



ENVIRONMENTAL DEFENDERS OFFICE OF NORTHERN QUEENSLAND

ANNUAL REPORT

2017 / 2018

**Using the law to protect the environment
in the public interest**



Table of Contents

Management Committee and Staff (as at 30 June 2018)

Funding Acknowledgement

President's Report

Principal Solicitor's Report

Treasurer's Report

Acknowledgment of front cover image:
With thanks to Steven Nowakowski

Environmental Defenders Office of Northern Queensland Inc. (EDO NQ)
Room 3, Serbian Cultural Centre, 67 Greenslopes St, Edge Hill QLD 4870
PO Box 656N, North Cairns QLD 4870
P: (07) 4028 3739
E: edonq@edonq.org.au
www.edonq.org.au



Management Committee and Staff (as at 30 June 2018)

Management Committee

President:	Grant Fawcett
Vice President:	Stuart Worboys
Secretary:	Paul Matthews
Treasurer:	Brynn Mathews
Member:	George Davidson
JCU Representative	Dr Kate Galloway

Staff

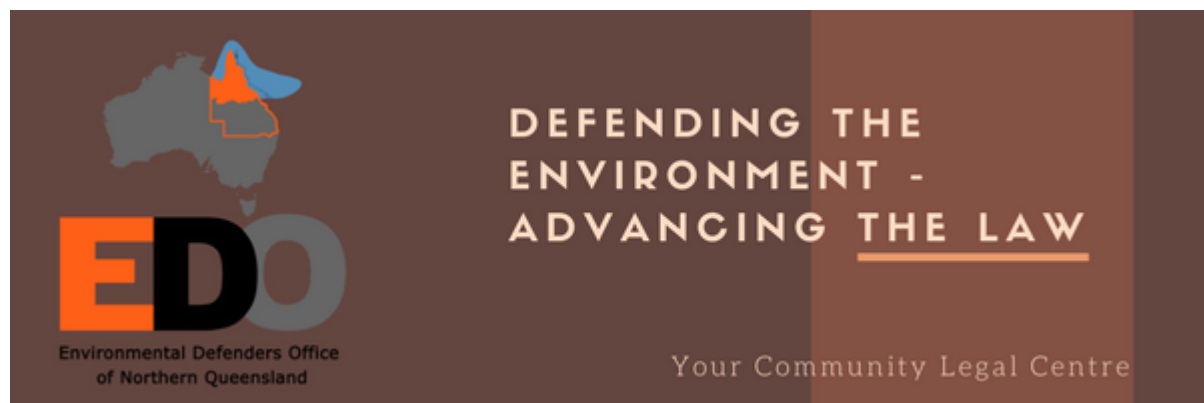
Principal Solicitor:	Kirstiana Ward
Office Manager:	Marie Short

Funding Acknowledgement

The Environmental Defenders Office of Northern Queensland Inc (EDO NQ) is principally funded by the Queensland Government Department of Justice and Attorney-General.

In 2017-2018, the Department of Justice and Attorney-General granted funding of \$100,000 for Legal Assistance Services. We gratefully acknowledge the support of this agency.

Our members and supporters provide financial and in-kind support through membership fees, donations and fundraising events. We would struggle without their generosity and passion, and greatly appreciate their wonderful contribution to the success of our organisation.



As President of the Environmental Defenders Office NQ I am pleased to present this report to our 2018 Annual General Meeting. I would like to welcome you to this most important of General Meetings as we have important issues to discuss. We will hear later from Dr Kate Galloway from our Management Committee; and David Morris, CEO of EDO NSW on the nationalisation of the Australian EDOs which will see us amalgamate into a single body that will provide services to communities around the country. This is an important issue for us all to consider as in the end it will come down to a vote of members to decide if we join the national organization. Can I also welcome our guest speaker, Tim Wong from Wet Tropics Management Authority who will present some key issues from their vital new management plan.

