



ANNUAL REPORT 2008 – 2009



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Environment Defenders Office (EDO) at a glance

EDO Board of Directors 2008-2009

Stephen May (Chairperson)
Susie Chippendale (Deputy Chairperson)
Henry Jackson (Deputy Chairperson)
Richard Hilton (Honorary Treasurer)
Miriam McDonald (Honorary Secretary)

EDO staff 2008-2009

Brendan Sydes, Principal Solicitor
Jode Cowie, Administration Assistant
Mandy Johnson, Administration and Projects Coordinator
Elizabeth McKinnon, Lawyer
Verity McLucas, Project Worker (to September 2008)
Emma Pepler, Lawyer, VCAT Appeals Workshop project
Simon Perraton, Lawyer,
Environmental Law Online project
Samitha Rao, Policy and Law Reform Officer
Cecilia Riebl, Lawyer
Nicola Rivers, Policy and Law Reform Director
Rupert Watters, Lawyer

Secondee solicitors:

Alice Skipper, DLA Phillips Fox (July 2008)
John Hannagan, DLA Phillips Fox (July 2008 –)
Natalie Wilkinson, Deacons (September 2008 – January 2009)

Financial summary 2007/08 to 2008/09

	2007/08	2008/09
	\$	\$
INCOME	359,882	494,740
EXPENDITURE	374,996	475,582
SURPLUS/(DEFICIT)	(15,115)	19,158
TOTAL ASSETS	233,736	312,042
TOTAL LIABILITIES	164,536	219,604
NET ASSETS/TOTAL EQUITY	69,200	88,358

Our people

- EDO has six permanent staff, four fixed-term staff and one secondee lawyer.
- EDO was assisted by 33 regular in-house volunteers in 2008 – 2009.
- In 2008 – 2009, EDO received pro bono support from 7 organisations and 25 individual professionals.

EDO services

- In 2008-09 EDO provided legal representation in 69 public interest matters. These matters involved representing clients before a variety of courts, tribunals and panels as well as providing legal assistance and support in non-litigious matters.
- In addition to providing legal representation in public interest cases, we provide telephone information and advice to the Victorian community during business hours 5 days per week.
- In 2008-09 EDO ran 62 community education projects and 31 policy and law reform projects.
- An average of 519 publications are downloaded each month from the EDO Victoria website, assisting the public with a range of areas of environment and the law at no charge. This is an increase of 74/month over the 2007-08 average.

EDO mission and vision

Mission

To defend and enhance our natural and cultural environment by:

- providing high quality legal advice and representation to the community.
- improving the understanding of environmental law and promote its use by the community.
- promoting and encouraging new and improved environmental laws and policies, defending existing environmental laws and working to improve their implementation.

Vision

A legal system that protects the environment, promotes its enhancement and encourages public participation in decision making on environmental issues.

What we do

Inform & advise about environmental law

The EDO office is open from 9:00 am to 5:30 pm, Monday to Friday.

We offer a free telephone advisory service during office hours.

The EDO's Environmental Law Online website www.envirolaw.org.au offers free information and resources on environmental law.

Community education

We conduct conferences, workshops, seminars and presentations about environmental law.

Legal representation

The EDO provides advice and legal representation and conducts public interest environmental litigation on behalf of individuals, environment groups and other community organisations.

Policy & law reform

The EDO engages in policy and law reform activities such as participating in committees and inquiries, conducting policy analysis and preparing submissions. We work closely with environment groups working on environmental issues and contribute legal and policy expertise to their campaigns.

Publications

The EDO produces a range of information designed to make environmental law accessible to the community. These range from self-help kits to our comprehensive law guide, Environmental Law Online (www.envirolaw.org.au). See page 13 for details.

Report from the Chair and Principal Solicitor

We are pleased to report that 2008-2009 has been another successful year for the Environment Defenders Office (EDO).

The EDO has continued its focus on improving and extending the legal services we provide to individuals, community groups and conservation organisations. We have provided advice and legal representation to a broad range of individuals, community organisations and conservation groups over the past year. This important work would not be possible without the dedicated staff at the EDO and our network of volunteers and other supporters.

Policy and law reform work has always been an important element of the work performed by the EDO – it does not take long working as an environmental lawyer to realise that many of our existing laws are inadequate in dealing with issues such as climate change, biodiversity loss and the decline of rivers. There is also the constant threat of changes to existing laws intended to diminish existing environmental protections or rights to public participation in decision making.

A highlight of the past year was our success in obtaining significant funding from the Public Purposes Fund of the Legal Services Board. This funding has allowed us to employ two lawyers solely focussed on working closely with peak environment groups on policy and law reform issues – this is a welcome and sound investment at a crucial time for our environment.

We have also undertaken some significant community legal education projects over the course of the past year. Supported by a project grant from the Legal Services Board, we have developed and refined a workshop for community groups and members of the public involved in Victorian Civil and Administrative Tribunal appeals. The workshop is intended to encourage people to not only exercise their rights, but to do so in a manner that is constructive and effective in terms of having their concerns heard.

With the support of the Victoria Law Foundation and The Ian Potter Foundation, we have implemented a program of converting our printed publication to a new online format, “Environmental Law Online” (www.envirolaw.org.au). The site contains a wealth of information about environmental law including cases notes, legislation summaries, articles and opinion pieces about environmental law issues and resources for those engaged in environmental disputes.

We are pleased to report that the EDO remains in a very healthy financial position, with a modest surplus this year. While our current position is very strong and the emphasis over the past twelve months has been on consolidating after our expansion in recent years, the Board has also continued to focus on ensuring that our financial stability continues in the long term.

Thank you to EDO Board Members, staff, volunteers, members and supporters. A particular thank you to Stephen May, our former Chairperson who resigned in June having joined the Board in 2005. The EDO has greatly benefited from Stephen’s leadership and his expertise in management, fundraising and marketing.

Susie Chippendale
Chairperson

Brendan Sydes
Principal Solicitor

EDO Board members 2008 - 2009

Stephen May (Chairperson) is Executive Director Epworth Medical Foundation, the fundraising arm of Epworth Healthcare, and a highly successful senior marketing and development professional with extensive experience in the not-for-profit and private sectors. Stephen has a “hands-on” interest in environmental issues and has, among other things, worked with a local Landcare group.

Stephen resigned on 18 June 2009, having joined the Board in 2005.

Miriam McDonald (Honorary Secretary) is a Consultant at Maddocks, practising in corporate and commercial law. Her major areas of practice are corporate structuring and governance, trade practices, franchising and the agricultural sector. Miriam has a particular interest in using her private sector experience in assisting Indigenous groups to develop effective corporate structures for community service and commercial enterprises. Prior to her legal career, Miriam worked in community services in the public sector, where her experience included direct client service delivery, program development and corporate services. She has been a Director since 1994.

