



20 May 2015

Peggy Danaae  
Secretary  
Standing Committee on the Environment  
House of Representatives  
Parliament of Australia

### **Inquiry into the Register of Environmental Organizations**

Dear Secretary,

Launched in September 2001, the Tasmanian National Parks Association (TNPA) is a non-profit, non-government organisation that gives the public a voice on issues that affect Tasmania's National Parks and other conservation reserves. Like similar associations in other Australian States, the TNPA provides a link between the community, park policy makers and other government and non-government organisations, to identify and address issues concerning the ongoing management of Tasmania's reserve system and other areas of high conservation status.

The TNPA membership reflects a range of interests and expertise in relation to reserved land, and has within its membership considerable expertise in reserved land management and in natural and cultural values management. Further information about the TNPA can be found at [www.tnpa.asn.au](http://www.tnpa.asn.au).

The TNPA is concerned that this inquiry appears to be an attempt to narrow the definition of an environmental organisation worthy of tax deductible status to include only groups that undertake on-ground works. Lobbying and campaigning, if they prevent environmental damage from occurring in the first place, can be far more effective means of achieving the protection and enhancement of the natural environment than on-ground works.

The TNPA provides the following views on your second and third terms of reference.

Your second term concerns 'the requirements to be met by an organisation to be listed on the Register and maintain its listing'. TNPA considers that these requirements are substantially covered by Subdivision 30-E of the *Income Tax Assessment Act 1997*, where it states:

30-265 Its principal purpose must be protecting the environment

(1) (a) - the protection and enhancement of the natural environment

(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.

However, we would like to have section (1) (b) extended to clarify that “the provision of information or education” includes political campaigning and lobbying on behalf of the natural environment. This is because we operate in a democracy and as democracies run on public opinion (i.e. government policies should reflect public opinion) it is essential that this opinion be stimulated to develop as much as possible. To do this, the public must be given incentives to discuss and deliberate public affairs. Political campaigns do much to provide this encouragement and also to convey much of the information that citizens need in order to deliberate issues effectively. This is as true of environmental issues as it is of other public affairs, so we submit that political campaigning on the environment is a crucial aspect of “the provision of information or education... about the natural environment...” Political lobbying is also an important aspect of providing information, in this case not to citizens but to their political representatives. Please note that this recommendation is politically impartial. It aims to facilitate democratic government without favouring any particular party.

The TNPA also submits that environmental organizations must be eligible for listing on the REO irrespective of whether their campaigning on behalf of the environment includes activities that contravene existing laws. Such actions are at times very helpful - even essential - in drawing the attention of the public to important issues and can therefore be an important tool in assisting the development of public opinion and therefore necessary for the effective conduct of democratic government. As there are already in place laws under which those actions may be prosecuted, they should be legally dealt with according to those laws and no additional penalties imposed, such as exclusion from the REO. In addition to this existing control over campaign activities that transgress the law, there is also a very strong restraint applied by public opinion. This is that such activities risk a backlash of public opinion against the activists so they will be very careful in their selection - and their control - of this campaign tool.

In response to your third term of reference, concerning the degree of involvement of eligible organizations in on-ground environmental works, the TNPA submits (as foreshadowed above in the third paragraph of this submission) that environmental organisations should be eligible to be listed on the Register regardless of whether or not they engage in on-ground environmental works. As long as they meet either criteria (1) (a) or (1) (b) above (or both), then they should be eligible for listing. As recommended above, this eligibility should include clause (1) (b) stating that political campaigning and lobbying on issues is a valued part of “the provision of information or education”.

The TNPA trusts that you will protect democratic government in this country by giving full weight to our recommendations. Managing ‘government by the people’ to produce good results is a complex task. As one section of ‘the people’, we believe our recommendations here are essential for such management.

Yours faithfully,

Catharine Errey  
President  
Tasmanian National Parks Association.