DGR review - submission

This submission is in response in particular to the two issues below:

Consultation question

12. Stakeholders' views are sought on requiring environmental organisations to commit no less than 25 per cent of their annual expenditure from their public fund to environmental remediation, and whether a higher limit, such as 50 per cent, should be considered? In particular, what are the potential benefits and the potential regulatory burden? How could the proposal be implemented to minimise the regulatory burden?

Recommendation 6

1. **The Committee recommended that administrative sanctions be introduced for environmental DGRs that encourage, support, promote, or endorse illegal or unlawful activity undertaken by employees, members, or volunteers of the organisation or by others without formal connections to the organisation.**

2. The Committee considered that requiring DGRs to be registered charities would provide greater assurance to members of the public that environmental DGRs are operating lawfully and in the public interest. Under the committee's recommendation, the decision to apply sanctions would be the responsibility of the Commissioner of Taxation.

3. The proposal in paragraph 21, (which is consistent with recommendation 2 of the REO inquiry report) would require all DGRs to be charities registered and regulated by the ACNC. Under the proposal, environmental and other DGRs must not have a disqualifying purpose, which includes the purpose of engaging in or promoting activities that are unlawful or contrary to public policy, or the purpose of promoting or opposing a political party or a candidate for political office.

Consultation question

13. Stakeholders' views are sought on the need for sanctions. Would the proposal to require DGRs to be ACNC registered charities and therefore subject to ACNC's governance standards and supervision ensure that environmental DGRs are operating lawfully?

These recommendations breach a fundamental principle of a democracy, which is that a particular organisation, or group of organisations, if behaving lawfully, should not be singled out for different treatment to other organisations, simply for expressing its views. To do so is the behaviour of an authoritarian state.

In this instance, it is painfully clear that there is strong opposition within the Committee to organisations attempting to protect the environment via political means. These environmental organisations have every right, in a democracy, to pursue their aims via political lobbying, just as an organisation set up to prevent domestic violence need not provide accommodation or counselling for victims of domestic violence; or a road-users' charity that seeks to promote better-quality roads

that need not actually build roads. On what possible principle, can this differential treatment be based?

Australian democratic systems require that all organisations that express the views of its citizens be treated equally, whether or not the government of the day agree with them. Clearly, the only time there might be an exception is where there is a clear risk of harm to others in the community as a result of those actions or views, as in racist incitement to violence or terrorism.

Further, advocating for government action is entirely within the definition of action to “protect the environment”.

The government must not be allowed to silence environmental groups because they disagree with them.

Likewise, any move to increase regulatory burdens on these organisations must be refused as inconsistent with Australian commitment to a vibrant democratic tradition that allows all voices to join in and freely express and debate different views.

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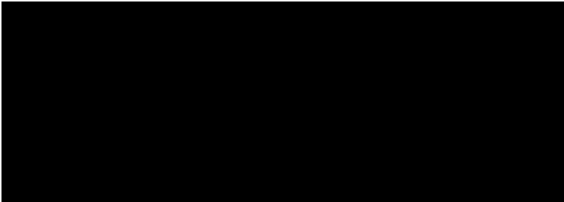

4 August 2017