



FAQ

House of Representatives inquiry into the Register of Environmental Organisations

What is this all about?

- On Thursday 26 March 2015 the Australian House of Representatives Standing Committee on the Environment established an inquiry into the Register of Environmental Organisations.
- The Committee invites interested persons and organisations to make submissions addressing the Terms of Reference for the Inquiry by **21 May 2015**.

What are the Terms of Reference?

- The Terms of Reference are the guiding questions of the Inquiry.

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* [see Canadian and New Zealand legislation below].
- See http://www.aph.gov.au/Parliamentary_Business/Committees/House/Environment/REO/Terms_of_Reference

Why should we be concerned?

- By themselves, the Terms of Reference do not appear exceptional. However the Chair of the Inquiry, Mr Alex Hawke MP, has said in the media that the Committee will be investigating a number of issues which do not appear to be within its Terms of Reference including:
 - Allegations of illegal activities by environmental organisations;
 - Allegations that environmental organisations are not spending money as donor's expect;
 - Allegations that money is being sent overseas;
 - Concerns of industry groups.
- Mr Hawke was unable to provide concrete examples of any of these issues in his interviews with the media. He was also unable to say whether there were any complaints from donors about improper expenditure of money.
- See Mr Hawke's website, <http://www.alexhawke.com.au/>, 'Recent video: *Interview with ABC 7.30 Report on Eco-Charities & their Privileged Tax Status*', and 'Recent audio: *Environment Committee Chairman, Alex Hawke discussing inquiry into Tax-deductible donations to environmental organisations - ABC 774 with Tim Callanan.*'
- We, as a movement, need to seriously consider the focus on environmental advocacy in this Inquiry. The Canadian and New Zealand Governments legislated to restrict environmental advocacy in recent years. While each individual organisation in Australia may have their views, and we do not wish to restrict this, it is our view that limited advocacy harms all environmental organisations and, as a result, the natural environment as a whole. We have seen a significant drop in public expenditure on the environment in Canada since their law was passed in 2009.

What should I do?

- Write a submission on behalf of your environmental organisation to the inquiry because if it is made more difficult to obtain and administer tax deductibility, it will be much harder for us to protect the environment.
- If appropriate, ask the members of your environmental organisation to write a submission to the inquiry.

How do I write a submission?

- Lodging a submission to the House of Representatives is easy. A letter one page long is fine. But you can write as much as you want. I can send you a template – but you can write whatever you want in answer to the Terms of Reference.
- The key points that your organisation (or its members) may wish to make include:
 - Does the organisation think that the process to apply for inclusion on the Register of Environmental Organisations is fair and reasonable? Does the organisation have any suggestions for improvements?
 - Does the organisation think that the annual administrative requirements to remain on the Register of Environmental Organisations are fair and reasonable? Suggestions for improvements?
 - Does the organisation think that the Register of Environmental Organisations is administered in a transparent way? Suggestions for improvements?
 - The ‘effectiveness of the Register in supporting communities to take practical action to improve the environment’ – ie. the effectiveness/importance of tax deductibility for the organisation and the work it performs. Is tax deductibility important for the organisation? If yes, what activities does the organisation carry out with its donors’ money?
 - Provide some examples of the practical action that the organisation takes to protect the environment:
 - Replanting vegetation and other on-the-ground environmental works;
 - Participating in Clean Up Australia Day;
 - Protecting beaches and other natural areas;
 - Nursing sick and injured native animals;
 - Building and placing bird boxes or other artificial habitat;
 - Writing to the media about the protecting the local environment;
 - Asking the local council and local MPs to protect aspects of the environment;
 - Informing landholders how to protect the environment.
 - How does the organisation report to donors about the way it uses their money?
 - How should advocacy be considered in the context of the Register of Environmental Organisations and tax deductibility?

Here is an example of a submission

[name and address of environmental organisation]

Committee Secretary

House of Representatives Standing Committee on the Environment

PO Box 6021

Parliament House

Canberra ACT 2600

environment.reps@aph.gov.au

[date]

Submission to the inquiry 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

Thank you for the opportunity to make a submission.

[name of environmental organisation] is dedicated to the protection of wombats in Western Australia. It has 15 members, most of whom live in Bunbury, Western Australia.

[name] works by protecting and replanting wombat habitat, nursing sick and orphaned wombats back to health, asking the local council and local MPs to protect wombats and informing landowners how they can protect wombats. All the work we do is practical action to protect wombats and improve the environment.

We do encourage our members to advocate for the protection of wildlife in Australia. We believe that environmental advocacy has benefited the protection of wildlife in our region and across the nation. Our species do not have a voice of their own. They need advocates and these advocates have made Australia a much better place over many decades.

[name] raises about \$7500 a year through tax deductible donations. Without the tax deduction the organisation would find it harder to raise money to fund our work.

[name] is on the Register of Environmental Organisations. [describe any issues with the administration of the Register that you wish – including any improvements that you might like to suggest].

[name] reports to donors in our annual report/newsletter/etc [describe how the organisation informs donors and other stakeholders about its work].

[name] would be very concerned if the Committee proposes making the administration of the Register more complex, or limiting its right to ask the local council and local MPs to protect wombats and/or inform landowners how they can protect wombats.

Please call me on (00) 1234 5678 if you have any questions.

Yours sincerely

Chair/President/etc

[name of environmental organisation]

Where can I find more information?

- For additional information on how to make a submission, go to the House of Representatives [Making a submission to a Committee Inquiry](#) page. Other useful information can be found on the [Notes to help those intending to make a submission to a parliamentary committee inquiry](#) page.

Additional background info

Why are the changes in Canada and New Zealand relevant?

- The terms of reference include a requirement to have particular regard to – ‘*relevant governance arrangements in international jurisdictions, and exploring methods to adopt best practice in Australia*’.
- Canada and New Zealand have both recently restricted the activities of environmental organisations. There is a risk that the Committee will propose that similar restrictions be applied here.
- It is important to note that, after Canada and New Zealand restricted the activities of environmental organisations, funding for the environment has fallen.

Funding for the environment in Canada

From \$1.88bn in 2010 to \$1.567bn in 2014, adjusted for inflation.

Funding for the environment in New Zealand

Coming today.

What did the Canadian changes do?

- It is very important to understand what the definition of advocacy is in the Canadian legislation. You may not have seen your organisation as an advocacy organisation, but the scope of the definition is significant.

- The Canadian legislation allows no more than 10% of organisational resources to be spent on advocacy which is defined as:

'explicitly communicates a call to political action (that is, encourages the public to contact an elected representative or public official and urges them to retain, oppose, or change the law, policy, or decision of any level of government in Canada or a foreign country); explicitly communicates to the public that the law, policy, or decision of any level of government in Canada or a foreign country should be retained (if the retention of the law, policy or decision is being reconsidered by a government), opposed, or changed; or explicitly indicates in its materials (whether internal or external) that the intention of the activity is to incite, or organize to put pressure on, an elected representative or public official to retain, oppose, or change the law, policy, or decision of any level of government in Canada or a foreign country.'

- If this definition was adopted, it would mean that a local environmental group that asked members of the local community to contact a local council in relation a local environmental issue would be engaging in 'advocacy' and would have to be able to demonstrate that such activities occupied no more than 10% of 'organisational resources'.