

19th May 2015

Committee Secretary  
House of Representatives Standing Committee on the Environment  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

environment.reps@aph.gov.au

Dear Sire/Madam

**Submission to the inquiry into the administration and transparency of the Register of Environmental Organisations and its effectiveness in supporting communities to take practical action to improve the environment.**

The National Toxics Network Inc. (NTN) welcomes the opportunity to make a submission to the inquiry. NTN was formed in 1993 as a community-based charity incorporated in the ACT under the *Associations Incorporation Act* 1991.

NTN provides a central repository of technical expertise and educational materials to individuals and organisations across Australia in relation to toxic chemical pollutants and their impacts on environmental health.

NTN provides information directly to the community by answering inquires, producing reports and updates and giving public presentations at conferences, seminars and workshops.

NTN is the Australian NGO focal point for the International Persistent Organic Pollutants Elimination Network (IPEN) and works towards the full implementation of the *Stockholm Convention on Persistent Organic Pollutants* (POPs) and other global chemical conventions and agreements to which Australia is a signatory. These conventions have tangible outcomes in terms of reducing levels of identified toxic pollutants circulating in the environment such as CFCs and mercury.

NTN committee members have also been involved in a range of national government advisory bodies including the Hazardous Waste Reference Group, the Stockholm Stakeholders Reference Group, the National Industrial Chemicals Notification Assessment Scheme (NICNAS) Community Engagement Forum and Australian Pesticides and Veterinary Medicines Authority advisory committees. In this capacity, our ability to represent community concerns and engage in complex discussions about policy and regulatory options for mitigating toxic pollutants impacting our environment is vital.

NTN respects the work of the many environment organisations, big and small, all playing their part in helping to maintain a healthy and productive environment in Australia. We’re therefore very concerned about any moves to re-define and potentially curtail the vital role environment organisations play in environmental protection in Australia.

**Advocacy and on the ground activities**

The scope of issues environment organisations need to engage with has expanded enormously as new pressures on the environment continue to emerge. Whether it’s about recycling resources, planting trees, mitigating plastic pollution in the ocean, conducting research, or engaging with the government on important environmental decisions, these are all important aspects of work for environment organisations.

Activities don’t always have ‘on the ground’ components in order to achieve positive environmental outcomes. To define activities in that way is short sighted and runs counter to scientific knowledge about the complexity and interdependence of ecosystems and the nature of change.

Environmental groups are permitted by law to conduct both ‘on the ground’ and advocacy activities in pursuit of their charitable purpose to protect and enhance the natural environment. This is the result of the decision of the High Court of Australia in the Aid/Watch case; and was affirmed by the subsequently legislated definition of charity in the *Charities Act 2013 (Cth).*

The High Court of Australia in the *Aid/Watch* decision has been clear that advocacy activities aimed at policy or legislative change will not exclude an organisation from being classified as a charity. This is because activities by which entities ‘agitate’ for legislative and policy change contribute to the public welfare because they support the operation of the Constitution of the Commonwealth of Australia, which mandates a system of representative and responsible government. Communication between electors and legislators and of the officers of the executive, and between electors themselves, one matter of government and politics is an indispensable incident of the constitutional system (paras 44-45).

**Administration of the Register and potential efficiency improvements**

NTN was only recently entered onto the Register of Environmental Organisations. Despite meeting all the technical requirements, the final approval by the Minister took quite a long time. We had to make several phone calls and write letters to find out where our application was to which doesn’t seem to be an efficient or equitable system.

If an environment organisation meets all the technical requirements, it should be automatically entered onto the register within a specified timeframe.

Being an environmental organisation primarily concerned with environmental health (ie air, soil, water quality, impacts to wildlife etc), we found the definitions and requirements for the REO to be restrictive and not reflective of the broad range of work environment organisations conduct in addressing both the green and brown issues impacting the environment.

We inform donors and stakeholders about our work in our annual report, which provides a summary of activities and finances.

Yours sincerely

**JOANNA IMMIG**

NTN Coordinator