Post the 2017 State Government election a new Environment Minister was appointed, Leanne Enoch, replacing Steven Miles. Members of the MC were persistent with requests to meet Minister Enoch whilst she was in Cairns to present our credentials and the need for additional funding. It had earlier come to our attention that our sister organization in Brisbane had been receiving funding from the Environment Ministry budget and we requested our share. We were eventually granted an audience with the Director-General which led to a one-off grant of \$33k in additional funding and this has allowed us to employ part time law graduate, Naim Santoso-Miller, for the 2018/2019 financial year.

Our State Government funding agreement continued this year, but the money came with some very onerous compliance conditions. Our MC was required to develop, approve and implement an entire suite of policies that drive the operations of the organization. I cannot stress my gratitude to Paul Matthews and Marie Short for their tireless efforts in drafting these policies. We are reliant on this funding as it provides us with a solid revenue base to provide stability in our employment strategy. We also had the recent introduction of CLASS, the new compliance reporting system, which after the initial teething problems, has proven a stable and reliable reporting platform.

At last year's AGM I was discussing Tania Heber leaving our organization to take up other opportunities. In March, we were lucky enough to replace as Principal Solicitor with Kirstiana Ward. Kirstiana is one of the most passionate environmental lawyers I have had the pleasure to meet, her love for the environment is only matched by her passion to achieve great things for the North Queensland community. Kirstiana has continued to represent us with professionalism and class, and her work output has been outstanding. Even though we operated without a solicitor for two months, we still exceeded the targets outlined in our funding agreement. Thank you Kirstiana, for caring. We also appointed a junior lawyer to assist Kirstiana and I would like to congratulate and welcome Naim Santoso-Miller to our team. Naim has also taken on the CLASS reporting task reducing the workload on Marie and Paul. To Marie Short I send you my gratitude. You keep our organisation running through the most difficult circumstances and ensure we are always compliant and operating within our boundaries. Thank you, Marie.

The MC has continued on with promoting the campaign to gain legal personality for the Great Barrier Reef. We have had some important support from our local State Government politicians and continued to discuss it at festivals and conferences in our Region. We have joined forces with the Australian Earth Laws Alliance to continue this work and are speaking to other interested parties to spread the word and get the idea out into the public forum for discussion.

I would like to take this opportunity to thank the Management Committee members for the tireless support this year. Our NRM sector representative, Bob Fraser, retired this year and stood down from our committee in April. He is actively traveling the World as we speak undoubtedly enjoying himself. I had the pleasure to work closely with Bob in NRM and he is one of the most knowledgeable and passionate environmentalists I know. Thank you Bob, your efforts are appreciated greatly.



To Doctor Kate Galloway, thank you so much. I had the foresight to delegate the National merger discussions to her as EDO NQ's representative and to say Kate has represented us magnificently is an understatement. The negotiations have become more and more complex as the potential constitution, Board and Membership structure has been discussed, and I would surely have struggled. I know I say it at every MC meeting but your work to keep us relevant in these discussions cannot be overstated. Whatever the outcome, thank you from all of us here tonight.

The Mackay Conservation Group and the NQCC did not provide a representative to the MC this year but we are working with them to have representatives on the new MC. Andy Marr our CAFNEC representative, put in a good year but also dropped off for personal reasons during the year. He was a hard-working member of our fundraising committee and was very creative in his ideas. I thank him for his efforts and look forward to working with him again in future.

Stuart Worboys was officially appointed as Vice-President this year and performed his duties admirably chairing a number of meetings I was unable to attend. Susan Reid also had to leave us during the year due to her increased workload, but I would like to thank her for taking on the arduous task of chairing our Fundraising committee. Your contributions are greatly appreciated.

George Davidson was the newest member of our MC this year. After spending many hours volunteering as a research assistant in our office, at the same time as completing his law

degree, George transitioned to the MC. His work on the fundraising committee was tireless and he spent a lot of time lobbying prominent citizens, in person and on social media. His crowning achievement without doubt though was discussing EDO NQ with Prince Charles at church on a Sunday morning. Thank you George I hope we are lucky enough to have you working with us for many years to come.

