



ANNUAL REPORT

2015-2016

PROTECTING THE ENVIRONMENT THROUGH THE LAW

Environmental Defender's Office (ACT)
2 Allsop Street
Canberra ACT 2601

GPO Box 574
Canberra ACT 2601

Telephone: (02) 6243 3460
Email: edoact@edo.org.au
www.edoact.org.au

OVERVIEW OF THE EDO (ACT)'S OBJECTIVES

- Vision:** To empower the community to protect the environment through the law.
- Mission:** To provide a community legal aid service to provide legal services on environmental and related matters to persons whose interests should be pursued as a matter of public interest taking into account their financial means.
- Values:** To address the disempowerment that results from an inability to access legal services in relation to matters affecting the natural and built environment and to promote access to the legal system for persons seeking to protect the environment.
- Objectives:** To provide a community legal service specialising in environmental law for the benefit of persons in the Canberra region whose interests should be pursued as a matter of public interest taking into account their financial means.
- To ensure that the EDO (ACT) is able to operate effectively and is accountable to its funding bodies

THE ROLE OF THE EDO (ACT)

The EDO (ACT) has three main functions:

- providing legal advice and representation on environmental law matters to members of the community and community groups interested in preserving the environment;
- undertaking community education about legal issues related to the environment and planning;
- researching and making submissions to government about reforms of laws and policies affecting the environment.

Specific EDO services to the ACT and regional community include:

- providing legal advice and representation to people and groups seeking to protect the environment;
- presenting environmental law seminars to the community, and presenting individually tailored talks to schools and environmental groups;
- providing environment and planning law information to the general public, such as the EDO's environmental law fact sheets and the ACT Environmental Law Handbook;
- researching public interest matters in environmental law; and
- promoting laws and law reform that helps to protect the environment including working with other ACT community legal centres, indigenous groups and environmental groups to make submissions proposing improvements to environment and planning policies and laws.

ENVIRONMENTAL DEFENDERS OFFICE (ACT) INC.

CHAIR'S REPORT

This report is formally for the financial year 2014/15, but it is being written in November 2016 after the Australian Federal Election, the ACT Election and indeed the US Presidential Election. It would make little sense not to address these events until another year had passed. Most significantly for the EDO (ACT), the ACT Election result in October 2016, and pre-election commitments from the ACT Greens and the ACT Labor Party have given this organisation a real opportunity chance to establish a sustainable place in the Canberra community's legal landscape.

The first few months of the 2014/15 financial year saw the EDO (ACT) publish the third edition of the *ACT Environmental Law Handbook*, conclude an independent review of the World Heritage Committee for the WILD Foundation and begin a series of Environmental Law Clinics for the ANU Law School.

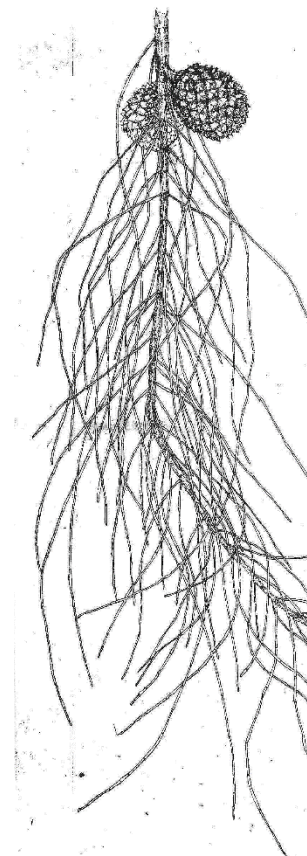
The Handbook was a significant update to a key reference book that is relied on by ACT and Australian Government officers, legal practitioners and community members. It was launched at a public event that combined a fundraising auction, addressed by CEO of 350.org, Blair Palese, and past ACT Chief Minister Jon Stanhope AO.

The review of the World Heritage Committee was independently funded international work brought in by EDO ACT's previous chair Hannah Jaireth, a member of our strong legal and environmental network of experts.

Principal solicitor, Camilla Taylor conducted the EDO's first environmental law clinic for the ANU in second semester of 2015. We have since conducted two more, and the feedback has been strong and positive. It is an important and effective way the EDO can contribute to environmental education and strengthen the capacity of the ACT's legal community to protect the environment.

Nonetheless, by the time we held the last AGM in November 2015, we knew our financial resources were diminishing, despite all our inventive and productive work. The ACT Government had been unable to find ongoing funds to cover the inevitable shortfall that came with the Australian Government's 2013 decision to terminate support for EDOs across Australia; the inevitably limited funding available through the ACT Law Society's statutory interest account, and the frustrating inability of ACT Government partners to contract agreed project work, such as the production of a suite of factsheets.

The most practical and realistic hope for the EDO was the reinstatement of Commonwealth funding following a change of government at the Federal Election in July 2016, gaining a political commitment for support for EDO ACT in the lead up to the ACT Election in October 2016 or – less likely – a change of stance from the ACT Government in the context of the Territory budget delivered in June 2016.



This is not to suggest we narrowed our options. As identified in the Principal solicitor's report, the EDO has been involved in the development of a number of partnership proposals with other EDOs, has explored further work with business and community organisations, and investigated downsizing, amalgamating and warehousing its operations. It has also maintained strong relationships with local community partners and continued to deliver on its mission to provide accessible legal advice in order to protect the environment through the law, with the knowledge that we would continue to seek their support as we moved towards a less certain future.

One of the key lessons for those of us committed to the EDO, is that even those people who depend on and refer to its advice and information don't really understand or appreciate its value. And over the past year a lot of the work that we've done, Camilla in particular, has been to become progressively clearer and more explicit about EDO's value proposition: through grant applications, public campaigning, political lobbying and in the everyday work of the Office.

It is also worth reflecting briefly on the practical journey of the past 18 months. There has been quite a turn over in the EDO's Committee members, and those who have stuck by the organisation have done so more out of their own values and commitment than with any confidence or ambition for the EDO's future. The ongoing contribution of outgoing deputy chair Julia Pitts and other long time members Kasy Chambers, Lee Nelson (Treasurer), and Susan Bell (Secretary) are of particular note, given the turmoil of the past few years. I am also pleased to acknowledge committee members Jason Parsons, Gabrielle Ho, Karl Goiser and most recently Deborah Nesbitt.

Camilla herself has had to tirelessly reframe opportunities for the EDO to deliver fact sheets to the ACT Government and services for the community, continue to run the ANU clinic, contribute to the national and local environmental law networks, sustain the community legal service drawing on and supporting the work of a number of committed volunteers (they are acknowledged formally at the end of this report).

In May 2016, Camilla offered to move to part time in order to ensure the EDO ACT office could remain open until after the ACT election and to the end of the 2016 Second Semester ANU clinic. Around the same time, internal changes in the Legal Aid Office, which has hosted EDO ACT for many years, saw us move to smaller shared spaces in the same building.



After the delivery of a disappointing ACT 2016 Budget, EDO drew on the generous offer of support from local Not-for-Profit strategist, Andrea Simmons, to pull together an election campaign that built on our strengths, connections and capacities. It is hard to say which elements of that work, the wider community support it

harnessed, and the political weight of the ACT Greens had the most impact, but the effective underwriting of the EDO here in the ACT for at least the next two years is both a relief and an opportunity.