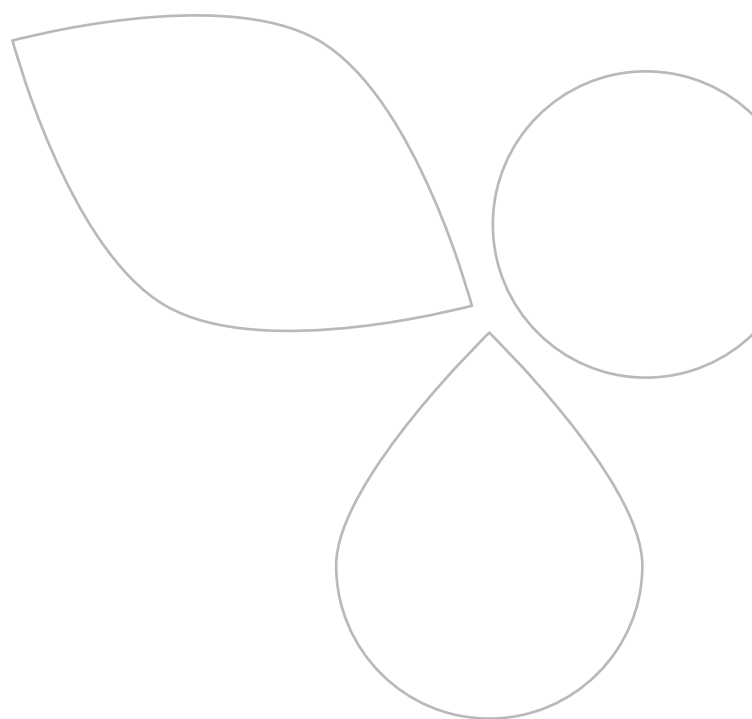
Susie Chippendale is Head of Communications at Australian Red Cross, with a background in journalism, communications and fundraising in a range of not-for-profit organisations including several years in the environment sector at Birds Australia (Royal Australasian Ornithologists Union).

Richard Hilton (Honorary Treasurer) is a Senior Manager in the Assurance Group at Ernst & Young Melbourne, specialising in external audit and statutory reporting, process analysis and design, due diligence and risk management. His key industry experience covers the energy, utilities, oil and gas sectors.

Henry Jackson is a barrister practicing in all aspects of local government, planning, environmental and water law. Prior to coming to the Bar in 2007, Henry was a Senior Associate at both Deacons and Russell Kennedy, before which he was employed in an in-house role with the Victorian Environment Protection Authority. Henry joined the Board in September 2007.

Board attendance 2007-2008

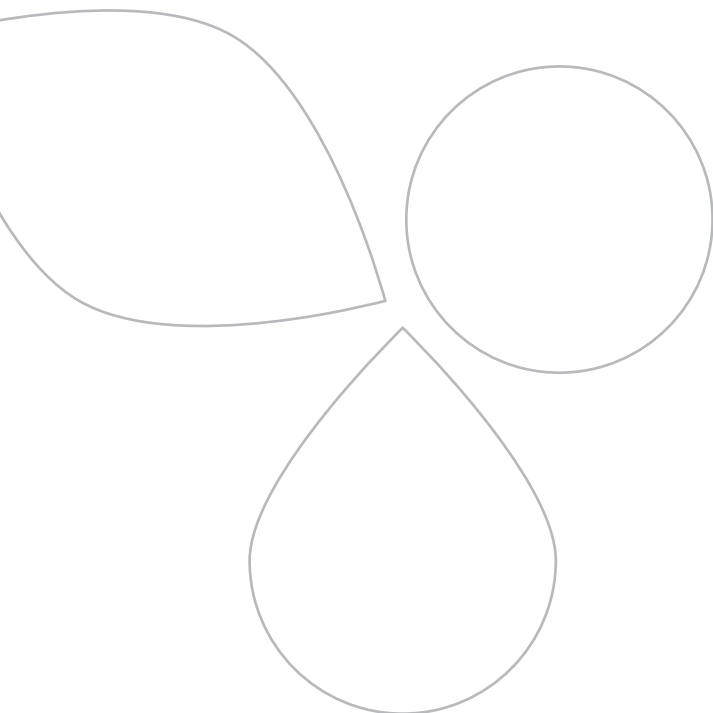
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Richard Hilton (Honorary Treasurer)	10
Henry Jackson (Deputy Chairperson)	8
Stephen May (Chairperson)	8
Miriam McDonald (Honorary Secretary)	11



Our work – an overview

The EDO is an active and innovative community legal centre. Our activities include:

- telephone information and advice covering all areas of environmental law during office hours five days per week. Initial legal advice is provided predominantly by telephone, reflecting the fact that half of our enquiries are from rural and regional areas or areas not readily accessible to our office;
- legal representation for community groups and environment organisations in litigious and non-litigious environmental matters including acting as advocates in VCAT hearings;
- providing an information and referral service including facilitating access to pro bono legal assistance via the Public Interest Law Clearing House and our own contacts. Helping community groups to obtain support from and work with pro bono legal representation is an increasingly important role;
- providing access to legal information via our new website Environmental Law Online;
- publication of “self-help” kits;
- publishing a regular email bulletin;
- volunteer programs:
 - at least one law student volunteer per day during university semester periods and
 - law student internship programs over the mid-year and summer break;
- contributing to and preparing policy and law reform submissions;
- running regular community legal education workshops;
- presenting lectures and presentations to students and others;
- holding free seminars for the public about topical environmental law issues; and
- participating in and contributing to the activities of the Victorian Federation of Community Legal Centres and the Australian Network of Environmental Defenders Offices.



Legal representation in the public interest

Over the past 12 months we have represented community groups, conservation groups and individuals in a range of cases in both VCAT and Planning Panels Victoria. As in past years we have been grateful to receive both pro bono and reduced rate assistance from both barristers and experts to assist with running these cases.

The assistance we can give is dictated by our limited resources. Assistance to clients may be limited to initial advice, the provision of one of our 'Kits' and/or referral to our Environmental Law Online resource. Legal representation is offered in public interest matters.

We have new Legal Service guidelines which aid us in deciding what level of legal assistance to offer clients, from a one-off legal advice or information through to full legal representation. These guidelines take in to account the public interest and environmental law elements of the case, the competence and resources of the EDO and a client's ability to pay for legal assistance. We also have thematic priorities which offer additional guidance in these decisions, which can (at any one time) include particular environmental issues and/or specific legal issues arising in the environmental context.

CASE STUDY: Bastion Point Ocean Access Boat Ramp – Environment Effects Statement process and subsequent Judicial Review in the Supreme Court of Victoria

In mid-2008, the EDO represented the Save Bastion Point Campaign (SBPC), a coalition of community and conservation groups, in an Environment Effects Statement Panel Hearing to assess the environmental impacts of a proposed large ocean access facility in Mallacoota, far East Gippsland. The East Gippsland Shire Council proposal included a 120-metre boat ramp, two large stone breakwaters, an access road and various ancillary facilities. The SBPC objected to the proposal on various environmental and social grounds.

The three-member Panel Inquiry provided their recommendations to the Minister for Planning in October of last year, agreeing with the view of the SBPC; that the proposal had no overall societal benefit and that the environmental impacts of the facility were likely to be detrimental. Going against these recommendations, the Minister subsequently decided that the development could proceed.

Following the Minister's decision, the Friends of Mallacoota (one of the member groups of the SBPC) instructed the EDO to file an application on their behalf seeking judicial review of the decision in the Supreme Court of Victoria. The case will be an important test of the credibility and integrity of the environmental impact assessment process in Victoria.

