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Re: Submission on *Tax Deductible Gift Recipient (DGR) Reform Opportunities – Discussion Paper, 15 June 2017*

Thank you for the opportunity to give comments on this Discussion Paper.

I have had a keen interest in wildlife (particularly birds) and, by extension, the effective conservation of wildlife, for several decades. I am a member of both a local bird observing group and BirdLife Australia.

In addition I contribute financially to a range of environmental NGOs (termed DGRs in the Discussion Paper and this submission), particularly those, like the Australian Wildlife Conservancy, Bush Heritage, and World Wildlife Fund, that do excellent, likely enduring work in re-establishing endangered animals and eradicating feral animals, backed up by research. BirdLife Australia has myriads of programs to conserve birds, using a wide range of methods including on-ground works, research, education, community engagement, and advocacy at various levels. Environmental Defenders Offices (EDOs) in different states have a unique and vital role in advising and helping people and communities adversely affected by present or proposed environmental damage; also in explaining and critiquing proposed legislation. I find the EDO information very useful for keeping in touch with what is happening.

Many other bodies large and small (many or most likely to be DGRs) post a wide range of information, campaigns, petitions etc on the Internet. The volume of such traffic has increased greatly in recent years probably in response to a sharp decline in positive interest in wildlife/nature conservation by some governments in this country.

The Register of Environmental Organisations under the Income Tax Assessment Act 1997 has recognised the public good of environmental purposes for 20 years, and through tax-deductible donations the Register encourages Australians to donate to charities with the principal purpose of protecting and researching the natural environment, as well as educating and informing people about the natural environment. The need for this to continue is increasing all the time as our biodiversity and natural environments continue to decline alarmingly.

Therefore I view some of the proposals and recommendations in the Discussion Paper with alarm. If some politicians are hoping to suppress or hamper lawful operations of environmental DGRs that

they object to merely on "ideological" grounds, by imposing unfair limitations or conditions on DGR operations, then I hope these attempts will be firmly defeated.

My comments on three of the 13 Consultation Questions most relevant to these matters (4, 12 and 13) are given below.

Question 4 - Should ACNC require more detail from all charities on advocacy work?

On this question my answer is NO. Existing laws governing charities sets appropriate boundaries for allowable and acceptable advocacy activities. ACNC guidance reflects the law. Any implication that advocacy work by an environment charity is not appropriate for its main purpose, of advancing protection of the environment, is highly erroneous. It is a nonsense to treat advocacy as different from other activities carried out by a charity of any type (environmental or other). Advocacy by charities has long been recognised as a legitimate activity and essential to our system of parliamentary democracy.

For environmental protection and management, advocacy in various forms is becoming increasingly important. Considering wildlife conservation, if people don't "speak for the trees (and other native flora and fauna)", these will often be dismissed and destroyed to accommodate sectional interests, some of which conflict with broader community interests. Since the 1960s, natural biodiversity has progressively been afforded an intrinsic value in this country, with laws intended to slow its decline. People have reasonably expected that species listed as Threatened (with extinction) will be cared for rigorously in planning and development decisions.

However, in recent years threatened species and remnant ecosystems have often been put at risk by governments sanctioning developments or exploitative activities that are very likely to increase extinction risks. There are numerous recent and current examples of this, including (for bird species alone): Swift Parrot (Bruny Is, Tas); Hooded Plover (Vic); Eastern Curlew (Moreton Bay, Qld); Southern Black-throated Finch (Qld); Carnaby's Black-cockatoo (South-west WA); Regent Honeyeater (N-Central NSW). Some recent retrograde new legislation actually appears designed to *weaken* protection of threatened wildlife and vegetation communities to favour developers, e.g. *Biodiversity Conservation Act 2016* (NSW); *Local Land Services Amendment Act 2016* (NSW) and similar legislation in Queensland, which allow increased rates of land-clearing and accept inevitable steeper declines of threatened species. These are only the tip of an iceberg of significant threats to biodiversity in Australia.

The scope of environmental problems has also increased with major concerns about global warming and its effects (present and potential) on ocean ecosystems, and especially on the Great Barrier Reef which I understand supports about 68,000 people in tourism jobs.

A vital role of DGRs most concerned with wildlife, such as BirdLife Australia, Nature Conservation Council NSW (NCC) and World Wildlife Fund (WWF) among others, is (and has always been) to try and prevent the severe decline and loss of species and ecological communities. For Endangered species, almost any additional impact on vital habitat is dangerous and should be avoided. In these cases, advocacy commonly involves lobbying of decision-makers (often politicians) to protect the vital habitat, and educating people in the community about the issue, especially locals, aiming to mobilise them to assist with the advocacy.