It will be clear to the reader then that the last few months were more about coordinating that campaign for our ongoing survival and delivering on basic services (including the clinic) than in being a part of any coordinated action in regards to the local or global environment. That is not to say that we haven't been involved in matters of environmental concern, as the Principal Solicitor's report makes clear, but there has been no space until now for a more strategic approach.



It is clear however, that while the ACT population remains progressive, there is an ongoing threat to environmental protection – and legal action related to it – from the Australian Government, from other players in Australian public life and (as the election of Donald Trump in the US indicates) a broader step back from environmental values and global responsibility.

The ACT Government's ongoing support brings with it both an opportunity and a responsibility for us to build a longer term plan for EDO ACT that draws on its local network and context, and seeks to reinforce the incredible importance of community based legal action for environmental protection to the ultimate benefit, in the short term and the long term, of all people and the diverse rich life of our planet.

My thanks again to all members of the Committee. I wish Julia Pitts well as I know she will not stand for election at the 2016 AGM. Julia has been a thoughtful, insightful deputy Chair and her knowledge and passion will be sorely missed. I would also like to thank Principal solicitor and CEO Camilla Taylor who has worked hard, long, inventively and resiliently over the past years to grow the EDO where possible, to look for and deliver on new opportunities and – in the end – to keep us alive.

Finally, I would like to thank the following volunteer/interns who play such an important role in the day to day, and month to month, operation of the service: Katherine Duffy, Aaron Broekhuysen, Gabrielle Ho, Quintin Gravatt, Bronwyn Wrigley, Tiffany Chung, Lauren Evans, Max Butler, Maclaren Wall, Clare Kim, Elsa Merrick, Isabelle Purdy, Deborah Nesbitt, Isabelle Comfort, Alex Ross, Sean McDonald and Percy Su.

Roland Manderson

Chair, Environmental Defenders Office (ACT)

22 November 2016

ENVIRONMENTAL DEFENDERS OFFICE (ACT) INC.

CEO'S REPORT¹

Introduction

The ACT Environmental Defenders' Office [EDO] is an independent, not-for-profit, community legal centre. The EDO is dedicated to the development, promotion and application of the ACT environmental laws in matters involving the public interest. The EDO offers a range of legal services that are unique in their public interest focus via the implementation of our core objectives outlined on page 2 of this Report.

In the 2015–2016 year, EDO focused its limited resources on achieving these objectives to advise, educate and encourage increased public interest and participation in the environmental law. The issue of finding a sustainable funding path remained alive as it has since the Abbott federal government terminated all EDO funding in December 2013.² This important element of our work presented many challenges in 2015-16, chief of which comprised the balancing of competing needs to raise funds to secure future viability for the office and deliver on the EDO mandate to provide free and independent advice about the ACT environment protection laws. This issue became increasingly pressing as EDO staff and its Committee watched the EDO funds continue to shrink throughout the 2015-16 year.

As noted in the Chair's report above, the question of the EDO's uncertain future was answered by the ACT Greens Party and the ACT Labor Party when both these parties made an initial funding commitment prior to the ACT government election (held in October 2016). A similar commitment was later included in the Parliamentary Agreement 2016 when the Green and Labor Parties formed the 9th Legislative Assembly for the ACT.

This welcomed news provided much relief and satisfaction to the EDO members and supporters who greatly assisted the EDO in communicating strong messages to the ACT election candidates that they expected their government elect to support the EDO and to enable it to continue its important community work.

Why does the ACT need the EDO?

Although the ACT is a leading jurisdiction in Australia for its climate policies and legislated targets,³ as the ACT population rises and its urban footprint continues to expand, the natural environment in the ACT faces increasing development pressures. In some cases, this pressure is unprecedented as Canberra looks to its borders with NSW in which to continue its greenfield expansion.⁴ In turn this expansion requires more land and threatens the 'bush capital's' valued rural and bush setting as well as the connectivity between its ecosystems.

¹The EDO's CEO and Principal Solicitor, Camilla Taylor can be contacted on edoact@edo.org.au.

² In 2013/14 I gave a detailed report about the Federal Government's surprise announcement that it was terminating its funding agreements with all the EDOs nationally. Previously, the support provided by the Commonwealth was EDO ACT's primary source of funding.

³ Luke Kemp, Penny Sackett and Frank Jotzo (2015) 'Sub-National Climate Policies: How does the ACT compare?', Australian Capital Territory Climate Change Council, p.25.

⁴ http://www.planning.act.gov.au/_data/assets/pdf_file/0008/895076/2012_Planning_Strategy.pdf, p.33.

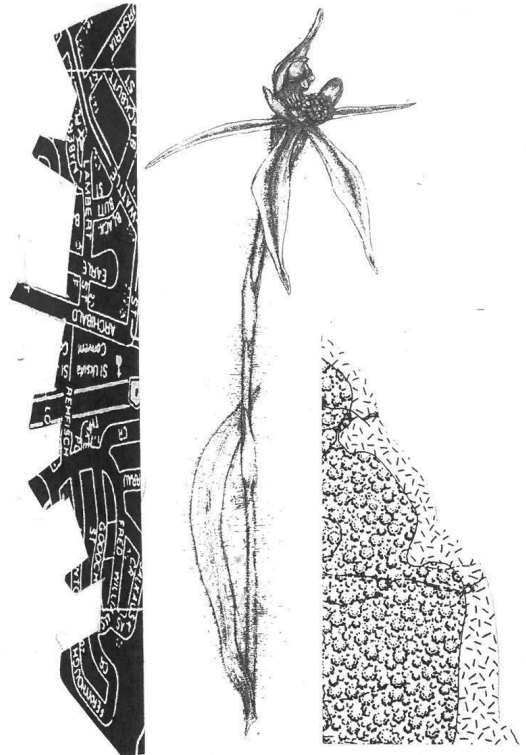
The EDO is the only affordable legal option for communities, landholders and interest groups who, when confronted with major development projects, wish to protect their local biodiversity, indigenous cultural values, farmland, clean waterways and/or other public interests. The EDO assists these parties to use the law to improve environmental outcomes and provides a vital access to justice service for people who wish to stand up and protect their environment.

A publicly funded EDO provides expert legal support at no cost and fills a gap not otherwise provided anywhere in the ACT or Australia. Defending the diverse values of the natural and cultural environment is otherwise unaffordable for many Australians and the EDO is the only place where the bulk of our population can go to obtain legal advice on public interest environmental law matters when they feel threatened or affected by a development.

Increasing the EDO funding

This issue has been addressed comprehensively in the Chair and Treasurer's report, however this section will briefly address the nature of the EDO's response to its funding crisis. The EDO spent a significant amount of the time it would otherwise dedicate to assisting the community with its legal needs, towards raising its profile and seeking opportunities to access alternative sources of funding. As the office faced closure somewhere in the middle of the 2016-17 financial year, becoming financially viable became the EDOs ultimate objective as closure would mark an end to any meaningful community assistance.

