



**Gecko - Gold Coast and Hinterland Environment Council Assn Inc.**

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Committee Secretary  
House of Representatives Standing Committee on the Environment  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

By email to: [environment.reps@aph.gov.au](mailto:environment.reps@aph.gov.au)

**Attention Peggy Danaee**

Dear Committee

**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***

**Supplementary submission from Gecko- Gold Coast and Hinterland Environment Council Assoc Inc (Gecko)**

Gecko thanks the Committee for their invitation to appear as witnesses before the Committee. The witnesses, Mrs Lois Levy and the writer, Mrs Rose Adams jointly prepared our original submission dated 20 May 2015 (submission no. 245) attached. Each has served on Gecko's Management Committee for 25 years and 13 years respectively.

We offer this supplementary submission to support the statements in that submission and to express our solidarity with the views of so many other submitters to this Inquiry, having had an opportunity to read their submissions. The register of Environmental Organisations (REO) lists, as at December 2014, 588 organisations and there are 13 additional environmental organisations listed in the *Income Tax Assessment Act 1997*. Gecko is proud to be included in that number and we have high regard for the work of these organisations and the many thousands of individuals associated with them. These people are ordinary Australians with a passion for protecting the unique flora and fauna of Australia which is threatened by many impacts and processes in today's society. We are more familiar with the work of Queensland groups, particularly those Regional Councils working in association with the Queensland Conservation Council but feel great respect towards our colleagues elsewhere in Australia.

We draw the Committee's attention to the strong principles addressed in submissions from these groups and many others, which Gecko also expressed, perhaps not with the same eloquence but equal commitment and passion.

Gecko offers additional comments in the following areas:

**1. Framework for listing and operation of Not-for-profit environmental organisations**

Groups accepted for listing on the REO have all had to undergo a rigorous process of application and assessment by the Department of Environment and Heritage and must meet the 'principal purpose' test as set out in the *Income Tax Assessment Act 1997*. An organisation's principal purpose must be either:

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.

In this respect of the latter, we agree with the view expressed in sub 185 by the federal Department of the Environment that the provision of information or education, or the carrying on of research, should ultimately be directed at some positive benefit relating to the protection of the natural environment. This is without exception the purpose of our organisation and of many groups with whom we engage. We make the distinction though that education is not simply natural history studies and that understanding the impacts of humans upon the environment is an integral part of the education process.

The operation of these groups is described by legislation, including annual reporting requirements and the strict operation of Donations Accounts. Registered Associations are further regulated in each State and Territory through the Office of Fair Trading. Provided environmental organisations work within this framework, Gecko believes it is contrary to the intent of the relevant Acts to “punish” those who lawfully advocate on behalf of the environment by, threatening their removal from the REO and cancelling their eligibility hold deductible gift recipient status, so potentially reducing their income and consequent opportunities to express their viewpoints to the community.

While Gecko cannot speak to the objectives of other organisations, we refer to our own Mission Statement, *“To actively promote, conserve and restore the natural environment and improve the sustainability of the built environment of the Gold Coast region in partnership with our member groups and the wider community”* and further, our Objects as defined in our Constitution, which we attach. In particular, we highlight:

5) To advocate by any peaceful means, any individual, group, company or government to cease exploitative, ecologically unsafe practices and to urgently seek, then implement alternatives.

To the best of our knowledge Gecko believes we share these objectives and peaceful intent with environmental organisations throughout Australia.

## **2. Community benefit**

As we have stated previously, the work of an environmental organization is of considerable community benefit that extends beyond on-ground works such as weeding, tree planting and providing education about the environment to the public. Gecko provides training of volunteers (including those registered with Centrelink) who come through our office, equipping them **at no cost** with a variety of skills including office management, Workplace Health and Safety requirements, computer literacy, effective use of social media, an understanding of the operation of local governments, State and federal government, environmental protection and Town Planning, to name but a few. Many of our volunteers move on to take up paid employment, having been prepared for a more formal work environment. Mature age volunteers who find difficulty in rejoining the workforce or who have been made redundant, gain a new sense of purpose as their talents are put to constructive use. As well, Gecko provides opportunities for tertiary students to experience hand-on experience relating to their field of study and engages with Work for the Dole participants.

As an extension of our ethos, Gecko works to develop a strong connection between individuals and the natural environment so that they embrace messages of sustainability and responsible treatment of the environment and all its components. In this way environmental organizations help reduce littering and pollution and promote healthier, more sustainable lifestyles in harmony with nature, complementing the efforts of all levels of government in these areas.

Management of all these many areas of activity is undertaken by volunteers who stand on Management Committees. They enjoy no financial benefit for this work and willingly offer their time and energy because of

their strong commitment to ensuring a healthy, biodiverse environment for the benefit of current and future generations. Those only undertaking paid work will perhaps fail to appreciate the many challenges involved in balancing work and family responsibilities with a meaningful participation in the operation of an environmental organization. NGO's are typically poorly resourced and in most instances rely on donations to carry out all these activities. They would undoubtedly suffer financial hardship if their tax deductible status was not maintained.

### **3. On- ground work**

It has been suggested that the only legitimate primary focus for an environmental organisation should be on ground works in Landcare, tree planting, beach clean-ups, litter collection and activities of this nature. While Gecko is involved in all of these activities, Gecko believes this is too restrictive and in some instances, such as groups located in urban areas, there may not be sufficient opportunity for such activities or the ability to source volunteers. An important part of the work of environmental NGO's is participation in opportunities for community consultation, compiling submissions that genuinely seek to improve legislation, policy and/or development applications and assisting the community to understand proposals and submit properly made submissions. Community consultation is a requirement in many legislative processes and is particularly valuable when environmental values may be threatened. If groups cannot participate fully and meaningfully in this process, it makes a mockery of the legislation. Given the sometimes fleeting involvement of some volunteers, an NGO must work to its strengths and may focus more effectively on research and education which have been upheld as meeting the "principle purpose test".

