

## Australia prepares tax penalty attack on environmental advocacy groups

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It's fine for 'green' groups to plant trees, or rescue baby flying foxes, write Susan & Bill Laurance. But when they campaign for the environment, right wing politicians see red. Moves are now afoot to strip advocacy groups of their charitable status, reflecting a broader clamp down on eco-activism across the Asia Pacific region in China, Cambodia, Lao and India.



Australian charities that advocate for the environment could lose their tax privileges under proposed federal measures. Photo: protest rally for Great Barrier Reef, August 2013, Brisbane, by Stephen Hass via Flickr (CC BY).

“ This war of environmental attrition isn't just confined to Australia. There are alarming changes happening all over - most notably in the Asia-Pacific region, with similar moves taking place in China, Cambodia, Lao and India. ”

Should environmental groups that engage in public debate lose their tax-free status?

That's the focus of a hotly disputed [inquiry](#) currently being considered by the Australian government - specifically, by the House of Representatives Standing Committee on the Environment.

Many green groups rely on tax-deductible donations from private citizens

and small donors to sustain their work. In Australia, some 600 groups on the [environmental register](#) currently qualify.

This is comparable to schemes in Europe and the United States, and was initiated to allow citizens and corporations to fund organisations that [engage in issues of public interest](#).

Those who initiated the inquiry, such as [the committee's chair, Liberal MP Matthew Hawke](#), evidently have no problem with groups that do 'on-the-ground' activities, such as planting trees and saving baby flying foxes. But they apparently see red when pondering groups such as Greenpeace, The Wilderness Society and Friends of the Earth, who openly decry some government policies.

Particularly rankling [for some conservatives](#) have been campaigns to stop coal developments in Australia.

### Environmental advocacy is an essential freedom

From our perspective as professional conservation scientists, the government's inquiry is a bad idea wrapped in naiveté.

For starters, almost all environmental decisions made in Australia have been the result of community advocacy. Dating back to the 19th century, community organisations have pushed governments to legislate for the protection of wildlife and natural habitats.

For instance, the [NSW Bird Protection Act 1881](#) was passed because of the Zoological Society of NSW. When it comes to environmental protection, governments have rarely acted in the absence of community pressure.

Furthermore, fair and balanced public debates require input from all sides of an issue. Industry has a long history of funding advocacy groups to promote their agendas - often under the aegis of 'community organisations' that actually are [little more than industry mouthpieces](#).

Such environmental wolves in sheep's clothing include the [Australian Environment](#)

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Foundation - which is on the register of environmental organisations - but has a distinctly anti-environmental agenda.

Major corporations such as Dow Chemical, Chevron, the pre-merger Exxon and Mobil, and Philip Morris Tobacco have contributed to scores of other groups with pro-growth, anti-environmental agendas as documented by Sharon Beder in her book *Global Spin*.

Legitimate environmental groups, however, often achieve their funding via donations from thousands of individuals and the occasional philanthropic donor, rather than a few wealthy natural resource-exploiting corporations - although some environmental groups do partner with corporations in an effort to effect positive changes in their behaviour. Tax-free status is essential for such green groups.

### **The law, and 99.5% of respondents, support the status quo!**

There is also a clear legal precedent for the status quo. In 2010 the High Court of Australia determined in the Aid / Watch Case that advocacy activities aimed at policy or legislative change do not exclude an organisation from being classified as a charity. Such activities were held to contribute positively to public welfare.

Finally, the Australian public is overwhelmingly opposed to the proposal to strip environmental groups of their charitable status. The House Committee solicited public comments to their inquiry, and we assessed every one of them.

Of 9,588 submissions, 9,539 (99.5%) were against the proposal, whereas just 28 (0.3%) were in favour (0.2% were neutral or ambiguous). Around 9,000 of the submissions were various types of form letters, although each was submitted by a different individual.

To us, the consensus against the proposal seems obvious. So, why is the government wasting the committee's time on this inquiry when we have far greater environmental concerns that require bipartisan leadership?

### **Part of a broader attack on green activism**

In fact, the committee's inquiry is merely one facet of a broader effort by conservative politicians in Australia to hamstring environmental groups.

As well as moves to curtail green groups' political activities, reported previously on *The Conversation* by Peter Burdon, this effort also includes

- the attempt by Liberal MP Richard Colbeck to ban environmental boycotts,
- moves to insert gag clauses into the contracts of community legal centres,
- the defunding of voluntary environmental and heritage organisations, and
- the drafting of anti-protest laws in states such as Western Australia.

Added to this list is the potential prosecution by the Victorian government of a green group that exposed illegal logging practices. As Burdon emphasises, even if such efforts don't result in legal changes, they force poorly funded green groups to waste precious time and resources defending themselves.

### **The struggle is international**

This war of environmental attrition isn't just confined to Australia. There are alarming changes happening all over - most notably in the Asia-Pacific region.

In China, for instance, activists are often hounded while a new law restricting independent organisations is being drafted. Cambodia's rulers are threatening to 'handcuff' any group that stirs up political trouble, while land rights activists in Lao are similarly harassed.

India is becoming a poster-child for anti-environmental fervour. A new law there is imposing tight restrictions on activist groups. A leaked report by the country's Intelligence Bureau claimed - ridiculously - that public campaigns against coal, nuclear and hydroelectric projects, and genetically modified crops were costing the economy 2-3 percentage points of growth a year.

Most visibly in the firing line is Greenpeace India (GPI), targetted by the country's powerful Ministry of Home Affairs (MHA). In January a Greenpeace campaigner was prevented from leaving the country because she planned to testify to the British Parliament about coal mining in India.

Then in April the MHA froze GPI's bank accounts to incoming payments in an apparent attempt to bankrupt the organisation. This measure has been overturned by the courts, but further arbitrary measures of dubious legality have ensued.

### **Shooting the messenger, as environmental crises gather**

In the coming decades, Australia and the world will face true environmental challenges. These include climate change; dwindling water, forests, biodiversity, and natural resources; and an extra 2 billion to 4 billion people to feed and support. We need real leadership and long-term policies to protect the imperilled ecosystems we all rely on.

Australia is certainly part of the global environmental crisis. We are among the world's highest per-capita emitters of greenhouse gases - even without counting all the coal we export for others to burn.

Our parks and protected areas are being seriously diminished. Forest and woodland destruction has recently accelerated. And in northern Australia, many native wildlife species are experiencing dramatic and mysterious population declines.

Criticism can be uncomfortable for policy makers but it has a crucial role in science and democracy. If governments attempt to limit censure of their policies or of industries, then where is our democratic right to freedom of speech?


How do we stand morally above corrupt or authoritarian states that cause so much suffering in the world today, if we advance policies that are clearly intended to stifle self-criticism?

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