In 2015-16, the EDO staff and Committee planned and put into action various fundraising strategies and opportunities. These included the completion of an independent report into the World Heritage Committee on behalf of the WILD Foundation;⁵ lodging grant applications; and in October 2015, the finalising and launching of the *ACT Environmental Law Handbook* (3rd ed. 2015). The launch was combined with an exciting live and online auction and was also attended by VIP speakers Blair Palese (350.org) and Jon Stanhope AO (ACT Chief Minister 2001-2011). In June 2015, the EDO entered into an ongoing arrangement with the ANU to offer its law students an environmental law clinical program. The EDO is grateful to Associate Professor Dr Tony Foley and Professor Don Rothwell for the support they have given the EDO in establishing the clinic and contributing to its ongoing success. In 2015-16 the EDO also placed an increased focus on raising its profile amongst the ACT community and became increasingly active using social media (Facebook and Twitter) as well as issuing various media statements and engaging with Canberra media including *666 ABC Canberra*, and *The Canberra Times*. Importantly, EDO engaged with several members of the ACT Legislative Assembly throughout the 2015-16 year, including giving input to the ACT government's Budget 2015/16 Consultation process. In short, the EDO requested the ACT



⁵ The EDO is grateful to our former Chair Dr Hanna Jaireth for this opportunity.

government provide temporary funding to enable the office to stay open and to provide the office with the extra time needed to source alternative and permanent funding arrangements. Initially our submission was not accepted during the ACT cabinet process, however as noted above and in the Chair's report, the ACT government ultimately supported the EDO's bid for budgetary assistance.

Other support

The ACT Law Society continued to provide funding to the EDO in the 2015–16 year from its statutory interest account. The EDO values its relationship with this important organisation and is very grateful for the Law Society's ongoing support.

The EDO is co-located with ACT's Legal Aid office and we are also very grateful for the generous and continued support offered by Legal Aid and its CEO, Dr John Boersig PSM, including not only the use of their excellent office facilities, but provision of information technology and communication services under a semi-commercial leasing arrangement. This support allows the EDO to operate effectively, and provides a convenient location for our clients, environmental stakeholders and the government sector in both the territory and federal spheres.

The EDO ACT received valuable pro bono assistance this year from the AGS while updating its ACT Environmental Law Handbook and financial support from SoftLaw Community Projects and the ACT Government for the production of the Handbook including the printing and design work.

On behalf of the EDO ACT, I would especially like to thank our members, supporters and generous donors (notably the Field Naturalists' Association of Canberra and National Parks Association of the ACT) for their continued and valuable support around the various appeals EDO conducted throughout 2015-16, for example, our end-of-financial-year appeal, Christmas appeal and pre-election appeals.

I would also like to thank the generous support of business and community leaders who gave the EDO their valuable time and/or advice throughout the year including Peta Spender (ACAT), Professor Murray Raff (UC), Dr James Prest (ANU), Roger Ilitch (ACFEC), Professor Ben Boer (USyd), Tim Bonyhady (ANU), Andrew McIntosh (ANU), Kirsten Miller (Dept of Environment) Judy Lambert (EDOs of Australia Project Officer), Martijn Wilder (Baker and McKenzie), Peter Sutherland (SoftLaw), John Boersig (CEO, Legal Aid), Dr Hanna Jaireth (Law Council of Australia), Charles Waterstreet (barrister), Dr Peggy Dwyer (barrister), Phillip Boulten SC, Michael Will (HWL Ebsworths), Andrea Simmons (not-for-profit consultant), Associate Professor Matthew Zagor, Julia Pitts (Vice-Chair EDO), and cartoonist Judy Horacek. I am also very grateful for the ongoing support the EDO and its environmental clinic receives each semester from the NSW Land and Environment Court, including Justices Rachel Pepper, John Robson, Nicola Pain, Chief Justice Brian Preston and his staff Edwina Chapman and Tristan Orgill. A special thanks also goes to Judith Preston.

EDO services

The EDO typically provides three main services to the ACT community: legal advice and assistance, community legal education and law reform.

Legal advice and casework

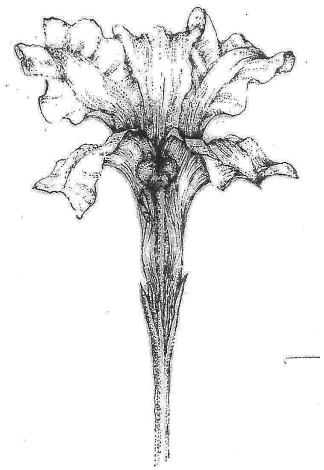
As with previous years, there has been an increasing demand for EDO services, namely environmental law advice and information about the environmental issues facing the ACT community. Despite its limited resources and pressing need to focus on fundraising activities, the EDO continued to meet this demand. Most environmental issues in the ACT are a consequence of increasing planning and development pressures, and mostly involve a community's concern for the impact of planning on threatened species (flora and fauna), indigenous culture, protected trees and heritage issues.

In 2015-16, legal advice was sought by a wide variety of individuals, community groups and environment organisations on an equally broad range of matters. The EDO assisted these clients by providing representation, written advices, one-off legal advices, mediation, appearance before ACAT, information and ongoing case work assistance. This advice and information was delivered by telephone, face to face, and in written form.

As mentioned above, much of the EDO's advice and casework focussed on planning and development issues with an emphasis on the impacts of biodiversity conservation in the face of development pressures; the environmental impact assessment process; the development approval process, including EPBC approvals; and access to information and accountability of environmental and planning decision-makers.

The EDO also provided advice on a range of other matters, including tree protection, heritage protection, noise and air pollution, Non-Violent Direct Action (aka protest action), solar access issues and variations to the Territory Plan (rezoning).

The EDO ACT provided ongoing assistance to many of the ACT's Community Councils in relation to a number of matters including the impacts of residential development, the rezoning of land use to make way for development, the process of development applications and amendments to the National Capital and Territory Plans. The EDO ACT strives to assist the community in understanding the legal processes and requirements for such projects.



