resources to undertake such advocacy
- following assessment of a range of issues across 'on-ground' activities which raise the need for co-ordinated action to achieve resolution
- to give local effect to national and international environmental issues – both to provide local support and also to set in place measures learned from other's experiences.

This submission is part of advocating for protection of the environment. The Conservation Council ACT Region does not have the resources to deal with all the environmental issues facing us. We need to work with a range of other groups – including but not limited to other environmental groups – to share resources and knowledge and techniques on how to deal with these issues. We are concerned that this inquiry could be used to reduce the resources available to environmental groups and the environment, and society more broadly, would worse if this was to occur.

We do not support a restriction on environmental advocacy. It is our view that limited advocacy harms all environmental organisations and the protection of the environment as a whole.

Advocacy is an important and integral part of giving effect to on-ground practical environmental work and environmental research.

2 Responding to terms of reference

The House of Representatives Standing Committee on the Environment will inquire into and report on the administration and transparency of the Register of Environmental Organisations (the Register) and its effectiveness in supporting communities to take practical action to improve the environment. The Inquiry will have particular regard to:

- the definition of 'environmental organisation' under the *Income Tax Assessment Act 1997*, including under Subdivision 30-E;
- the requirements to be met by an organisation to be listed on the Register and maintain its listing;
- activities undertaken by organisations currently listed on the Register and the extent to which these activities involve on-ground environmental works;
- reporting requirements for organisations to disclose donations and activities funded by donations;
- the administration of the Register and potential efficiency improvements;
- compliance arrangements and the measures available to the Department of the Environment and the Australian Taxation Office to investigate breaches of the Act and Ministerial Guidelines by listed organisations; and
- relevant governance arrangements in international jurisdictions, and exploring methods to adopt best practice in Australia.¹

We will particularly address terms bullet points one and three in this submission. Although all points deserve some attention we would make the general point that governance of environment organisations should not be treated differently to other non-profitable and charitable organisations in Australia.

That is to say environment organisations on the Register of Environment Organisations should comply as appropriate with the same laws and regulations which apply to other organisations which incorporate through state or Territory Incorporated Associations legislation or at the national level through registration with the Australian Charities and Not-for-profits Commission.

2.1 TOR 1 – the definition of 'environmental organisation' under the *Income Tax Assessment Act 1997*, including under Subdivision 30-E;

The *Income Tax Assessment Act 1997* s30.265 (Sub-division 30-E) sets out that for a group to be on the Register:

- (1) Its principal purpose must be:
 - (a) the protection and enhancement of the natural environment or of a significant aspect of the natural environment; or
 - (b) the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of the natural environment.²

We regard these clauses as the relevant parts of 30-E for the purposes of the Inquiry.

The “protection and enhancement of the natural environment” occurs within a context of human relations with nature and there are many values given by humans to the natural world. Some of these are in conflict with the natural values of the environment, that is, the values of the environment which allow it to exist as a sustainable habitat supporting endemic flora and fauna. Although there are many times and places where humans are appropriately part of that environment there are also many human activities which conflict with the natural environment.

In these circumstances, where humans are potentially damaging the natural environment, there needs to be human voices speaking for its protection. Advocacy for the environment is an essential and inseparable part of the “protection and enhancement of the natural environment”.

Recommendation 1:

That the Committee report recognises that advocacy for the environment is an essential and inseparable part of “protection and enhancement of the natural environment”

The work of advocacy could take many forms including through direct participation in House of Representatives inquiries, no matter how much they might seem to take away valuable time that could be used in more direct protection and enhancement of the natural environment.

The Conservation Council ACT Region will undertake advocacy on behalf of the environment through a range of approaches including meetings, correspondence, speaking with the media, organising and attending rallies and protests, engaging in political processes including working with parties in policy formulation and commenting on party policies and announcements. As required, the Conservation Council is a political advocate at the same time as being non-partisan. We hold that we need good environmental policy and we will equally criticise and praise all parties according to their policies, not who they are.

Part 1(b) would seem to be relatively non-contentious:

- (b) the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of the natural environment.³

However, it is important to note that the “carrying on of research” often only occurs after there has been space provided and resources allocated following advocacy for such research. At the same time, the research itself might require advocacy to have an effect.

For example, in the ACT the Nature Conservation Act⁴ sets out processes for the declaration of species where persons may put to a Scientific Committee the need to making a recommendation to the Minister.

39 Request to committee to recommend making of declaration

(1) A person may make an application to the committee requesting the committee to recommend the making of a declaration under section 38.

In this way the research becomes a point of advocacy to protect and enhance the natural environment.

