



Environment Centre NT

protecting nature | living sustainably | creating a climate for change



December 9, 2011

The Manager
Philanthropy and Exemptions Unit
Personal and Retirement Income Division
The Treasury
Langton Crescent
PARKES ACT 2600

To the Manager

RE: Consultation Paper on the Statutory Definition of Charities.

We thank you for the opportunity to comment on the Consultation Paper on the Statutory Definition of Charities.

The Conservation Council of South Australia (Conservation Council SA) is a peak body representing over 50 member groups whose main purpose is conservation and protection of the environment. Combined, these groups represent over 60,000 South Australians. We are an independent, non-profit and strictly non-party political organisation, but play our part by championing the environment and the people who care about it. We give a voice to the growing environmental challenges that face us and the emerging solutions showing the way to the future. And we educate and engage people about what they can do to help.

As the peak body for environment groups in South Australia, we have a concern about tax charity issues both as a charity in our own right, and on behalf of our member groups – some of who have no charity status, some who are tax concession charities and others who also have DGR status.

In addition, this matter has been considered by other Conservation Councils of Australia which as peak environmental organisations for their respective state or territory, represent over 450 member groups committed to conservation and protecting the environment.

The following Conservation Councils of Australia have signed on in support of this submission:

- Conservation Council ACT (ConsACT),
- Conservation Council of Western Australia (CCWA),
- Environment Centre Northern Territory (Environment Centre NT),
- Environment Tasmania (ET),
- Environment Victoria (EV),
- Nature Conservation Council NSW (NCC),
- Queensland Conservation Council (QCC).

We have been able to view the submission of The Wilderness Society and support that if a charity has a recognised charitable purpose, it should be allowed to pursue that purpose by all legal means without those activities impacting on its charitable status.

We will not repeat the arguments which are made in more detail in The Wilderness Society submission, but wish to emphasise and add to two key points:

- The need to recognise all environmental issues (not just the natural environment); and
- The need to allow political advocacy in achieving an environmental purpose.

Recognition of all environmental issues

We welcome the explicit recognition that protection of the natural environment is a charitable purpose, but our own history and experience shows that this is a dated and limiting conception of the environmental protection. While many of our founding members were concerned with protecting particular places and parts of the natural environment, over many years these groups have been joined by organisations with more urban environmental focuses (sometimes called “brown” environmental issues). Conservation Council SA’s own core campaigns at the moment include issues around planning and development, energy and waste disposal. Our headline campaign, “Green our Grid” is about moving from carbon polluting energy sources to more environmentally friendlier power generation.

All these issues are clearly fundamentally important environment protection issues. In the end they will all contribute to the protection of the natural environment, but they are better considered as environmental issues in their own right. Nowhere is this clearer than in relation to climate change. While climate change is of concern to all environment groups and will have particular impacts on the natural environment, it can rightly be regarded as the biggest environmental issue and has been the source of much environmental activity over recent years. It is bizarre to suggest that these groups working to prevent climate change or make sustainable urban environments do not have a charitable purpose or are not regarded in the same way as groups seeking to protect a river, park or forest simply because their purpose is about protecting urban rather than ‘natural’ environments.

A statutory definition of charity should include promotion of sustainable urban environments as a charitable purpose.

Advocacy

Conservation Council SA recognises that advocacy is an important part of efforts to protect the environment and welcomed the decision in the AidWatch case that a goal of changing law or policy in relation to an issue which relates to a charitable purpose is a charitable purpose in itself.

Conservation Council SA does not allow political parties to be members. However, Conservation Council SA does praise and critique all political parties based on their policies and sees the need to actively engage with political parties as a necessary and important part of modern environmental advocacy. We see this as completely consistent with the pursuit of our environmental purpose.

We thank you for your attention to this submission and we would be happy to answer any questions or provide further comment on any issue raised here.

Kind regards



Tim Kelly
Chief Executive, Conservation Council of SA with the support of the listed
Conservation Councils of Australia

Clare Henderson
Executive Director
Conservation Council ACT Region

Dr Phill Pullinger
Director
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