Community legal education

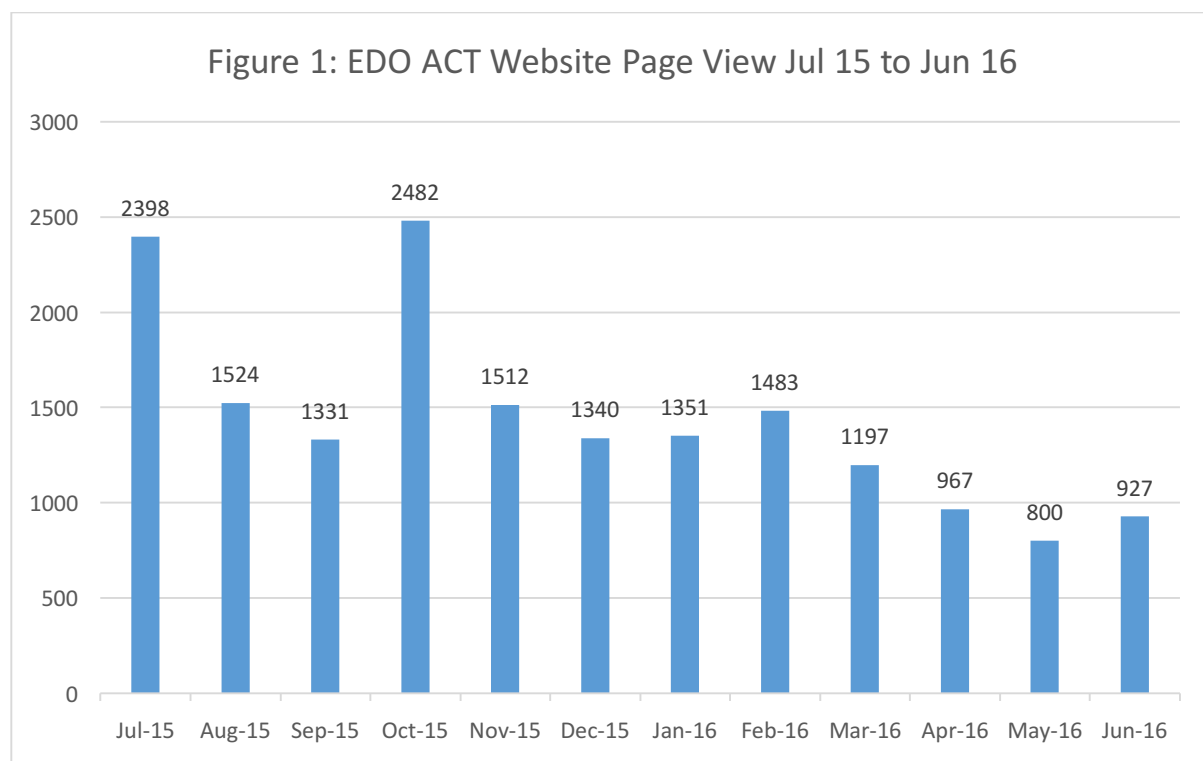
In 2015–16, the EDO continued its important community legal education and development work. A significant project this year was the rewriting, editing and publishing of the *ACT Environmental Law Handbook* now in its 3rd edition. The update was necessary due to the ACT government's own review and update of most of the ACT legislation and policy which impacts the ACT environment (for example, the *Nature Conservation Act, 2014*, the *Environment Protection Act 1997*, and an offsets policy) This project was a huge task for such a small office to complete and the EDO is grateful to the AGS and to the many volunteers and interns (listed in the Chair's Report on page 5) who contributed their valuable time and expertise to make this project happen. The Handbook is now available in hard copy and online. A special thanks also goes to artist John Pratt who generously provided his wonderful illustrations for the EDO to use in the Handbook.

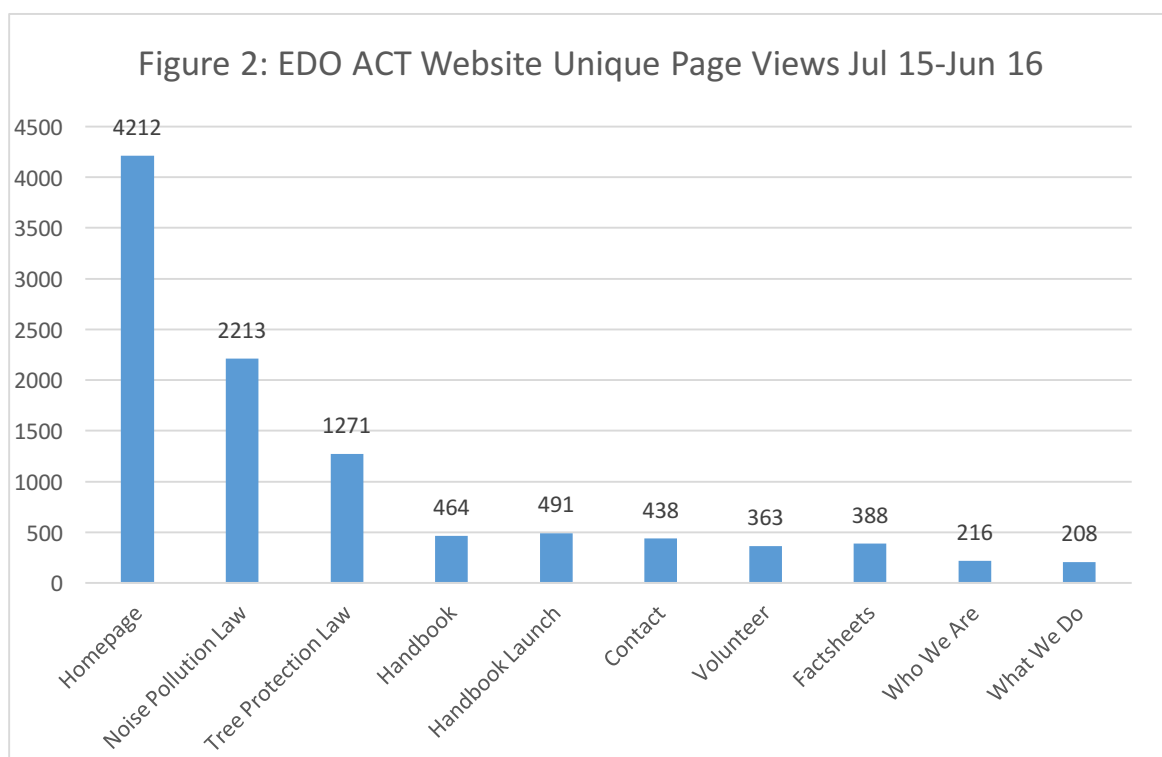
Online factsheets about the ACT environmental laws are also available on our up-to-date website (see below). Subject to resourcing constraints, the office also provides newsletters, environmental news updates and community forums.

Website

The EDO's website is an essential community education tool. The website provides the community access to the *ACT Environmental Law Handbook (3rd ed. 2015)*; our fact sheets; law reform submissions; reports; events and other environmental news. The website also acts as a notice board for our members and supporters and this proved an important tool for our communication of the various issues and challenges faced by the office throughout 2015/16.

Since the EDO ACT launched an updated website in January 2015, the website has received an average of just over 1,500 unique visitors each month. Figure 1 illustrates the monthly visitation statistics and Figure 2 shows which pages are most popular.





Factsheets

The online fact sheets are an important resource for the ACT community and it continues to be the most utilised feature of the EDO website. The collection of factsheets focuses mostly on ACT environmental and planning laws.

Summernats Festival

Access to the noise-pollution factsheets spikes in January each year in response to the annual Summernats festival and the EDO publishes its popular Summernats fact sheet to meet this demand. Over the course of the 4-day festival in 2016, the Summernats fact sheet was accessed over 100 times.

Community development work

The EDO communicates regularly with its network of key stakeholders in the ACT environmental space and works closely with community groups, including the ACT community councils. The EDO assists its clients to understand the planning process as well as opportunities for involvement, and where possible the EDO assists the community in taking effective action to improve decision-making and improve all-over outcomes for the ACT environment.

In 2015/16, the EDO responded to inquiries about the ACT environmental legislation and gave law reform and policy information to interested stakeholders including the opportunities provided by legislation to participate in environmental decision-making and how this process might improve outcomes.

The EDO attended numerous meetings and forums throughout the year where the environmental policy changes and legislative amendments were explained.