A recent case was the announcement in the ACT that the scarlet robin (male, pictured. Photo: Geoffrey Dabb). The work to declare this species had commenced some two years previously and had been undertaken by individuals working through Canberra Ornithologists Group – a Conservation Council ACT Region member group.⁵



It is also worth noting that the Action Plan that follows the declaration of a threatened species almost always involves additional research including monitoring and that again earlier advocacy has lead to research.

***Recommendation 2:
That the Committee's report recognise that environmental
research often relies on public advocacy before it is undertaken.***

There should also be a broad definition of what is a significant aspect of the natural environment. The Conservation Council ACT Region, for example, is involved in the protection of several threatened species including the Golden Sun Moth.

Relatively little is known about the lifecycle of the Golden Sun Moth yet the Conservation Council and others will work to maintain and enhance its habitat using the precautionary principle⁶ that we should minimise the risks to the environment even if we do not yet know the full implications of the loss of that part of the environment.

Recommendation 3:

That the Committee's report acknowledge the importance of the precautionary principle in consideration of environmental matters

2.2 TOR 3 – activities undertaken by organisations currently listed on the Register and the extent to which these activities involve on-ground⁷ environmental works

The Conservation Council ACT Region is made up of member groups who undertake a range of activities including advocacy, planting, weeding, observing, recording, campaigning, informing and educating.

On ground environmental works could include all of these activities and more.

There are times, thankfully rare, where existing “on-ground” works need advocacy for protection. There have been several instances over the years around Canberra of access roads being graded and swales being “refreshed” by removing native plantings being established to reduce erosion and hold more water in the landscape.

There is also a point at which the scale of action required to protect and enhance the environment rises above the ground and needs to have a larger picture view and action undertaken.

Again we refer to the Golden Sun Moth, a species that is associated with natural temperate grasslands, which are habitats under threat themselves. Protection of the Golden Sun Moth essentially means allowing for it to have adequate habitat and this habitat will not be protected without advocacy. The Conservation Council has recently produced a draft map of the fragmented habitat of the Golden Sun Moth based on available data and taking into account the need for buffers (Attachment 1).

The map illustrates the scale of the task to provide for on-ground work needed to occur to build the connectivity to provide for the resilience of the Golden Sun Moth. There will need to be discussions with government to ameliorate the impact of urban development on remaining pockets; there will need to be engagement with contractors on best methods and times of mowing; members of the community might also have a role in plantings and mowing and managing domestic animals.

It remains a matter of interpretation as to whether these activities fall into the category of on-ground works or facilitating on-ground works. Whatever happens to save the Golden Sun Moth the Conservation Council would like to have a role to advocate for its protection from a big-picture aerial view right down to the ground, and slightly below depending on the time of lifecycle.

Recommendation 4:

That the Committee's report recognise that on-ground activities are an important part but only a part of the of the overall effort required to enhance and protect the environment and that advocacy is an integral part of environmental protection.

3 Summary

The Conservation Council ACT Region regards advocacy as an essential part of our work in protecting and enhancing the environment. In turn, our work is enhanced by being able to attract donations on the basis that such donations are tax-deductible and we can do this because we are on the Register of Environment Organisations.