Working for change – policy and law reform work

In 2008 we received for the first time a grant specifically aimed at increasing the capacity of the EDO's policy and law reform work. The Legal Services Board provided the EDO with three-year funding to develop and implement a law reform program in collaboration with Victoria's peak environment groups. The grant enabled us to employ two lawyers dedicated to policy and law reform work. Nicola Rivers joined the EDO in December as Policy and Law Reform Director, and Samitha Rao joined in January as Policy and Law Reform Officer.

The aims of the program are to:

- combine legal and policy expertise with the campaigning work of environmental NGOs to improve environmental laws in Victoria and federally;
- increase the capacity of environmental NGOs to engage in environmental law reform; and
- engage the Victorian public in environmental law reform through publication of legal briefings and research.

Law reform achievements for 2008-09

The grant has allowed us to substantially increase our involvement in environmental law reform. In the six months of the 2008-09 year that our law reform officers were employed we had input into nine major legal and policy reviews including the Victorian Competition and Efficiency Commission's review of environmental regulation the Victorian Government review of the Planning and Environment Act, the national consultation on the proposed Human Rights Charter, the President's review of the Victorian Civil and Administrative Tribunal, and the public consultation on the draft Carbon Pollution Reduction Scheme Bill.

We also provided assistance to environmental NGOs on their law reform priorities such as:

- the protection of riparian land on crown water frontages;
- the review of the National Water Initiative; and
- the proposed Carbon Pollution Reduction Scheme.

The grant has also allowed us to have a greater role in the development of national law reform recommendations through the Australian Network of Environmental Defender's Offices (ANEDO). We had a significant role in developing and drafting ANEDO's response to the ten year review of the *Environment Protection Biodiversity Conservation Act 1999* (Cth), along with two follow-up submissions. The independent review panel commented on the value and quality of ANEDO's ongoing input into the review.

The value of this work in terms of actual reform of environmental law cannot yet be measured as all the law reform reviews that the EDO has engaged in so far are ongoing. However, we have had positive feedback from a number of environmental NGOs, government agencies and law reform committees on the value of our law reform and policy work in capacity building, setting agendas and providing legal analysis and recommendations.

In many cases, environmental law reform is a long process that requires consistent iteration of the need for reform over a number of years from a variety of sources. By increasing our capacity and the capacity of environmental NGOs to engage in this work we are setting a strong foundation on which to build.

National Consultation on the Human Rights Charter

In 2008 the Federal Government established a national consultation process to discuss the need for a national Human Rights Charter. Environmental rights are included in many human rights charters around the world and the EDO believes Australia would benefit from their inclusion in an Australian Charter. We therefore established a program to increase awareness of this need. We held a workshop on environmental human rights in conjunction with the Human Rights Law Resource Centre and PILCH and released a discussion paper outlining the need for environmental rights protection in conjunction with EDO NSW. With ANEDO, we drafted a significant submission to the national human rights consultation. The consultation committee invited the EDO to speak at public hearings at Parliament House in Canberra and the presentation was well received by the Committee and the audience. The consultation committee is due to report its findings by 30 September 2009.

The year ahead

A significant proportion of our law reform and policy work for the 2008/09 year continues in to the 2009/10 year. The next year will be crucial for legislative reform to address climate change and to rethink biodiversity protection at both state and federal levels. Two of our major law reform projects which commenced in 2009 and will continue into 2010 are a review of legislative approaches for climate change adaptation and mitigation, and research into new ways of providing protection of biodiversity in light of climate change and other increasing pressures. Both projects will result in law reform recommendations to the Victorian Government.

We are also establishing a monitoring program of Victorian environmental regulation. The Victorian Government does not provide accessible public information on the implementation and enforcement of environmental laws. This information is crucial in assessing the effectiveness of environmental law and the government's commitment to

those laws. The implementation of key environmental laws will be monitored by assessing the action taken under essential provisions in each Act. Enforcement of key environmental legislation will also be monitored. We will endeavour to update this information at yearly intervals and will release this data publicly.

"The challenges posed by environmental sustainability and in particular climate change require urgent action including an overhaul of existing regulatory schemes. Recent years have seen a dramatic transformation in the recognition of the reality of climate change and awareness of the need for urgent and significant action. With few exceptions however, the environmental regulatory system in common with regulatory and policy frameworks generally, lags behind community awareness and policy commitments."

EDO submission into the VCEC review – A Sustainable Future for Victoria: Getting Environmental Regulation Right, May 2009

Educating and informing the community

Educating and informing the community about environmental law issues is an important part of our work. As covered elsewhere in this report, our new web resource, Environmental Law Online (www.envirolaw.org.au), is directed towards the general community. In addition, the EDO provides workshops, seminars and guest lectures on environmental law topics. Audiences are wide-ranging: members of community organisations working to protect and enhance their environment; professionals working in the environmental field; law students considering careers in environmental law.

Once again this year, the EDO has paid particular attention to delivering its range of workshops in rural and regional areas, and a common participant comment has been how appreciative they are to have such an opportunity in their area.

This year saw us implement a program funded by the Legal Services Board, 'Improving Community Participation in Planning and Environment Appeals'. Our very capable project officer, Emma Pepler, developed and implemented two-hour VCAT workshop specifically aimed at community groups and individual citizens navigating their way through the VCAT process.

The project has laid the foundations for us to continue to regularly offer the workshop at our office and also in rural locations.

Apart from the VCAT workshops, our lawyers have continued to present workshops on biodiversity laws and climate law together with accepting a broad range of public speaking and lecturing commitments.

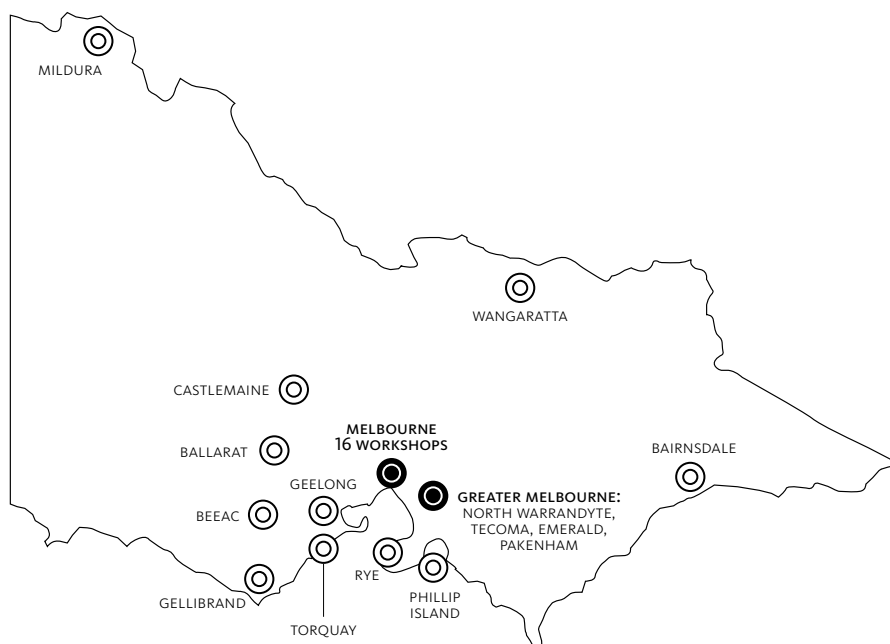
Comments from EDO workshop attendees

"The workshops are a start to a level playing field." – Marg Wohlers-Scarff, 3340 Action Group