Community education and development was also provided through contributions to the ACT Recent Developments section of the *National Environmental Law Review's* monthly *Bulletin*. The EDO continued its cooperative working relationship with other community legal centres, the government sector and legal aid service providers in the ACT. The ACT community legal centres have regular meetings to exchange information and collaborate to ensure effective and holistic service provision. The EDO participates in the ACT Legal Aid Forum (ACTLAF) which provides a useful opportunity to collaborate with other legal service providers and assists with appropriate referrals and opportunities for all community legal centres in the ACT.

Community seminars

The EDO held an event at the ANU broadcasting a webcast of the Director of Urgenda Foundation - Marjan Minnesma - speaking about her organisation's historic win in a Dutch court against the Dutch Government (the court ordered the government to increase its emissions reduction target). The EDO also presented at a session at the University of Canberra's Isaacs Law Society Careers Fair.

Law reform and policy

The EDO continued to contribute expert and balanced law reform and policy advice to both the ACT and federal governments both as an individual office and as part of the EDO network (EDOs of Australia).

Federal

In 2015-16 the Federal Government continued to erode Australia's climate and environmental laws. For example, in 2015 the Abbott Government reduced the Renewable Energy Target (RET) from 41,000 GWh to 33,000 GWh, and it was further weakened through exemptions and the removal of review requirements.⁶ Australia also announced a 26-28% emissions reduction target ahead of Paris COP21, a target "substantially weaker" than that recommended by the Climate Change Authority.⁷ In August 2015, a Bill to revoke environmental groups' standing under section 487 of the *EBPC Act 1999 (Cth)* was introduced to federal parliament and this is an ongoing concern.⁸ The tax-deductibility status of environmental groups remains under threat: in May 2016, the House of Representatives Environmental Committee recommended that the Register of Environmental Organisations be abolished and that instead

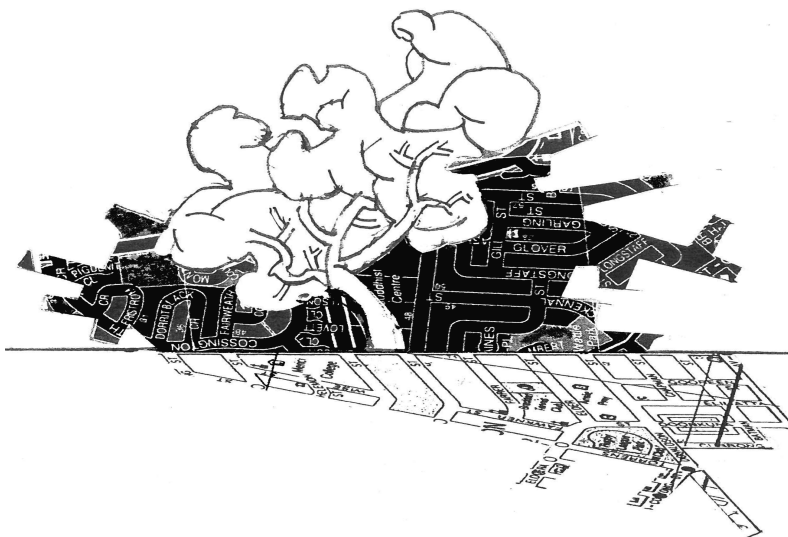
⁶ Annabelle Workman and Anita Talberg (23 June 2016) 'Timeline: Australia's Climate Policy', The Conversation, <https://theconversation.com/timeline-australias-climate-policy-59984>.

⁷ Ibid.

⁸ Sophie Power and Juli Tomaras (3 November 2015) 'Bills Digest no 37 2015-16: EPBC Amendment (standing) bill 2015', Parliament of Australia, http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1516a/16bd037#_Toc434311647; Cristy Clark (18 August 2015) 'The Government vs The Environment: Lawfare in Australia', The Conversation, <https://theconversation.com/the-government-vs-the-environment-lawfare-in-australia-46205>.

decisions on individual groups' tax-deductibility status should be referred to the ATO.⁹ This too is of concern for the EDO as currently our supporters obtain a tax deduction for their important donations.

In the face of these threats, the EDOs of Australia continued to be a strong voice for the environment in the federal sphere. EDOs of Australia contributed to submissions on a range of matters. Federal law reform work from EDO ACT involved input to the EDOs of Australia's submission to the Senate Inquiry into



the EPBC Amendment (Standing) Bill 2015; consultation with EDO NSW for their submission involving each state and territory's greenhouse gas emission reduction target; consultation with EDO NSW for a submission on third party merits review rights for planning and resource projects; and minor consultation with EDO NSW re their submission on the Water Amendment (Review Implementation and Other Measures) Bill 2015.

ACT

The previous year (2014-15) saw EDO ACT work on a large number of submissions regarding the many bills and policies proposed by the ACT Government that significantly amended the ACT's environmental and legislative framework. A combination of the EDO's limited resources and its need to increase its profile to chase funding opportunities resulted in a deliberate cutback of time spent on policy and law reform work. All submissions can be accessed via the EDO ACT website.¹⁰

Staff

In 2015–16 the EDO employed one full-time staff member - Camilla Taylor, Principal Solicitor and CEO. Due to the above described funding constraints, this role was downgraded to a part-time position in May 2016. Jason Parsons continued to provide the EDO with his valuable services as a part-time bookkeeper and administrator.

⁹ Conor Duffy (20 April 2015) 'Environmental groups face tax deductibility loss in Government push', ABC 7:30, <http://www.abc.net.au/7.30/content/2015/s4214478.htm>; Sid Maher (5 May 2016) 'Crackdown urged on tax-deductible status of environmental groups', The Australian, <http://www.theaustralian.com.au/national-affairs/crackdown-urged-on-taxdeductible-status-of-environmental-groups/news-story/10e6691e6adbc607f630a85a7f0c46bb>.

¹⁰ www.edoact.org.au.

EDO Management Committee

The EDO's Management Committee continued to meet regularly and worked effectively inter-sessionally. Most members of the Committee contributed during the year to the EDO's successful operation, but special thanks are due particularly to the EDO office bearers Julia Pitts (Vice-Chair), Meghan Thomas-Richards (Secretary) and later Sue Bell, Lee Nelson (Treasurer) and Jason Parsons (Public Officer) who consistently provided an enormous amount of support and dedication. EDO Chair, Roland Manderson was especially influential this year and I would like to make a special mention of his incredible work. This year Roland wore various 'hats' and performed each distinct role with a certain sangfroid combined with a large dose of character that only Roland can achieve. Roland attracted support for this office and its sole solicitor through his many guises, including as an accomplished lobbyist, editor, script writer, and, surprisingly, live auctioneer. Roland's standing in his community influenced successful outcomes and projects for the EDO including securing donated prizes, the unique artwork for our Handbook (some of which is also featured in this Report), publishing support through SoftLaw, dedicated EDO cartoons from renowned cartoonist David Pope and ultimately financial support from the ACT government.

