



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

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6th May 2015

Dear Sir/Madam

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

We write on behalf of the Australian Food Sovereignty Alliance (AFSA), a not-for-profit association incorporated in the ACT under the Associations Incorporation Act 1991. AFSA is a national alliance of farmers, food entrepreneurs, public health professionals, community gardeners, farmers market coordinators, journalists, researchers and local food advocates who share the vision of a fair food future for all Australians. AFSA draws inspiration from and is founded on the principles of food sovereignty.

Founded in 2010, AFSA has provided national vision and leadership through collaboratively creating Australia's first People's Food Plan, in coordinating Australia's first Fair Food Week, and in creating a Farmer's Chapter, Fair Food Farmers United. In 2015 AFSA has launched Australia's first Fair Food feature documentary which tells the stories of Australian farmers, social entrepreneurs, and urban agriculturalists who are transforming Australia's food future.

AFSA does not currently have charitable status nor are we listed on the Register of Environment Organisations. Nevertheless, the subject matter of this inquiry concerns us deeply as an organisation campaigning publicly on matters of profound and long-term public interest; and directly as our affiliate chapter, Fair Food Adelaide, is currently

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auspiced by Friends of the Earth Adelaide, which we understand does appear on the Register of Environment Organisations. Further, we are currently exploring the possibility of applying for charitable status, and would be very concerned to see actions taken at the Federal level that would constrain the possibility of organisations such as ourselves from obtaining this status.

Comment on Inquiry TOR

We note the committee's purpose is to *inquire in to 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.*

AFSA is pleased to provide information to inform the Committee's Inquiry and welcomes the opportunity to showcase the important work we undertake to improve the environment.

At the outset it is important to state clearly and categorically that AFSA does not support any attempt by the Government to curtail the important work of Australian environment groups by calling into question activities of environment groups that are not 'on the ground' activities. Environmental groups are permitted by 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 was affirmed by the subsequently legislated definition of charity in the *Charities Act 2013 (Cth)*.

Both types of activities provide vital practical ways of delivering tangible improvements to the environment, in order to enhance the public welfare of the entire Australian community. As a matter of fundamental principle, the right to freedom of speech and to conduct robust, open and transparent debate is essential to the healthy functioning of a democratic society. Governments that shy away from democratic scrutiny, whether by the press or by engaged and well-informed citizens, and impose forms of political censorship, whether overt or covert, have long been associated with corrupt, authoritarian and dictatorial forms of rule. Such practices have no place in Australian culture or political traditions.

Together with many others around the country, we are very concerned with what appears to be a concerted effort on the part of governments in some states and federally, to effect a 'chilling' on criticism of government and indeed corporate activity. We urge the members of this Committee to be fully cognizant of their historical responsibility to the Australian Constitution, our democratic culture and traditions, and to current and future generations of Australians, to ensure that such tendencies are nipped in the bud.



The activities and achievements of AFSA to protect the environment

The following is a list of examples of our work, which is aimed both at protecting and enhancing the natural environment, as well as in pursuit of broader principles of fairness and social justice:

1. From 2010-2012, AFSA made submissions to the previous Federal government's National Food Plan process and attended roundtable meetings.
2. In 2012-3, AFSA coordinated 40 public forums involving 600 Australians and synthesized the results into the People's Food Plan, which has been influential in shaping local government policy in many areas to support a fairer and more sustainable food system.
3. In 2013-14 AFSA coordinated a nation-wide Fair Food Week, with over 210 events and 35,000 people participating (over two years), raising awareness about the social and environmental challenges our food system is facing, and highlighting fair and sustainable pathways for change.
4. In 2014 AFSA launched a dedicated producers' chapter, Fair Food Farmers United, to share knowledge and experience about a range of on-farm practices, including to support farmers making the transition to agroecological and regenerative farming methods
5. In 2013-4 AFSA crowd-funded \$32,795 from 263 Australian individuals and organisations to produce Australia's first feature-length documentary. This has now been screened over 20 times to more than 1500 people around the country, raising awareness about the long-term damage that industrialised farming methods can do to soils and landscapes; and showcasing the pioneer farmers who are adopting sustainable and regenerative forms of land management, enhancing long-term soil fertility and productive capacity

Key role of advocacy to achieving our objectives

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. This is because activities by which entities 'agitate' for legislative and policy change contribute to the public welfare because they support the operation of the

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Constitution of the Commonwealth of Australia, which mandates a system of representative and responsible government. Communication between electors and legislators and of the officers of the executive, and between electors themselves, one matter of government and politics is an indispensable incident of the constitutional system (paras 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*. Indeed, while on ground activities such as tree planting are of course also of value to environment, large scale systematic changes to protect the environment are impossible to achieve without these advocacy activities.

It is clear from *Aid/Watch* case that as long as environmental organisations have a purpose to achieve enhancement and protection of the natural environment, then the fact that they carry out activities which promote change at a political level should not affect in any way whatsoever its entitlement to be endorsed as a charitable institution.

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*.

As explained above, such a recommendation would be an attack on our democratic culture and traditions and on the independence of Australian civil society. It would restrict the free exchange of views and opinions within our community, and have lasting negative consequences for our environment and our social fabric.

Yours faithfully

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