"Keep doing them." – Christine Kilmartin, Castlemaine Landcare Group

"Fabulous. Thank you". – Kim Avers, Principal Solicitor, Murray Mallee Community Legal Service

"Excellent presentation – very clear and precise. Thought it didn't need improvement." – Mariai Curtain, Breamlea Coast Action



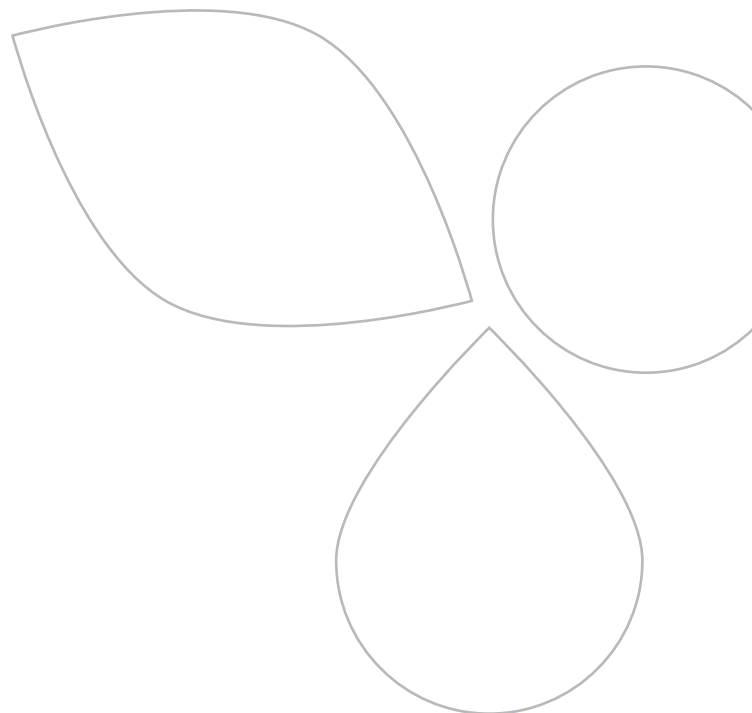
EDO seminar series

In 2008-2009 the EDO ran eight free public seminars. These popular events cater to a diverse range of people, from members of the community through to legal professionals.

Seminar topics and speakers were:

- Water and Sustainability – Alex Gardner, Associate Professor at The University of Western Australia Law School and Visiting Fellow at the Australian Centre for Environmental Law at the ANU College of Law, Anita Foerster. Co-hosted by the National Environmental Law Association.
- Restoring Riparian Land – threats and opportunities’ – Professor Sam Lake, Monash University; David Gabriel-Jones. Public Land Consultancy; Dr Doug Robinson, Trust for Nature, Goulburn-Broken catchment. Co-hosted by the Victoria Naturally Alliance.
- All at Sea? Oceans Law in Australia – Chris Smyth, Marine Campaign Coordinator, ACF; Jeremy Semkiw, Environmental Lawyer
- Careers in Environmental Law – Roland Dillon, Climate Change Strategy, DSE; Alexandra Guild, Senior Policy Officer, DSE ; Henry Jackson, Barrister; Fiona Curl, Senior Associate, Freehills ; Nicola Rivers, Policy Director, Environment Defenders Office
- Cash for Cans: a refundable deposit on drink containers in Victoria? – Fraser Brindley, Project Manager of Smart Production and Consumption, Environment Victoria; Nicola Rivers, Policy and Law Reform Director, Environment Defenders Office; Colleen Hartland, Greens Member of Parliament
- Human Rights and the Environment – speakers from the Environment Defenders Office, the Human Rights Law Resource Centre and PILCH (co-host).
- Environmental Law Online – Stuart Morris QC, former Justice of the Supreme Court of Victoria and former President of VCAT; Rosemary West, Green Wedges coalition coordinator; Brendan Sydes, Principal Solicitor, EDO
- Greenwashed? – Tom Willcox, Solicitor, Consumer Action Law Centre; Patrick Crouche, Deputy Director, Melbourne Compliance, Australian Competition and Consumer Commission

Another special EDO event was ‘A proposed Global Safe Climate Covenant’ with speaker Philip Sutton, co-author of Climate Code Red. Philip discussed his proposal for a Global Safe Climate Covenant, a treaty to be signed by any party willing to commit to a ten year transition to a safe climate economy (whether individual, organisation, business, or government), to be initiated by the time of the Copenhagen Climate Conference.



Statistics

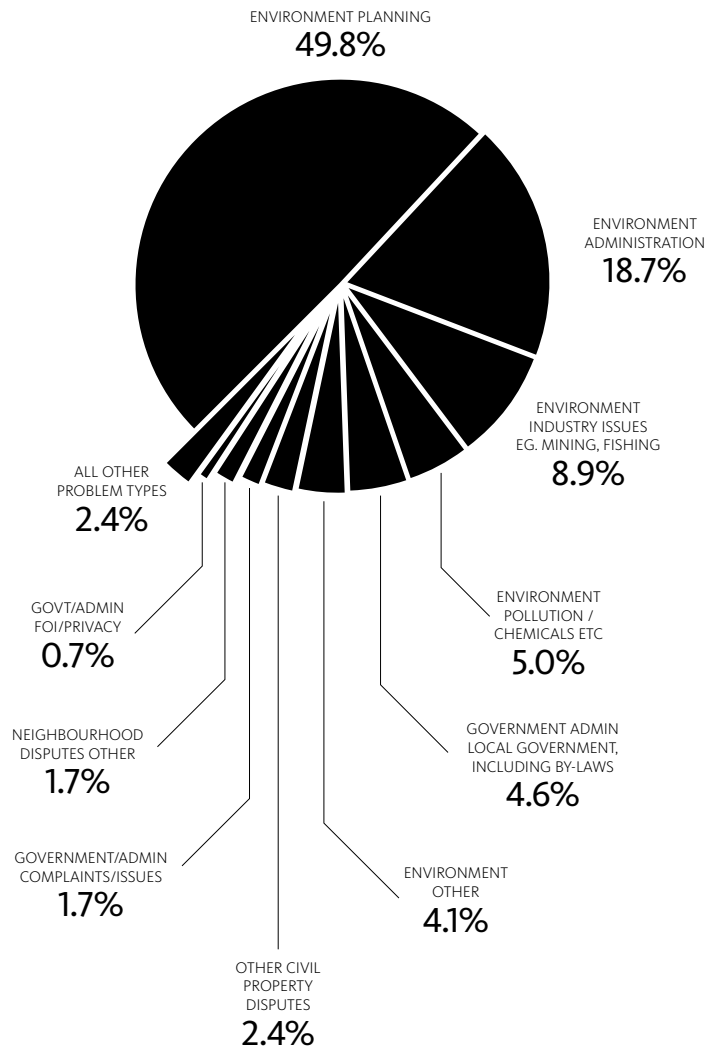
As part of our funding requirements under the Community Legal Services Program (CLSP), the EDO participates in the Community Legal Services Information System (CLSIS) which provides the following summary of how we have helped individuals and groups in 2008-2009 in the course of CLSP activities.