ACT Election Campaign – to October 16, 2016

Committee members Deborah Nesbitt, Julia Pitts (Vice-Chair) and Roland Manderson (Chair) worked with lobbying expert Andrea Simmons to develop an ACT Election campaign strategy, write the key documents, construct a questionnaire for circulation to political parties and provide the structure that allowed other committee members and volunteers to make an important contribution. The outcome of the ACT Election – with a commitment from the ACT Greens and ACT Labor to provide operational funding for the EDO - is a real breakthrough in terms of the status and sustainability of the office.

Volunteers and interns

The EDO could not provide its services to the ACT community as broadly and as effectively without the constant support provided by the many reliable and dedicated EDO volunteers and interns. EDO volunteers are predominantly university students, members of the EDO's Management Committee and members of the legal profession. The contribution of volunteers amounts to many hours per week and enables the EDO to fulfil all its core objectives and functions even with its extremely limited staffing resources. In 2015–16, the EDO continued its volunteer program with the Australian National University (ANU) and the University of Canberra (UC) providing ongoing opportunities for students to work as paralegals or interns.

I would like to acknowledge and thank all the volunteers already mentioned in the Chair's report.



Office activities

A wide range of other operational and management activities are performed by staff, but not mentioned here. This work, however, is important to keep the EDO office functioning and accountable. A lot of time is devoted to the management aspect of the business and this includes compliance with the conditions of funding, reporting to funding bodies, preparation of financial documents, book-keeping, lodging grant applications, participating in the annual audit held pursuant to the professional indemnity insurance scheme, Community Legal Services Information System (CLSIS) data entry, reporting and supervising volunteers.

During 2015-16 this office (and all EDOs in Australia) consulted with Westwood Spice which assisted an EDO steering committee to prepare a strategic evaluation examining the different potential models for providing sustainable public interest environmental law services across Australia. The EDO is grateful to the Reichstein Foundation and other members of the AEGN for the support it gave to drive this project.

Conclusion

The EDO ACT will continue to be an important voice for the environment and is looking forward to the 2016-17 year where, with ACT government support, it will finally be able to focus on what it does best – assist the community to protect the environment through the law. It will continue to seek replacement funding that will enable it to become financially viable and independent. The EDO ACT looks forward to achieving its objectives and strategic priorities as well as continuing its engagement with the ACT government concerning the environmental challenges that will arise as Canberra continues to grow. The EDO looks forward to expanding its relationships with members of the ACT community, to assist them in engaging with the processes contained in the ACT's environmental legislative framework and to help achieve improved environmental outcomes. The EDO will be furthering its mandate in the important area of law reform and policy work, specifically to provide the ACT and Federal governments with an authoritative and reliable voice for matters concerning legislative changes and their important influence on the environment.

Camilla Taylor

Principal Solicitor and CEO, Environmental Defenders Office (ACT)

22 November 2016

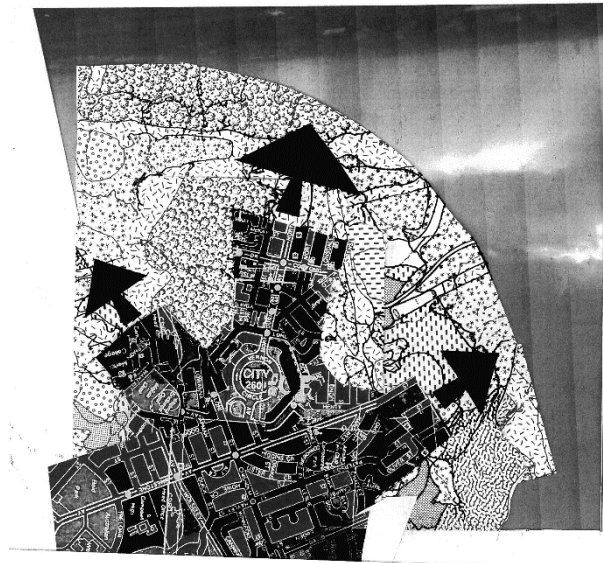
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TREASURER'S REPORT

One of the fundamental responsibilities of any Management Committee is to monitor the financial performance of the organisation. The EDO (ACT) is continually reviewing its financial reporting systems to enable the Management Committee to make pro-active decisions about expenditure of grants and self-generated income in line with its strategic directions. Key goals are:

- improving the accuracy and timeliness of reporting, and
- providing meaningful information in response to Committee needs.

The 2015/16 financial year generated a deficit of \$50,213. This deficit is the result of continuing Federal Government policy not to support the Environmental Defenders Office network in any jurisdiction; and recent ACT Government policy not to support the Environmental Defenders Office in the ACT. It is great



news to learn that the ACT Greens and ACT Labor Party have included a specific funding commitment for the EDO (ACT) in their Parliamentary Agreement and recognize the need for community access to public-interest environmental law.

This means that the ACT Government will now provide the EDO (ACT) with its core funding, supported by grants from the ACT Law Society and other contracted activities. Last, but not least, contributions from the community have gone a long way to keeping the office active during this difficult period. We look forward to continuing our productive relationship with all our partners.

We move into 2016/17 with a budget reflecting the precarious nature of our finances, at least until ACT Government support resumes in 2017. Conservative decisions by the Management Committee, judicious consideration in the employment of the organisation's little equity, built up over many careful years, will continue to be a key concern. Total equity at June 2016 is \$43,667.

The Committee and staff are committed to finding new avenues of funding for the EDO (ACT). Submissions will continue to be made to governments and relevant organisations for increases in recurrent funding for core and dedicated services.

As Treasurer, I would like to express my gratitude for the commitment of our members, volunteers and staff, without whose support for the organisation and dedication to defending the environment, we could not continue to operate.

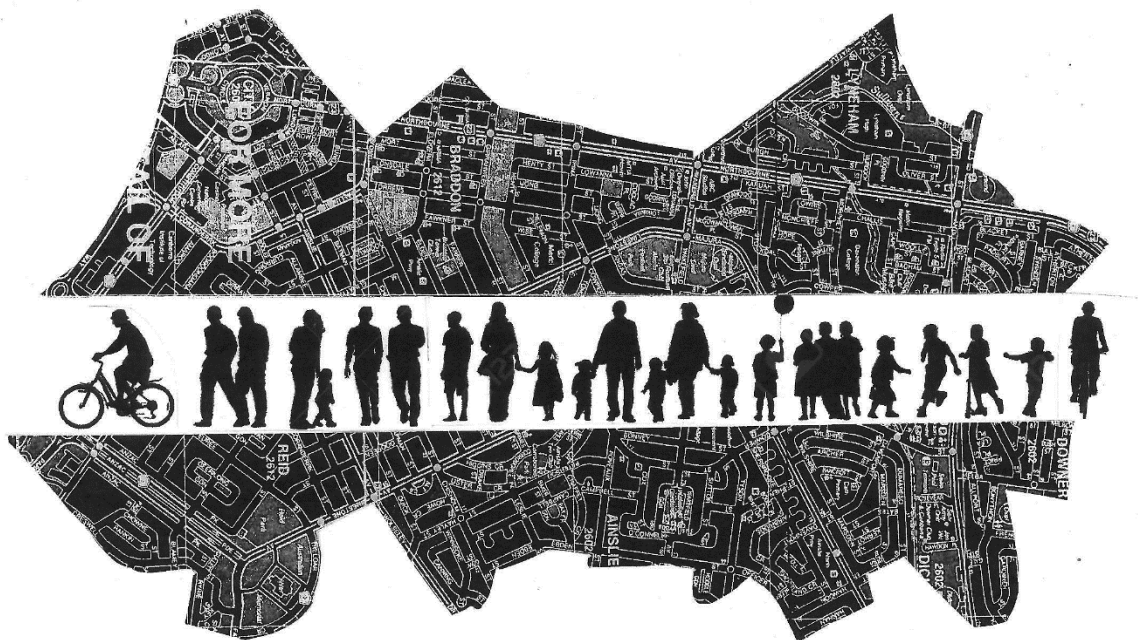


As Treasurer, I would like to take this opportunity to thank Jason Parsons, the EDO (ACT) Office Administrator, for his dedication and guidance in all things financial over this past year.

