**Gaia’s Veil**

**Ariane Wilkinson**

Abstract

*“There are some things in the world we can’t change – gravity, entropy, the speed of light, and out biological nature that requires clean air, clean water, clean soil, clean energy and biodiversity for our health and well-being.  Protecting the biosphere should be our highest priority or else we sicken and die.  Other things, like capitalism, fee enterprise, the economy, the market, are not forces of nature, we invented them.  They are not immutable and we can change them.  It makes no sense to elevate economics above the biosphere.”*

* *David Suzuki*

Suzuki highlights an important fact – we invented our economic, political and legal systems and we have the power to change them.  Questions about ecological limits are asking how nature might indicate to us where those limits lie. At the moment that advocacy occurs through ENGOs.  Suzuki is one of many commentators who contribute to ideas about how we can live within our ecological limits.  The natural world provides us with the data required to know what these ecological limits are, and environmental non-government organisations (ENGOs) are most often the voice for the natural world. Therefore the rules that govern ENGOs, how they are structured, and how they are financed are critical in supporting a voice for nature in our society.  One area in which our economic, political and legal system needs to change to support human societies that live in a harmonious relationship with the Earth community is to amend our taxation and charity laws to allow environmental non-government organisations (ENGOs) to be public benevolent institutions (PBIs).  There has been considerable development in this space in the last year with the development of the Australian Charities and Not-For-Profits Commission and the recent changes to the definition of charity with the passing of the Statutory Definition of Charity Bill through the Senate on the 27 June 2013.  This paper will discuss the development of charity law to include ‘the purpose of advancing the natural environment’ in the definition of charitable purpose, the impact on ENGOs of being provided with comparatively less support than other charities, and opportunities for reform.

Speaker Biography

Ariane is a lawyer with the Environment Defenders Office, Victoria.  Ariane holds a Bachelor of Laws (Honours) and a Bachelor of Science (Environment) from Griffith University and a Graduate Diploma (Legal Practice) from ANU.

She is currently a completing a Masters of Environmental Law at Melbourne

Law School and was recently nominated by Griffith Law School as the Young Alumni of the Year.  She served as an Associate to Justice Alan Wilson in the Planning and Environment Court in 2008 and 2009 and completed 18 months with the courts as his Honour’s Associate when he took on the role of President of the Queensland Civil and Administrative Tribunal and Justice of the Supreme Court of Queensland.  Ariane began her practice as a lawyer acting for traditional owners by negotiating cultural heritage and future act agreements.  She has also practiced in human rights law, victims of crime compensation and planning and environment law at community legal centres and government organisations in Queensland.   Ariane’s private practice experience includes working in environment and planning law at a top-tier firm and worked as a legal researcher in environment and planning and energy and resources sections while undertaking her undergraduate studies.