Activities

Type of Activity	Number
Provision of information	6226
Advice given	224
Casework:	
Cases completed	30
Cases ongoing	40
Projects:	
Community Legal Education Projects completed	58
Community Legal Education Projects ongoing	29
Law Reform and Legal Policy Projects completed	31
Law Reform and Legal Policy Projects ongoing	0

Problem Types

The following analysis of the top 10 problem types shows that consistent with previous years, planning and environment enquiries make up the largest portion of the assistance requested from the EDO.



Publications

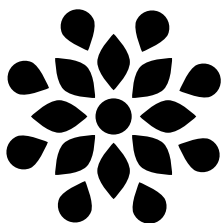
Environmental Law Online

This year the EDO has launched Environmental Law Online (www.envirolaw.org.au), a new, free community resource which gives people a broad range of information in one place online.

The development of Environmental Law Online is part of an EDO strategy to move from paper-based to online publishing. This is not only more environmentally friendly, but ensures that the information is more accessible and easier to update as the law changes.

As part of the project we have been able to convert and update our comprehensive text *Introduction to Victoria's Environment and Planning Law* (previously, the 4th edition in hard copy). In addition there is a wealth of information on national laws, specific issues and policy and law reform resources.

Environmental Law Online has been made possible by the financial support of the Victoria Law Foundation and The Ian Potter Foundation. It draws on the contributions of law student researchers and expert volunteer contributors in the legal community.



Environmental
Law Online

EDO e-Bulletin

Subscribe to the EDO's regular E-mail Bulletin to receive free updates on EDO cases, activities and current environmental law news. Email: edovic@edo.org.au

Kits

EDO Objections Kit

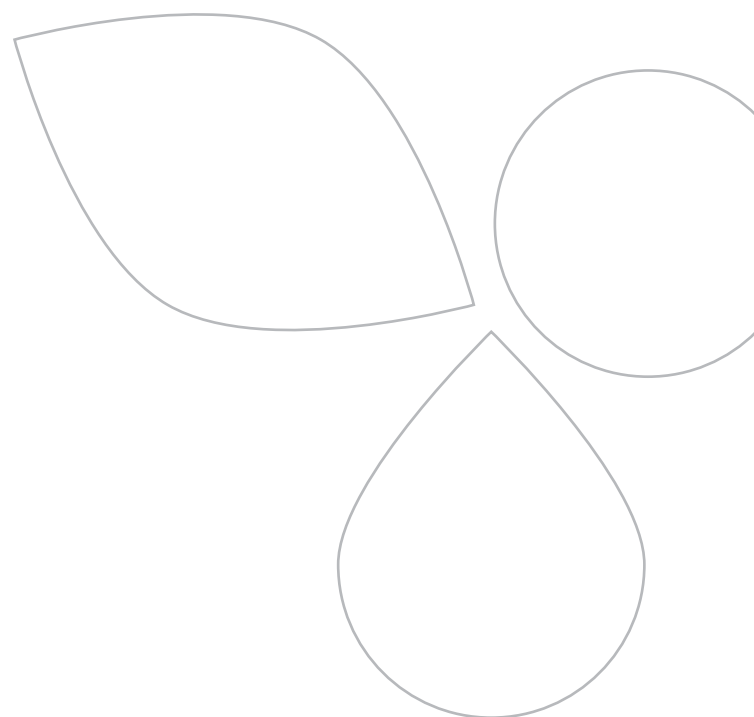
An easy to understand booklet on all aspects of objecting to planning permits.

EDO Appeals Kit

A step-by-step guide to running a case in the Planning and Environment List of the Victorian Civil and Administrative Tribunal.

EDO Enforcement Kit

A working guide to seeking enforcement in planning matters and to nuisance under the Health Act.



Staffing

- Brendan Sydes, Principal Solicitor
- Jode Cowie, Administration Assistant (from September 2008)
- Mandy Johnson, Administration and Projects Coordinator
- Elizabeth McKinnon, Lawyer
- Verity McLucas, Project Worker (to September 2008)
- Emma Pepler, Lawyer, VCAT Appeals Workshop project (to May 2008)
- Simon Perraton, Lawyer, Environmental Law Online project (from December 2008)
- Samitha Rao, Policy and Law Reform Officer (from January 2009)
- Cecilia Riebl, Lawyer (from May 2009)
- Nicola Rivers, Policy and Law Reform Director (from December 2008)
- Rupert Watters, Lawyer (from May 2009)
- Bruce Dolphin continues to provide excellent bookkeeping services.

We have been very grateful and pleased to have continued our pro bono partnership with DLA Phillips Fox in 2008-2009. As part of their commitment to supporting the environment and helping address climate change issues, DLA Phillips Fox has established a permanent full-time pro bono position with the EDO in Victoria. The lawyers seconded are from the firm's environment practice, ensuring they have the specialist knowledge and experience needed to service the EDO's clients. This arrangement has allowed for a significant increase both in service delivery to clients and in policy and law reform work.

DLA Phillips Fox secondees for the 2008-2009 period were:

- Alice Skipper (July 2008)
- John Hannagan (July 2008 –)

During the course of this year we were also fortunate to receive support from Deacons in the form of a short term secondment:

- Natalie Wilkinson (September 2008 – January 2009)

Volunteers and pro bono support

The operation of the EDO and our ability to provide services to the Victorian community relies on the generous support of our volunteers and the provision of pro bono assistance from legal and other professionals.

Voluntary contributions of time and expertise is important in all areas of our operations – office administration, graphic design, the provision of information and advice, legal representation, writing publications and submissions and the governance of the organisation by the Board.

Our day-to-day operations rely on the support of law student volunteers and others who assist with tasks ranging from answering the phones to conducting legal research.

We work with barristers, solicitors and experts, many of whom have provided invaluable support to the EDO over many years, and others who make their time and expertise available directly to the EDO or through organisations such as the Public Interest Law Clearing House (PILCH).

Law students and recent graduates volunteering at the EDO

Many law students and others have contributed to the EDO by providing a day of their time during semester period to assist with legal research, paralegal tasks and administrative tasks.

This year our work was also supported by four solicitors who each undertook a period of unpaid work for the EDO. Their contribution to our legal, policy and law reform work was greatly appreciated.

In 2008-09, we again increased the number of internships offered to students, with the program now well established. Eighteen students from 7 universities undertook two-week internships during semester breaks. Interns assisted in either casework or policy and law reform work and made a substantial contribution to the EDO's capacity, particularly in policy work.

We thank Bernie Fox for his continuing generosity in providing funding to the internship program.

Staff and volunteer training

Both EDO staff and volunteers are provided with training internally and externally in a range of areas to keep our service knowledgeable, efficient and compliant.

This year, staff training and conference attendances included:

- conferences and forums such as Victorian Coastal Forum; Legal Sector Publishers Forum; Green Jobs; Environmental & Planning Law; Using Indicators in Grant Seeking, Reporting and Advocacy.
- skills training in advocacy; dealing with difficult clients; expert evidence; PowerPoint for lawyers.

- seminars on topics such as emissions trading; new WorkSafe guidelines for volunteers; ethics and trust accounting; the Planning and Environment Act review; human rights; Freedom of Information; promoting health and wellbeing at work.