Lee Nelson

Treasurer, Environmental Defenders Office (ACT)

22 November 2016



ENVIRONMENTAL DEFENDERS OFFICE (ACT) INC.

COMMITTEE'S REPORT

Your committee members submit the financial statements of the Environmental Defenders Office (ACT) Inc. for the financial year ended 30 June 2016.

Committee Members

The names of committee members throughout the financial period and at the date of this report are:

S Bell	1 July 2015-30 June 2016
K Chambers	1 July 2015-30 June 2016
K Gosier	24 November 2015-30 June 2016
G Ho	1 July 2015-30 June 2016
D Nesbitt	14 June 2016 -30 June 2016
J Parsons	1 July 2015-30 June 2016
J Pitts	1 July 2015-30 June 2016
R Manderson	1 July 2015-30 June 2016
L Nelson	1 July 2015-30 June 2016
M Thomas-Richards	1 July 2015-December 2015

Principal Activity

The principal activity of the Environmental Defender's Office (ACT) Inc. during the financial period has been the provision of a public legal aid service on environmental matters.

Significant Changes

No significant change has occurred in the nature of the Environmental Defender's Office (ACT) Inc.'s activities during the financial period other than an increase in the fundraising activities due to the withdrawal of Commonwealth funding for which notice was given to the EDO ACT on 17 December 2013.

Operating Result

The operating profit NIL.

Signed in accordance with a resolution of the Members of the Committee.

Roland Manderson
Committee member (Chair)
22 November 2016

Lee Nelson
Committee member (Treasurer)
22 November 2016

Certificate of Compliance

This Schedule is established in respect of the 2015-2016 Financial Year

Organisation: Environment Defenders' Office (ACT) Inc.

Contact Officer: Camilla Taylor, Telephone: 62433460

The above-named Organisation certifies that:

- (i) The Funds have been used for the purpose for which they were provided;
- (ii) The Terms and Conditions of this Agreement have been met; and
- (iii) The Audited Financial Statements in respect of the Funds have been certified by a person who is registered as an auditor in accordance with the *Corporations Act 2001* and are attached; and
- (iv) Salaries and allowances paid to people employed using the Funds are in accordance with award salary rates or the general rates in force at the Organisation.

SIGNED for and on behalf of the

Environment Defenders' Office (ACT) Inc.

by Roland Manderson

in the presence of Lee Nelson

**ENVIRONMENTAL DEFENDER'S
OFFICE (ACT) INC.**

ABN 32 636 009 247

**FINANCIAL REPORT
FOR THE YEAR ENDED
30 JUNE 2016**

Environmental Defender's Office ACT

GPO Box 574
Canberra ACT 2601

Profit & Loss [With Last Year]

July 2015 To June 2016

	This Year	% of Sales	Last Year	LY % of Sales
Income				
Grant Income				
Commonwealth Grants	\$0.35	0.00%	\$0.00	0.00%
Law Society ACT grant	\$19,432.00	26.50%	\$101,776.02	66.10%
Total Grant Income	\$19,432.35	26.50%	\$101,776.02	66.10%
Interest				
Cheque Account Interest	\$6.47	0.00%	\$7.41	0.00%
Term Deposit Interest	\$764.08	1.00%	\$2,004.98	1.30%
Trust Account Interest	\$2.99	0.00%	\$0.27	0.00%
Total Interest	\$773.54	1.10%	\$2,012.66	1.30%
Membership				
Membership	\$20.00	0.00%	\$1,472.00	1.00%
Fundraising and Donations				
Donations	\$19,012.24	26.00%	\$5,522.43	3.60%
Fundraising	\$5,005.00	6.80%	\$0.00	0.00%
Total Fundraising and Donations	\$24,017.24	32.80%	\$5,522.43	3.60%
Sundry Income				
Sundry Income	\$0.00	0.00%	\$26,245.00	17.00%
Publications				
ACT Environmental Law Handbook	(\$27.27)	0.00%	\$17,000.00	11.00%
Income from External Activity				
External Activities	\$29,000.00	39.60%	\$0.00	0.00%
Total Income	\$73,215.86	100.00%	\$154,028.11	100.00%
Gross Profit	\$73,215.86	100.00%	\$154,028.11	100.00%
Expenses				
Salaries Suspense				
Salaries Suspense 2 Be Cleared	(\$1,500.00)	-2.00%	\$0.00	0.00%
Salaries Solicitor				
Salaries Solicitor Paid	\$86,807.61	118.60%	\$77,856.25	50.50%
Salaries Administrator				
Salaries Admin Paid	\$0.00	0.00%	\$3,431.35	2.20%
Provision Admin Rec Leave	\$0.00	0.00%	\$343.13	0.20%
Provision Admin LSL	\$0.00	0.00%	\$223.06	0.10%
Superannuation				
Super Expense EDO Staff	\$8,067.65	11.00%	\$8,803.22	5.70%
Total Superannuation	\$8,067.65	11.00%	\$8,803.22	5.70%
Oncosts				
Workers Compensation Insurance	\$1,023.09	1.40%	\$752.74	0.50%
Total Oncosts	\$1,023.09	1.40%	\$752.74	0.50%
Rent				
Rent	\$6,630.84	9.10%	\$6,630.84	4.30%
Staff Training				
Training	\$445.46	0.60%	\$996.86	0.60%
Training Travel	\$0.00	0.00%	\$35.45	0.00%
Communications				
Internet	\$0.00	0.00%	\$91.75	0.10%
Telephone	\$0.00	0.00%	\$27.27	0.00%

