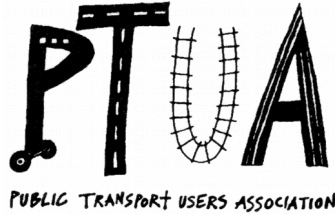


Public Transport Users Association

Ross House  
247 Flinders Lane  
Melbourne Victoria 3000



Org No. A-6256L

[www.ptua.org.au](http://www.ptua.org.au)  
[office@ptua.org.au](mailto:office@ptua.org.au)

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

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

3 May 2015

Dear Sir/Madam,

Submission to House of Representatives Standing Committee on the Environment  
Inquiry into the Register of Environmental Organisations May 2015

On behalf of the Victorian Public Transport Users Association I wish to make a submission to the abovementioned Inquiry.

### **About the PTUA**

Founded in 1976 as the Train Travellers Association, the Public Transport Users Association is the recognised consumer organisation representing passengers of all forms of public transport in Victoria.

We are a non-profit, voluntary organisation, with no political affiliations. We lobby governments and public transport authorities in the interests of all users of public transport.

We work with other bodies and through the media to promote public transport and educate the community about the benefits of sustainable transport policies, and we undertake research into transport policies which will improve services and make Victoria a better place in which to live.

The PTUA is committed to a sustainable economy, a healthy ecology and an equitable society where Victorians can go anywhere, anytime, using a community controlled public transport system that is convenient, efficient and safe.

We work to achieve this by providing leadership in research and debate and engaging in open dialogue with all sectors of society.

### **Inquiry Terms of Reference**

The committee's stated purpose is to inquire into the administration and transparency of the Register of Environmental Organisations and its effectiveness in supporting communities to take practical action to improve the environment.

As principally a consumer organisation, the PTUA is not on the Register of Environmental Organisations, but we consider the sustainable transport advocacy of organisations such as Friends of the Earth vital to supporting the community to take practical action to improve the environment. The PTUA and dozens of other community organisations in Victoria have partnered with FOE in the Public Transport Not Traffic

campaign, which seeks better public transport as the most viable and evidence-based way to sustainably achieve improved economic performance in cities, mobility not extra congestion, and transport equity across the state, while also protecting urban liveability and the natural environment.

The PTUA does not support any attempt by the Governments to curtail the important work of environment groups such as Friends of the Earth by calling in to question activities of environment groups that are not ‘on the ground’ activities.

Environmental groups are permitted at law to conduct both ‘on the ground’ and advocacy activities in pursuit of their charitable purpose to protect and enhance the natural environment. This is the result of the decision of the High Court of Australia in the *Aid/Watch* case and the subsequent legislated definition of charity in the Charities Act 2013 (Cth).

Both types of activities provide practical ways of delivering tangible improvements to the environment.

### **Friends of the Earth’s achievements and activities to protect the environment via sustainable transport advocacy**

Friends of the Earth’s principal charitable purpose of protecting and enhancing the natural environment has for decades included strong advocacy for sustainable transport, whether that be via public transport, cycling or walking.

They have done this in multiple ways, engaging with individuals, other NGOs and community groups such as ourselves, as well as all tiers of government.

### **Advocacy is a key part of achieving environmental organisations’ charitable purpose**

The High Court of Australia in the [Aid/Watch decision](#) has been clear that advocacy activities aimed at policy or legislative change will not exclude an organisation from being classified as a charity.

The operation of the Constitution of the Commonwealth of Australia mandates a system of representative and responsible government and is supported by organisations which agitate for legislative and policy change, and thus contribute to public welfare.

It is essential that the community is enabled to engage in communication about matters of political concern, and communicate with legislators as well as officers of the executive, for our constitutional system to function effectively (paragraphs 44-45).

Many of the activities listed above involve advocating for outcomes through generating public awareness and debate over an issue and through that, agitating for legislative and/or policy change to protect the environment.

Large-scale systematic changes to protect the environment are impossible to achieve without these advocacy activities, and are not achieved simply through on-the-ground activities such as planting trees. Friends of the Earth conducts these activities in pursuit of their charitable purpose to protect and enhance the natural environment.

It is clear from *Aid/Watch* case that as long as Friends of the Earth has the purpose of enhancement and protection of the natural environment, then the fact that it carries out activities which promote change at a political level should not affect its entitlement to be endorsed as a charitable institution.

Strong community organisations which can engage in robust debates on key issues are vital for the health of our democracy, and ensure that we maintain our open, pluralist society. In countries around the world with strong democratic traditions, this is recognised, supported and encouraged, and it’s appropriate that this continue here, particularly in the context of the likely economic, environmental, social and political

implications of the global warming which is now known to be irreversible, let alone that which it is still possible to address.

We submit that any recommendation of the Committee that seeks to curtail the lawful activities of environmental groups on the Register would go against the decision of High Court of Australia in *Aid/Watch*.

It would be an attack on the independence of Australian civil society, restrict the free exchange of views and opinions within our community, and have negative consequences for our environment.

Yours sincerely,

Dr Anthony Morton  
President  
Public Transport Users Association  
Ross House, 247 Flinders Lane  
Melbourne VIC 3000