We actively seek to offer opportunities to our volunteers including our own seminar series (see 'Educating and informing the community'). This has been popular with our law student volunteers, particularly the annual 'Careers in Environmental Law' seminar, which was booked out this year, with a waiting list.

Volunteering at the EDO

Volunteering at the EDO is one of the most rewarding part-time commitments for a university student interested in environmental law. As volunteers we get to work alongside passionate and talented professionals in the field of environmental law and policy.

As the only community legal organisation dedicated to the environment, volunteering at the EDO is a very unique experience for a law student. The EDO's many on-going community education programs provide further opportunities for volunteers to learn about and gain exposure to the wide variety of topics that impact upon environmental law.

The EDO team is incredibly generous to their volunteers and always very appreciative! Every once in a while a volunteer night is organised where all of us can get together and meet those who volunteer on different days.

Other opportunities to meet our co-volunteers pop up at EDO events such as the EDO stall at the Sustainable Living Festival, at Friday night roof-top drinks, or at any of the EDO's many community education seminars and guest speaker events.

The 60L Green Building itself is fascinating, and volunteers are able to take a free tour of the facility. All the other tenants in the building are also connected to the protection of the environment in one way or another, and so as a volunteer I have been lucky to learn about these organisations as well.

The best part of being a volunteer at the EDO is the motivation that comes from seeing people working to protect the environment and being given the opportunity to improve my ability to support this important cause as well.

Olivia Mason

Vale Jenny Barnett: EDO Member

The list of victims of the Black Saturday fires, February 2009, included EDO member Jenny Barnett and her husband John.

Jenny was one of the 30 or so founding members of the EDO in 1991 and one of the small number of those who have maintained their membership throughout the entire period of our existence.

Jenny was a tireless contributor to the work of the Victorian National Parks Association for many years. She undertook a large proportion of their submission writing, environmental impact assessment and planning law work, which inevitably meant that she had a lot to do with EDO lawyers over the years.

Her knowledge and skills were ample demonstration that legal knowledge and advocacy skills are not the sole province of the legal profession. I suspect she appeared before more hearings, panels and inquiries than most, if not all, of the lawyers who practise in environment and planning law. Her knowledge and tenacity were widely respected.

The striking thing about Jenny in my many dealings with her was her ability to combine a long-term perspective with incredible knowledge of the detail. She could always be relied upon for a specific example to counter a sweeping generalisation or overstated claim by a bureaucrat.

Her commitment to accountability in environmental management, and her persistence in attempting to close the gap between the promises of environmental law and policy and the reality, will continue to inspire us at the EDO.

Jenny wrote a very influential and useful book on planning and environmental law for community groups that went through a number of editions in the late 80s and early 90s. The final edition was published by the VNPA with the support of the Victoria Law Foundation in 1993. Although the legal content is now a little dated, the book, *Standing Up For Your Local Environment*, is a model of accessible and usefully practical information about the law and community campaigning. The following quote from the preface is pure Jenny:

“The most important strategy of all is that of persistence. Nothing is more certain than this: if you give up you will lose. You may have to change your techniques from time to time, or perhaps wait awhile and then try again. Above all, follow each issue through. You may ultimately succeed with many of your hopes by simply persisting until the bureaucracy concedes your case.”

All of us at the EDO extend our condolences and sympathies to the Jenny's family and friends and her colleagues at the Victorian National Parks Association.

Brendan Sydes,
Principal Solicitor

EDO Supporters

EDO sincerely thanks the following organisations and individuals for their support:

Funding and Financial Support

Program, Service and Projects Funding

Department of Planning and Community Development

Legal Services Board

The Ian Potter Foundation

Victoria Law Foundation

Victoria Legal Aid and Commonwealth of Australia Community Legal Service Program

Individual Member Donors

We thank the many individuals who have so generously contributed to sustain the EDO's essential services to the community.

Companies and organisations

DLA Phillips Fox (seconded program and services support)

Deacons (secondment)

Paoli Smith Pty Ltd (graphic design and print production)

Thanks to the Victorian National Parks Association and Environment Victoria for providing direction and support to our Policy and Law Reform program.

Individuals

Jason Kane
Debbie Mortimer SC
Richard Niall
David O'Brien
Emily Porter
Brendan Reilly

Seminar speakers

Fraser Brindley
Patrick Crouche
Fiona Curl
Roland Dillon
Anita Foerster
David Gabriel-Jones
Alex Gardner
Alexandra Guild
Colleen Hartland
Henry Jackson
Sam Lake
Stuart Morris QC
Doug Robinson
Jeremy Semkiw
Chris Smyth
Rosemary West
Tom Willcox

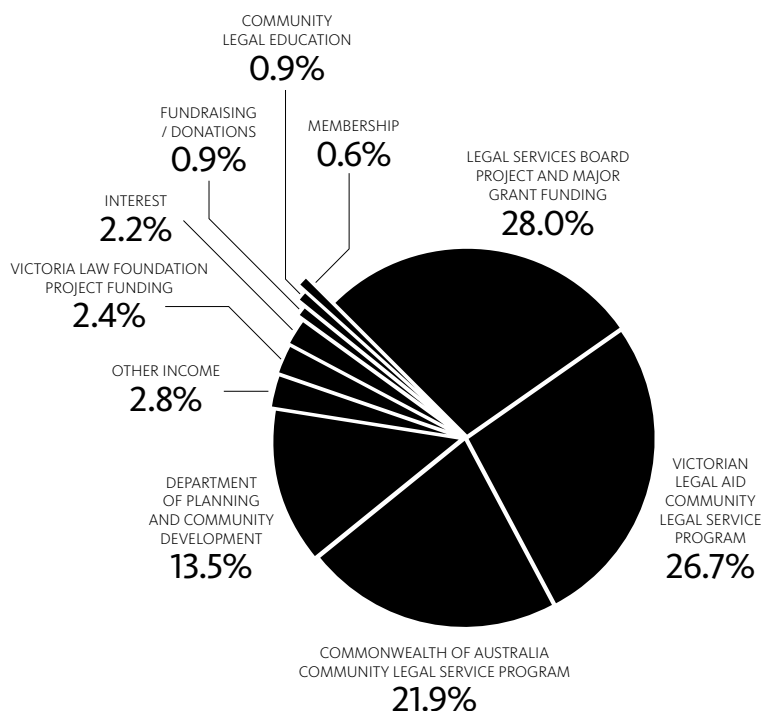
Law Student Interns

Robyn Allchin
Juliet Armatolos
Sarah Attrill
Mahmud Begg
Emma Burchell
Philip Couch
Tim Farhall
Carly Godden
Rachael Harman
Suzie Howell
Rebecca Hughes
Kate Leine
Matthew Merry
Maria Riedl
Ellen Roberts
Byron Webb
Naomi Wynn

Volunteer Lawyers and Law Students

Adele Barlow
Jane Berry
Emily Boldiston
Jeremy Fultheim
Carly Godden
Rachael Harman
Felicity James
Olivia Mason
Felicity O'Brien
Evelyn Ooi
Simon Perraton
Christopher Settle
Jenny Sharp
James Tierney
Hugh Tunnecliff
Byron Webb
Long Zhao
Susan Zhao


FUNDING 2008-2009



Financial Statements

For the Year ended 30th June 2009

Environment Defenders Office (Victoria) Limited
ACN 052 124 375



Directors' Report

Your Directors submit the financial accounts for the financial year ended 30 June 2009.