Routine methods of advocacy include letter writing, submissions in response to requests for feedback, petitions (now common online), non-violent demonstrations in public places, and

discussions with politicians or bureaucrats. Submissions and letter writing in my opinion often have little effect; face-to-face discussion may be more fruitful. None of the above activities could be regarded as illegal or outside the bounds of acceptable behaviour for DGRs. Advocacy by any organisation might be considered "political" only if it officially "spruiked" for or against particular political parties or candidates. Advocacy for environment policy or law reform should concentrate on issues regardless of the political group being negotiated with. I do not think environmental DGRs violate this principle; to do so would be likely to offend many of their supporters.

Question 12 - Views on requiring environmental organisations to commit no less than 25% of their annual expenditure from their public fund to environmental remediation

A very bad idea overall. Many DGRs focus on other aspects and could not comply with a 25% quota..

I take "environmental remediation" to include an extensive range of worthwhile on-ground activities that aim to improve the condition or status of species or ecological communities. It may involve work such as regeneration of natural vegetation by various means including planting, lasting control of weeds and pest animals, assisted wildlife habitat augmentation including breeding sites, reintroduction of locally rare or extinct species, improvement of water quality, and more.

Remediation certainly should not mean simply "planting trees", especially if this is not part of well-planned and executed whole habitat improvement or restoration. The value to wildlife of trees planted in exotic pastures is very limited (if they survive). Nor should "remediation" mean that environment groups couldn be diverted into cleaning up pollution caused by abandoned mines. This type of remediation should be done and paid for by mining companies supervised by the Government. It would rarely be seen as appropriate work for DGRs.

Some politicians may believe it is acceptable to destroy rare remnants of ecological communities and expect to "re-create" them artificially in more "convenient" locations. Credible "re-creation" of complex communities (especially terrestrial) is a long and difficult task which may rarely be achievable with present knowledge. The most efficient option is to retain intact, viable areas of rare ecological communities with all their complexity already in place.

Many environmental DGRs already include remediation as a large part of their work, for example, Greening Australia and similar bodies. The Australian Wildlife Conservancy (AWC) and Bush Heritage Australia (BHA) are famous for establishing large feral-free enclosures and reintroducing native animals that originally thrived there before cats and foxes exterminated them. On the other hand, many other DGRs focus on different but still vital aspects of environment protection.

It is important to note that under the Charities Act, the purpose of environment DGRs' in advancing the natural environment, as well as their DGR eligibility under the ITA Act, encompass a broad range of environment-related activities - including all of: protection, maintenance, improvement or enhancement, information, education, support, and research. Key organisations such as Environmental Defenders Office (EDO), Nature Conservation Council NSW and BirdLife Australia (BLA) engage mainly in information, education (including advocacy), support and research. These organisations and many others would find it difficult or impossible to meet an artificial quota of hands-on remediation work, like that suggested. The EDO's fundamental roles are in advising people and communities on their legal rights in environmental disputes (a vital service) and providing information about legislation, regulations etc. Research (including citizen science and accurate bird surveys) and education have always been key aspects of BLA, AWC and BHA

operations. BLA has based its recommendations and advocacy on research for over a century; and AWC and BHA have large components of innovative research backing their feral animal control and native species re-establishment programs.

The mooted imposition of conditions or quotas on how environment DGRs can use their resources is a very bad idea. It would hamper important operations of many DGRs. The motivation for recommending it seems suspect. It may have been prompted by a now discredited attempt by a previous government in Canada to subject environmental charities to disproportionate scrutiny and constraint of advocacy activities. In any case, the idea of requiring DGRs in Australia to spend a specified minimum proportion of their resources on remediation should be dropped.

Question 13 - Views on need for sanctions

I do not support any special sanctions being introduced for environmental DGRs. They are very unlikely to engage in unlawful activity. Besides, laws already exist to deal with such matters. I understand that *all* charities registered with the ACNC need to meet a test to become endorsed, and then comply with the conditions of endorsement. Nothing further in the way of regulation is needed. Any move to impose additional restrictions would be viewed as a step towards restricting peaceful and lawful protest, which would be repugnant to most people.

Yours sincerely,

I.G. Johnson