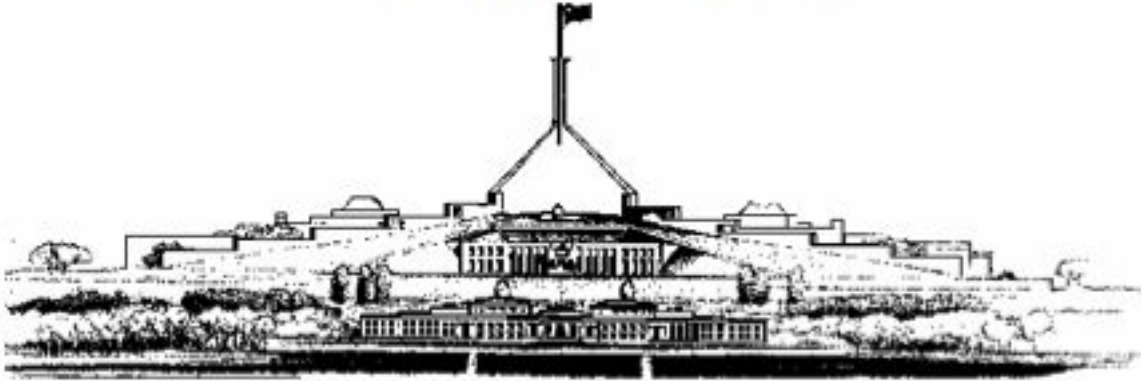




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

Federation Chamber

GRIEVANCE DEBATE

Environmental Organisations

SPEECH

Wednesday, 21 June 2017

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Wednesday, 21 June 2017 Page 170 Questioner Speaker O'Brien, Ted, MP</p>	<p>Source House Proof Yes Responder Question No.</p>
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Mr TED O'BRIEN (Fairfax) (18:42): Australian taxpayers deserve much greater accountability and transparency concerning the subsidies they provide to politically active environmental organisations than often, and in some cases habitually, engage in criminal behaviour. In this grievance debate, I am calling on all my colleagues in this parliament to ensure this farce comes to an end. Taxpayer subsidies for many environmental organisations exist because the law recognises that work to protect or improve the environment is a charitable activity, and the subsidy provided to them by the taxpayer, via a tax break for that purpose, is clearly valid for the great majority of the 600-plus organisations around the country that now enjoy it. How it works is that donations to environmental groups that have achieved, via an application to the environment department, what is known as deductible gift recipient, or DGR, status can offer tax breaks to their donors, which means Australian taxpayers forgo the revenue. In return, what the taxpayer gets, ostensibly and often in practice, is on-the-ground work to protect threatened species or to restore disturbed landscapes or through the conduct of research or the provision of educational materials that further such causes. These endeavours are formally and quite reasonably regarded by both the courts and the legislatures in Australia, as indeed they are in many parts of the world, as charitable activities, worthy of that sort of support.

The problem is that some of these organisations—and they tend to be some of the largest of these organisations—have become not so much providers of direct environmental benefit, as would be perceived by most Australians via on-the-ground work to protect threatened fauna or flora or via education or research work to inform public debate, but instead have become virtually full-time and vigorous political activists, with flagrant and repeated disregard for the laws of the land. Their serial criminal behaviour is well documented, and I will give some examples. The scale of their disregard for the statutory constraints on political behaviour is, given the totally unsatisfactory state of their supervision under the systems we have in place, simply unknown. But, given their indisputable record of general lawlessness, law-breaking in the party political context certainly cannot be discounted and needs to be more rigorously audited.

In the first instance, we should not tolerate the continuation of tax breaks for organisations that break the law. For example, Greenpeace has DGR status. In 2011, two Greenpeace staffers, in the dead of night, destroyed a crop planted by the CSIRO here in the ACT because it was genetically modified. They were convicted and sentenced to nine months in prison, suspended. Greenpeace subsequently paid \$282,560. What proportion of that restitution was drawn from the organisation's taxpayer funded subsidy we cannot know. The judge said that the crime was conducted 'at the instigation of, or with the backing of, those who are ultimately responsible for the operation of Greenpeace Australia'. Yet Greenpeace retains its DGR status and its charity status, despite being a serial offender, as was made clear years before the crop incident. A Greenpeace submission to an ATO discussion paper in 2003 said:

We have blocked train lines, occupied Lucas Heights, trespassed at the Lodge, illegally raised banners at Parliament House, amongst many other activities ... This history of civil disobedience is part of a much bigger history of individuals and organizations prepared to violate the law ...

An outfit called CounterAct, part of Friends of the Earth, runs training camps to teach green activists how to frustrate lawful development and get arrested. Yet Friends of the Earth retains DGR status and its taxpayer subsidy. Lock the Gate, which has DGR and charity status, blockaded a gas exploration operation near Grafton in 2013. Eighteen people were arrested on 25 charges. In 2014, Lock the Gate took part in a blockade of the property of a dairy farmer at Bentley after he had allowed Metgasco to drill a well on his land. A blockade of a proposed liquid natural gas facility near Broome was led by the Wilderness Society, a DGR, and cost WA taxpayers \$1 million to manage. The Leard Forest Alliance, composed of five registered environmental organisations—namely, Greenpeace, Lock the Gate, the Wilderness Society, Friends of the Earth and the Nature Conservation Council of New South Wales—has habitually and unlawfully obstructed Whitehaven Coal's operation at Maules Creek, where there have been over 350 arrests. More recently, there has been periodic endemic illegal behaviour at Abbot Point in Queensland in protests over the proposed Adani coalmine. Australian taxpayers should not be

subsidising this sort of illegal behaviour. If the members of these organisations want to illegally disrupt lawful business activity, that is their business and it ought to be at their risk. It ought not to be part funded by the government and, by extension, the taxpayer.

The environment department currently has responsibility for the Register of Environmental Organisations. The department made clear in the recent parliamentary inquiry into the register:

We cannot compel—we have no evidence-gathering powers or the capacity to coerce information from somebody through the obtaining of warrants or any of those sorts of mechanisms that might be available to other regulators.

It was also made clear to the inquiry that the department does not require audited financial statements from those on the register, except via specific individual demand and that, insofar as those organisations have to report—if they do at all—the department runs checks against about 10 per cent of them a year.

It is a near certainty that the vast majority of the 600-plus organisations listed on the register will be totally honest, hardworking, community based, altruistic, on-ground operators trying to improve Australia's environment. There is no doubt about it. However, for many of the big outfits, where the bulk of that effort is in political and social activism, the current arrangements are little short of farce, quite frankly, and the Australia taxpayer deserves better. Responsibility for the Register of Environmental Organisations ought to be transferred as a matter of urgency to the Australian Taxation Office, and the examination of the largest of them ought to be annual and forensic, with special regard to their involvement in or sponsorship of illegal activities as well as the exact nature of those political activities.

Organisations that are granted DGR status have a very important role to play. I would be very surprised if anybody in this House, regardless of their political colours, would deny benevolent organisations that DGR status. Taxpayer subsidisation should take place where organisations make a better world. There is a right, indeed a constitutional right, for individuals, groups, organisations to communicate politically, to be politically active. I do not think anybody in this House would deny that right, even if we disagree with some of their motives or their stances. I do not think we would deny the right; in fact, we would fight for that right. But we should not tolerate the Australian taxpayer subsidising political activism by environmental groups that purport to be helping the environment when in fact they are engaging in nothing but political activism. That defies the very principle of what DGR is meant to be about and it undermines the very sector that our environmental groups work within.