DIRECTORS

The names of Directors in Office at the date of this report are:

Susan Margaret Chippendale

Richard Dominic Hilton

Henry Hall Jackson

Miriam Ann McDonald

PRINCIPAL ACTIVITIES

The principal activities of the company in the course of the financial year were providing environmental and planning law services to the community, promoting and developing educational programs for the community in connection with environmental and planning law matters, and promoting and encouraging environmental laws and policies for the conservation, protection and enhancement of the natural or cultural environment.

No significant change in the nature of these activities occurred during the year.

OPERATING RESULTS

The net surplus after providing nil for income tax amounted to \$19,158 (2008 Deficit \$15,115).

DIVIDENDS PAID OR RECOMMENDED

No Dividends were paid or are recommended for payment.

AFTER BALANCE DATE EVENTS

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the economic entity, the results of those operations, or the state of affairs of the economic entity in subsequent financial years.

LIKELY DEVELOPMENTS AND RESULTS

No changes are envisaged at present.

INFORMATION ON DIRECTORS

Susan Margaret Chippendale

Non-executive Director, Chairperson

Manager – Domestic Communications, Australian Red Cross

Richard Dominic Hilton

Non-executive Director, Honorary Treasurer

Senior Manager, Ernst & Young

Henry Hall Jackson

Non-executive Director, Vice-Chairperson

Barrister-at-Law

Miriam Ann McDonald

Non-executive Director, Honorary Secretary

Consultant, Maddocks

Directors' Report (continued)

NEW DIRECTORS / RESIGNATIONS

Stephen May resigned 18 June 2009.

AUDIT COMMITTEE

At the date of this report the Company does not have an audit committee.

CORPORATE GOVERNANCE

At the date of this report, the Company does not have a policy covering Corporate Governance.

DIRECTORS AND AUDITORS INDEMNIFICATION

The company has not, during or since the financial year, in respect of any person who is or has been an officer or auditor of the company or a related body corporate, indemnified or made any relevant agreement for indemnifying against a liability incurred as an officer, including costs.

SHARE OPTIONS

No options to shares in the company have been granted during the financial year and there were no options outstanding at the end of the financial year.

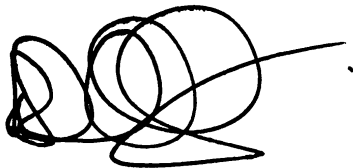
DIRECTORS' BENEFITS

No director has received or become entitled to receive, during or since the financial year, a benefit because of a contract made by the company, controlled entity or a related body corporate with a director, a firm of which a director is a member or an entity in which a director has a substantial financial interest.

Signed in accordance with a resolution of the Board of Directors.



.....
Director



.....
Director

Dated this 15 day of September 2009

Income Statement For the Year ended 30 June 2008

	Note	2009 \$	2008 \$
Revenues from ordinary activities	2	494,740	359,882
LESS EXPENDITURE			
Amenities		1,586	1,504
Audit & Accountancy Fees		7,285	6,910
ASIC Lodgement Fees		40	-
Bank Charges		1,737	1,569
Capital Equipment – Maintenance		574	789
Capital Equipment – Purchase		2,621	679
Community Legal Education Expenses		242	3,230
Conference		1,294	4,775
Depreciation		3,787	5,940
Disbursements/Casework Clients		148	31,510
Electricity, Gas & Fuel		10,630	6,363
Insurance		1,878	1,791
IT Expenses		18,428	-
Library		2,072	3,368
Marketing & Events		572	-
Memberships		2,381	1,422
Other Project Costs		3,000	-
Postage & Courier		1,691	1,155
Practising Certificates		2,632	1,595
Printing		3,604	1,917
Provision for Annual Leave		3,686	6,303
Provision for Long Service Leave		4,080	-
Publicity/Newsletter		2,057	901
Recruitment		2,762	376
Rent & Rates		22,474	16,420
Relocation Expenses		546	1,461
Salaries – Permanent		320,818	224,491
Salaries – Casual		5,777	7,252
Security		28	250
Stationery/Photocopying		1,932	6,317
Storage		1,920	1,720
Superannuation – Permanent		28,411	21,639
Superannuation – Casual		520	798
Sundry Expenses		1,925	527
Telephone/Telecommunications		5,231	6,869
Training		595	227
Travel		5,001	3,693
Volunteer		-	500
Workcover		1,617	737
		475,582	374,996
NET SURPLUS/(DEFICIT) FROM ORDINARY ACTIVITIES	3	19,158	(15,115)

Balance Sheet As at 30 June 2009

	Note	2009 \$	2008 \$
CURRENT ASSETS			
Cash and Deposits	5	230,847	216,221
Receivables and Prepayments	6	75,847	8,380
TOTAL CURRENT ASSETS		306,694	224,601
NON-CURRENT ASSETS			
Office Equipment	7	5,348	9,135
TOTAL NON-CURRENT ASSETS		5,348	9,135
TOTAL ASSETS		312,042	233,736
CURRENT LIABILITIES			
Creditors and Borrowings	8	25,217	18,066
Provisions and Projects	9	194,387	146,471
TOTAL CURRENT LIABILITIES		219,604	164,536
NON-CURRENT LIABILITIES			
Provision for Long Service Leave		4,080	-
TOTAL NON-CURRENT LIABILITIES		4,080	-
TOTAL LIABILITIES		223,684	164,536
NET ASSETS		88,358	69,200
EQUITY			
Accumulated Funds	4	88,358	69,200
TOTAL EQUITY		88,358	69,200

Note 1: Statement of Significant Accounting Policies

The financial statements are a special purpose financial report that have been prepared in accordance with the requirements of the Corporations Act 2001. The directors have determined that the company is not a reporting entity as defined in Statements of Accounting Concepts 1: "Definition of the Reporting Entity", and therefore, as there is no requirement to apply accounting concepts or standards in the preparation and presentation of these statements, none have been adopted.

The financial statements have been prepared on an accruals basis from the records of the company. They are based on historical costs and do not take into account changing money values or, except where stated, current valuations of non-current assets.

(A) Income Tax

No income tax has been provided for in the accounts as the company is a charitable institution and is endorsed as income tax exempt under subdivision 50-B of the Income Tax Assessment Act 1997. No matter or circumstance has arisen which affects the company's entitlement to this endorsement.

(B) Property, Plant and Equipment

Property, plant and equipment are brought to account at cost or at independent or directors' valuation, less, where applicable, any accumulated depreciation or amortisation.

The carrying amount of property, plant and equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows which will be received from the assets employment and subsequent disposal. The expected net cash flows have not been discounted to their present values in determining recoverable amounts.

The depreciable amount of all fixed assets including building and capitalised lease assets, but excluding freehold land, is depreciated on a straight line or diminishing basis over their useful lives to the company commencing from the time the asset is held ready for use.

(C) Cash

For the purpose of the statement of cash flows, cash includes:

Cash on hand and at call deposits with banks or financial institutions, net of bank overdrafts.

(D) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST except where the amount is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expenses. Receivables and payables in the Balance Sheet are shown inclusive of GST.