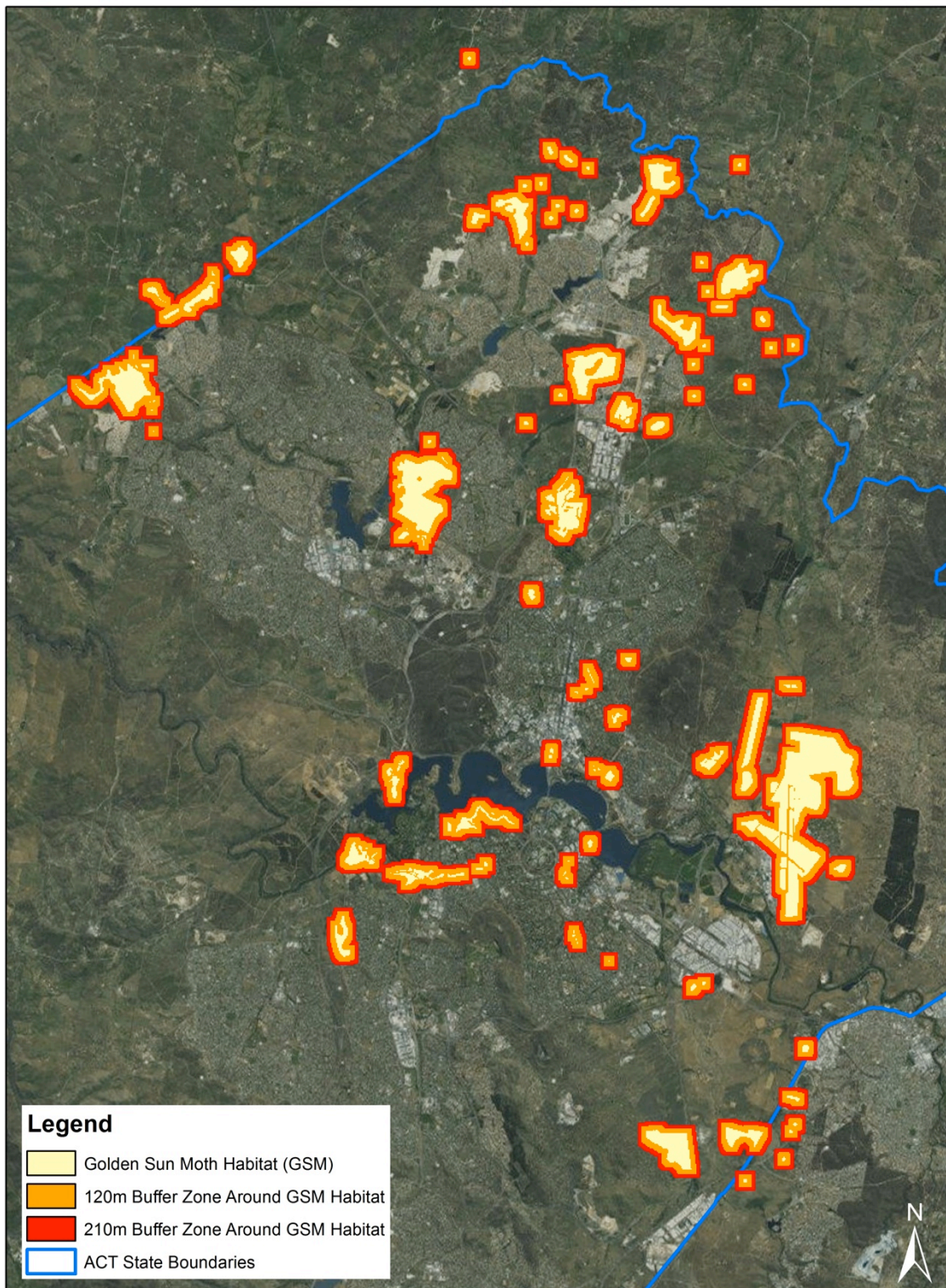
At the same time, we benefit from even higher-level work being undertaken by other environmental organisations around Australia. We do not have the resources to cover all the issues which impact on the environment in our Region, sometimes because the issues are very complex (e.g. identifying the impact of pollutants) or relate to larger issues (e.g. climate change is a global issue). However we do take an interest and will provide support to these issues as they can or will impact on us too.

Environmental issues are essentially human issues – it is what we humans do to the environment that matters and we need to work together to build for a planet that is liveable for us and all our fellow plants and animals.

We commend our submission to the committee and would welcome the opportunity to appear before the committee to discuss the issues raised.

4 Attachment 1:

Isolation of Golden Sun Moth Habitat in the ACT



Basemap provided by ESRI World Imagery,
GSM Habitat data supplied by the Conservation Council.

0 1 2 4 6 8 Kilometers

1

http://www.aph.gov.au/Parliamentary_Business/Committees/House/Environment/REO/Terms_of_Reference

² http://www.austlii.edu.au/au/legis/cth/consol_act/itaa1997240/s30.265.html

³ http://www.austlii.edu.au/au/legis/cth/consol_act/itaa1997240/s30.265.html

⁴ <http://www.legislation.act.gov.au/a/1980-20/current/pdf/1980-20.pdf>

⁵ <http://www.canberratimes.com.au/act-news/scarlet-robin-declared-a-vulnerable-species-in-the-act-20150519-gh4x3p.html>

⁶ “The **Precautionary Principle** is a strategy to cope with possible risks where scientific understanding is yet incomplete, such as the risks of nano technology, genetically modified organisms and systemic insecticides.” <http://www.precautionaryprinciple.eu/>

⁷ “on-ground” might need more definition. [Oxford dictionaries](#) has “on the ground” as meaning “real, practical” although each example provided implies that on the ground work is only part of the total:

Definition of **on the ground** in English:

In a place where [real](#), [practical](#) work is done: *the [troops](#) on the ground are [cynical](#)*

MORE EXAMPLE SENTENCES

- *They are the ones who can really drive change on the ground, and make a difference.*
- *It can then be guided by an operator on the ground with the aid of the live video link to screens on the ground.*
- *He appears to have been caught out by not monitoring what was happening on the ground.*