Total Communications	\$0.00	0.00%	\$119.02	0.10%
Office Overheads				
Office Supplies	\$42.04	0.10%	\$98.11	0.10%
Postage	\$287.09	0.40%	\$250.00	0.20%
Printing - Publications	\$5,506.00	7.50%	\$0.00	0.00%
Total Office Overheads	\$5,835.13	8.00%	\$348.11	0.20%
Insurance				
Insurance (not Workers' Comp)	\$50.00	0.10%	\$262.58	0.20%
Finance and Accounting Fees				
Audit	\$100.00	0.10%	\$0.00	0.00%
Bank Fees	\$90.34	0.10%	\$63.63	0.00%
Registrar General Fees	\$35.45	0.00%	\$38.00	0.00%
Bookkeeping	\$7,167.88	9.80%	\$4,033.76	2.60%
Total Finance and Accounting Fees	\$7,393.67	10.10%	\$4,135.39	2.70%
Library,Resources & Subscript				
Membership Fees	(\$50.00)	-0.10%	\$3,050.00	2.00%
Practising Certificate	\$0.00	0.00%	\$1,083.00	0.70%
Travel				
Travel (Not Staff Training)	\$63.73	0.10%	\$61.81	0.00%
Programming & Planning				
Advertising and Publicity	\$861.36	1.20%	\$1,236.14	0.80%
Forum Costs	\$525.09	0.70%	\$0.00	0.00%
Meeting Expenses	\$109.00	0.10%	\$49.00	0.00%
Sundry Expenses	\$181.80	0.20%	\$283.89	0.20%
Total Programming & Planning	\$1,677.25	2.30%	\$1,569.03	1.00%
External Activities				
Consultancy	\$4,175.00	5.70%	\$3,430.00	2.20%
Computer Software & Equipment	\$1,321.81	1.80%	\$458.35	0.30%
Website	\$563.78	0.80%	\$149.54	0.10%
Depreciation				
D'pn Computer Equipment	\$923.64	1.30%	\$0.00	0.00%
Total Depreciation	\$923.64	1.30%	\$0.00	0.00%
Total Expenses	\$123,428.66	168.60%	\$113,739.73	73.80%
Operating Profit	(\$50,212.80)	-68.60%	\$40,288.38	26.20%
Net Profit/(Loss)	(\$50,212.80)	-68.60%	\$40,288.38	26.20%

Environmental Defender's Office ACT

GPO Box 574
Canberra ACT 2601

Balance Sheet [Last Year Analysis]

June 2016

	This Year	Last Year	\$ Difference	% Difference
Assets				
Current Assets				
Cheque Account	\$29,258.58	\$50,462.58	(\$21,204.00)	-42.00%
Petty Cash	\$58.05	\$100.00	(\$41.95)	-42.00%
Term Deposit	\$20,448.73	\$31,714.65	(\$11,265.92)	-35.50%
Trust Account	\$97.95	\$6,121.34	(\$6,023.39)	-98.40%
Trade Debtors-owed to me	\$1,070.00	\$15,425.62	(\$14,355.62)	-93.10%
Total Current Assets	\$50,933.31	\$103,824.19	(\$52,890.88)	-50.90%
Fixed Assets				
Computer Equipment				
Computer Equipment Original Co	\$16,175.95	\$16,175.95	\$0.00	0.00%
Computer Equipment Accum Dep'n	(\$16,175.95)	(\$15,252.31)	(\$923.64)	-6.10%
Total Computer Equipment	\$0.00	\$923.64	(\$923.64)	-100.00%
Total Fixed Assets	\$0.00	\$923.64	(\$923.64)	-100.00%
Total Assets	\$50,933.31	\$104,747.83	(\$53,814.52)	-51.40%
Liabilities				
Current Liabilities				
Accruals	(\$1,550.00)	\$92.40	(\$1,642.40)	-1777.50%
Credit Card	\$40.50	(\$64.06)	\$104.56	163.20%
Provision For Annual Leave				
Liability Rec Leave -Solicitor	\$1,420.07	\$1,420.07	\$0.00	0.00%
Liability Rec leave Admin	\$0.00	\$71.62	(\$71.62)	-100.00%
Total Provision For Annual Leave	\$1,420.07	\$1,491.69	(\$71.62)	-4.80%
PAYG Liability				
PAYG EDO Staff	\$3,718.52	\$5,232.52	(\$1,514.00)	-28.90%
Total PAYG Liability	\$3,718.52	\$5,232.52	(\$1,514.00)	-28.90%
Superannuation Liability				
Super Liability EDO Staff	\$2,347.47	\$827.47	\$1,520.00	183.70%
Total Superannuation Liability	\$2,347.47	\$827.47	\$1,520.00	183.70%
GST Liability				
GST Liability	\$1,289.38	\$3,359.26	(\$2,069.88)	-61.60%
Total Current Liabilities	\$7,265.94	\$10,939.28	(\$3,673.34)	-33.60%
Total Liabilities	\$7,265.94	\$10,939.28	(\$3,673.34)	-33.60%
Net Assets	\$43,667.37	\$93,808.55	(\$50,141.18)	-53.50%
Equity				
Retained Earnings	\$93,516.61	\$53,228.23	\$40,288.38	75.70%
Current Year Earnings	(\$50,212.80)	\$40,288.38	(\$90,501.18)	-224.60%
Historical Balancing	\$363.56	\$291.94	\$71.62	24.50%
Total Equity	\$43,667.37	\$93,808.55	(\$50,141.18)	-53.50%

Environmental Defender's Office ACT
Cash Flow from Operating Activities
As at June 2016

	2015-2016	2014-2015
CASH FLOWS FROM OPERATING ACTIVITIES		
Grants received	19,432	21,600
Other income received	53,781	52,252
Staff expenses paid	-95,321	-92,703
Rent paid	-6,631	-6,631
Other expenses paid	-21,030	-16,452
Net cash provided by operating activities	-49,769	-41,934
CASH FLOWS FROM INVESTING ACTIVITIES		
Net cash used in investing activities	0	0
Net increase/(decrease) in cash held	-38,535	-62,842
Cash at 1 July 2015	88,399	
Cash at 1 July 2014		151,241
Closing Cash at 30 June	49,863	88,399

Auditor's Certification

Name of Organisation: Environmental Defenders Office (Act) Inc

Financial Year Period: 1 July 2015 – 30 June 2016

I hereby certify that:

- (a) I am not a principal, member, shareholder, officer, employee or accountant of the Organisation or of a related body corporation as defined in section 9 of the Corporations Act 2001;
- (b) In my opinion, the attached financial statements which comprise a Statement of Financial Position, a Statement of Financial Performance, a Statement of Cash Flows, and Notes to the Financial Statements of the above-mentioned Organisation ('the Organisation') for the stated Financial Year Period are:
- based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
 - in accordance with the terms and conditions of the Agreement between the organisation and Commonwealth of Australia dated 1st October 2005, a copy of which has been made available to me, in relation to the provision of community legal services.
- (c) The fourth quarter CLSIS Funds Report, containing details of the Organisations transactions for the financial year, including audit adjustments, and the Organisation's grant position at the beginning and end of the financial year is provided in respect of funds provided in accordance with the Terms and Conditions of the Agreement referred to in b.ii above for all Funding Categories.

This is an unqualified audit report.

Unless written under separate cover, I hereby further certify that, in my opinion, there is no conflict of interest between myself and the Organisation or its Management Committee.

AUDITOR DETAILS

Full Name: Gary Williams

Name of Company: Rosenfeld Kant & Co

ABN Number: 74 057 092 046

Registered Auditor: *If yes:*

☒ Yes ☐ No

Registered No: 4019

Signature:

Gary Williams

Date: 28/10/2016

ABN: 74 057 092 046

Level 24, Tower 2
101 Grafton Street
Bondi Junction NSW 2022

Phone: (02) 9375 1200
Fax: (02) 9389 6695
Web: roskant.com.au

All correspondence to
PO Box 86
Bondi Junction NSW 1355
Australia



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