Notes to the Financial Statements For the year ended 30 June 2009

	2009 \$	2008 \$
Note 2: Revenue		
Operating Activities		
Members Contributions	3,086	3,021
Grants	458,160	288,994
Fees for Service	13,231	–
Interest Received	10,712	5,854
Donations, Fund Raisings, Lectures Etc.	4,430	41,952
Other – Costs Reimbursed/Retained	790	6,691
C.L.E.	4,306	13,154
Sundry	25	216
	494,740	359,882

Note 3: Profit from Ordinary Activities

Profit (Loss) from ordinary activities before income tax	19,158	(15,115)
Expense has been determined after:		
(a) Expenses:		
Auditing Services	1,840	2,340
Depreciation of non-current assets		
– property, plant & equipment	3,787	5,940
Other provisions		
– Employees entitlements	7,766	6,303

Note 4: Accumulated Funds

Accumulated Funds at beginning of the financial year	69,200	83,524
Prior Year Adjustments	–	790
Net Surplus/(Deficit) for the year	19,158	(15,115)
Accumulated Funds at the end of the financial year	88,358	69,200

Note 5: Cash and Deposits

Cash on Hand	200	200
Cash at Bank – Cheque A/C	17,639	48,871
Cash at Bank – V2 A/C	203,008	157,150
Term Deposit	10,000	10,000
	230,847	216,221

Note 6: Receivables and Prepayments

Accounts Receivable	75,397	8,380
Undeposited Funds	450	–
	75,847	8,380

Notes to the Financial Statements For the year ended 30 June 2009

	2009 \$	2008 \$
Note 7: Office Equipment		
Office Equipment	25,103	25,103
Less Accumulated Depreciation	19,755	15,968
	5,348	9,135
Note 8: Creditors and Borrowings		
Accounts Payable	8,077	3,410
Sundry Creditors	17,140	14,656
	25,217	18,066
Note 9: Provisions and Projects		
D.S.E./D.P.C.D. Funding	67,000	67,000
Legal Services Board	87,766	50,000
Ian Potter – EnviroLaw National	23,981	17,517
Provision for Annual Leave	15,640	11,954
	194,387	146,471

Note 10: Company Limited By Guarantee

The company is a registered public company limited by guarantee. In the event of the company being wound up, the Constitution state that the liability of each member, or each former member who ceased to be a member within twelve months prior to the company being wound up, is limited to an amount not exceeding \$10.00. As of 30 June 2009 the number of members was 105.

Note 11: Company Details

The registered office of the company is:

L3, 60 Leicester Street
Carlton Victoria

Notes to the Financial Statements For the year ended 30 June 2009

	2009 \$	2008 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from government grants	458,160	273,865
Receipts from other sources	6,317	134,485
Payments to suppliers and employees	(460,563)	(357,052)
Receipts from interest	10,712	5,854
Net cash provided by (used in) operating activities	14,626	57,152
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from (payment for) property, plant and equipment	-	-
Proceeds from (payment for) investments	-	-
Net cash provided by (used in) investing activities	-	-
CASH FLOWS FROM FINANCING ACTIVITIES		
Proceeds from (repayment of) borrowings	-	-
Net cash provided by (used in) financing activities	-	-
Net increase (decrease) in cash held	14,626	57,152
Cash at beginning of reporting period	216,221	159,069
Cash at end of reporting period	230,847	216,221

Notes to the Financial Statements For the year ended 30 June 2009

	2009	2008
	\$	\$
Reconciliation of Cash Flow from Operations with Operating Profit after Income Tax		
Operating Profit	19,158	(15,115)
Depreciation	3,787	5,940
(Increase)/Decrease in current receivables	(67,467)	4,533
(Increase)/Decrease in provisions	4,080	6,303
(Decrease)/Increase in provisional projects	47,916	49,789
(Decrease)/Increase in current creditors	7,152	5,700
Cash Flows from operations	<u>14,626</u>	<u>57,152</u>

Directors' Declaration

The directors have determined that the company is not a reporting entity as defined in Statements of Accounting Concepts 1: "Definition of the Reporting Entity", and therefore there is no requirement to apply accounting concepts or standards in the preparation of these financial statements. The directors have determined that this special purpose financial report should be prepared in accordance with those accounting standards and the basis of accounting outlined in Note 1 to the accounts.

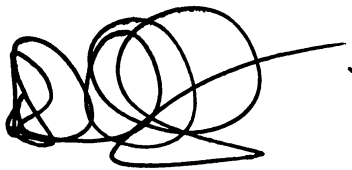
In the opinion of the directors of the company:

1. The financial statements and notes, as set out on pages 4 to 10:
 - (a) Is in accordance with the accounting standards and the basis of accounting outlined in Note 1 to the accounts; and
 - (b) give a true and fair view of the financial position as at 30 June 2009 and performance for the year ended on that date of the company.
2. At the date of this statement there are reasonable grounds to believe that the company will be able to pay its debts as and when they fall due.
3. The company has kept such accounting records as correctly record and explain the transactions and financial position of the company, in a manner as would enable true and fair accounts of the company to be prepared from time to time, and would enable the accounts to be conveniently and properly audited in accordance with the Corporations Act 2001. The accounts have been properly prepared by a competent person.

This declaration is made in accordance with a resolution of the Board of Directors and is signed for and on behalf of the directors by:



.....
Director



.....
Director

Dated this 15 day of September 2009

INDEPENDENT AUDIT REPORT to the Members

Scope

We have audited the financial statements comprising the statement by directors, income statement, balance sheet, statement of cash flows and notes to and forming part of the financial statements of Environment Defenders Office (Victoria) Limited for the financial year ended 30th June 2009.

The company's directors are responsible for the preparation and presentation of the financial statements and the information contained therein and have determined that the accounting policies used and described in Note 1 to the financial statements are appropriate to meet the requirements of the Corporations Act 2001 and are appropriate to meet the needs of the members. We have conducted an independent audit of the financial statements in order to express an opinion on them to the members of the company. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members.

The financial report has been prepared for the distribution to members for the purpose of fulfilling the directors' financial reporting requirements under the Corporation Act 2001. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with the accounting policies described in Note 1 to the financial statements as to present a view which is consistent with our understanding of the company's financial position and performance as represented by the results of their operations and their cash flows. (These policies do not require the application of all Accounting Standards and UIG Consensus Views).

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In our opinion, the financial statements of ENVIRONMENT DEFENDERS OFFICE (VICTORIA) LIMITED are properly drawn up:

- (a) so as to give a true and fair view of:
 - (i) the state of affairs as at 30 June 2009, and of the profit and cash flows for the financial year ended on that date of the company; and
 - (ii) the other matters required by the Corporations Act 2001 to be dealt with in the financial statements;
- (b) in accordance with the provisions of the Corporations Act 2001, and
- (c) in accordance with applicable Accounting standards and other mandatory professional reporting requirements to the extent described in Note 1 to the financial statement.



Janet L. Collyer (Partner)

J.L. COLLYER & PARTNERS

1st Floor, 189 Coleman Parade, Glen Waverley, VIC 3150

Date: September 2009

**Environment
Defenders Office
(Victoria) Ltd**

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Carlton VIC 3053

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A'Beckett Street PO
Melbourne VIC 8006

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