### **4. Constructive dialogue with the community, business and decision makers**

Advocacy on behalf of those who have no voice, that is, our native plants and wildlife, our marine and terrestrial ecosystems and the great natural forces that make our planet a livable place is a fundamental role of any environmental organization. While different groups may focus on their particular areas of interest, it is vital that we are all able to speak out freely and without fear of retribution. There are laws to control public behaviour and to ensure that public statements are truthful and are not threatening, intimidating or libelous. Beyond these accepted norms, it is a democratic right to lobby for policies, legislation and actions that offer meaningful environmental protection. It is a matter of great concern to environmental organisations that an underlying motivation for this Inquiry, for some participants, appears to be to shut down voices that criticize poor decision-making. We ask instead for greater respect for a diversity of views and ideas, for creative thinking to solve the challenges a growing human population faces in a world of finite and dwindling resources. As well, the threats posed by an increasingly unstable climate require better dialogue with thinkers, scholars and those with scientific and environmental experts, many of whom work in close association with and within environmental organizations.

These views are shared by environmental groups which have offered submissions to this Inquiry and even from government agencies. We quote from the Australian Government's Australian Charities and Not- for- Profits Commission submission 189:

#### **1.3 Charitable purpose: Advocacy**

A registered charity can undertake advocacy in furtherance or aid of another charitable purpose.

The Charities Act defines the charitable purpose of advocacy as:

*(l) the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:*

*(i) in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k); or*

*(ii) in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.*

The definition reflects the position at common law in Australia, as determined by the High Court of Australia in *Aid/Watch v Commissioner of Taxation*.

The appropriateness of NGO's to engage in lobbying as described above are echoed in many submissions, including that of (The Hon) David Harper AM QC (sub 59) Judge of the Supreme Court of Victoria 1992-2013 and Judge of the Court of Appeal of that Court 2009-2013 who referred to the above case and who eloquently stated, " While some politicians and business lobby groups might not always agree with the views of environment organisations on the Register, their advocacy is lawful, integral to public debate, and leads to practical environmental outcomes - such as protecting our most cherished natural places."

As Gecko stated in our original submission, Australia is the proud signatory to the United Nations Declaration of Human Rights which clearly states in **Article 19** of the [Universal Declaration of Human Rights](#) and recognized in [international human rights law](#) in the [International Covenant on Civil and Political Rights](#) (ICCPR) that "everyone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

We trust this Inquiry will be guided in their deliberations by this declaration.

There is criticism in some submissions that groups on the REO are lobbying on behalf of political parties. It is Gecko's communication policy, strongly shared by groups with which we interact, that only designated persons may speak on behalf of our organisation. They may not lobby on behalf of a political party or a political candidate but may offer informed comment on policies in a non-partisan manner. A clear distinction must be drawn between this and the right of individual members to participate in the electoral process as they see fit **in their private capacity**. Members and volunteers are not asked about their political views and are only expected to comply with our aims and objectives and adhere to our policies.

#### **5. Charitable status of organisations not on the REO**

It is troubling that the focus of this inquiry seems to target only environmental organisations. By logical extension the suggestion of stripping rights away should apply to other organisations that enjoy tax deductibility status as charities. Should these groups too be threatened with deregistration or be dissuaded from speaking out, rightfully, to seek better outcomes for their clients? Equitable treatment of disadvantaged people is not achieved if charities have restrictions applied and are prevented from speaking out. This is the same as denying environmental groups a voice to demand fair treatment of nature, which sustains all life on this planet. Likewise, lobby groups from industry should be as closely examined with regard to tax exemptions they may enjoy.

#### **6. Reduction of red tape**

The reporting requirements in the past have been very onerous for groups on the REO and Gecko welcomes the deduction in the level of detail required introduced in recent years. We do not however support the further reduction of red tape to a degree of flexibility that is open to abuse. Gecko suggests a single point of reporting should be to the ACNC.

In conclusion Gecko comments that environmental organisations should have a clearly articulated purpose which they should feel free to pursue, within a transparent and fair framework. Their activities should not be re-shaped to the whim of changing governments and their contribution to the environment, to society and to the economy should be valued and respected.

We thank the Committee for the opportunity to appear as witnesses and hope this and the many submissions it has received have provided an insight into the import role environmental organisations play in Australia.

Yours sincerely

Rose Adams  
Secretary

Lois Levy OAM  
Gecko Advocate

Gecko's Mission Statement:

*"To actively promote, conserve and restore the natural environment and improve the sustainability of the built environment of the Gold Coast region in partnership with our member groups and the wider community."*

Our Aims and Objectives: (From Gecko's Constitution)

## 1 **OBJECTS**

The Objects for which the Association is established aim:

- 1) To promote the conservation, protection and restoration of our world's environment along sound ecological principles
- 2) To protect and preserve ecological sustainability and encourage this as a goal for all facets of society
- 3) To educate and inform all sections of our community in the values of conservation, preservation and protection of our environment
- 4) To encourage and promote personal, public and government care of the environment
- 5) To advocate by any peaceful means, any individual, group, company or government to cease exploitative ecologically unsafe practices and to urgently seek, then implement alternatives
- 6) To maintain an environmental resource library
- 7) To support, cooperate and affiliate with organizations engaged in activities that support the Association's aims; and
- 8) To maintain a Donation Fund known as a Public Fund as described in Rule 3 (7) (Refer Rule 36 Donations)