Paul and Brynn, I cannot thank you enough for the countless hours that you put in each and every year. Our organisation would definitely have closed its doors long before now without your efforts. On behalf of our partners and members thank you and long may it continue.

Well we have made it through a year of transition and meet 2019 in a stable financial position and a high level of excitement. Kirstiana and the new MC will guide us through the nationalisation talks and continue on our vital environmental legal work. We will continue to be an active voice in policy and legislation development and review and a vital member of the Environment Minister's round table. We are highly respected within that circle and will continue to strive to provide high-level service to our community.



Finally, to our members, without you we don't have an organisation. You know where our office is, please call in and share a cuppa with us, we love to chat about all things environment with like-minded people. Thank you for coming.

Overview

1. The 2017-2018 reporting year has again seen us expand our role as a legal service provider of environmental law in the public interest to this regional community. Significant achievements include meeting our legal service targets to maintain our access to justice funding, developing and adopting the Strategic Plan, complying with our continuous improvement plan and meeting the accreditation obligations of our centre as a community legal service provider and achieving outstanding results in a State wide client survey.

Staff

2. We have maintained our part-time staff members in the roles of principal solicitor and office manager. The staff members have co-ordinated EDO NQ's popular and successful volunteer program and partnerships with university law school programs.

Paid staff

3. Principal solicitor: Tania Heber for the period to 30 November 2017 and Kirstiana Ward as of 27 February 2018 for the remainder of the reporting period. The Principal solicitor role is to manage the efficient and effective operation of EDO NQ activities: to co-ordinate, supervise and deliver legal services to the northern Queensland community; and to forge partnerships with members, government bodies, regulators, universities and the like to educate, promote and enforce protection and enhancement of the environment.



4. Office manager: Marie Short. Marie has held this position for the entire reporting period. Marie ensures the smooth running of management committee meetings; proper accounting; membership and office administration and legal services administration, amongst other things.

IT consultant: Steven Stanley holds a contract to provide IT services to EDO NQ. He maintains the systems, secures data and provides solutions to a wide range of IT questions.

Volunteers

6. EDO NQ has long had the very strong support of volunteers. Our volunteers largely come from the local legal fraternity, the JCU law school and other practical legal training institutions around Australia. Our volunteers during this reporting period were:
 - 6.1. Ciara Bridgland – a James Cook University sustainability student who has made a long term commitment to volunteering with us and provided legal research of sediment controls in development; and
 - 6.2. George Davidson – a law student graduate with an interest in EDO NQ's #rights for the reef work.
 - 6.3. Mohammed Nazir – Mohammed is a JCU Phd candidate who uses his considerable ITC skills to assist EDO NQ to complete its website upgrade project.

Law students

7. I would like to acknowledge our partnership with the JCU law school and particularly the support of Mandy Shircore who has engaged in a formal student placement program with EDO NQ. This year, we have worked hard to create a student placement program that provides students with the opportunity to develop their legal skills with on the ground training and in turn EDO NQ is benefitting from their legal research. This partnership allows us to further develop and expand the provision of legal services to our community.
8. EDO NQ also accepts law graduates who are carrying out their practical legal training. This year, we have built relationships with various tertiary institutions such as the College of Law and provide students with their work experience hours required for admission as a legal practitioner. Their contribution enables EDO NQ to increase and expand our legal services provided across our community.

Funding

9. EDO NQ received funding of \$100,000 from the Queensland State government during the reporting period. Other funding and financial matters can be found in the 2017/2018 Treasurer's report.

Legal services

10. We provide legal services in three key areas: law reform, casework and community legal education.
11. EDO NQ's performance as a community legal centre is measured against targets established in concert with Legal Aid Queensland who administer the service agreement arising from funding provided by the State Department of Justice and Attorney-General.

12. We had ambitious targets for our service delivery in the 2017/ 2018 year and the results showed that the centre has provided a significant amount of legal services during the reporting period. This was achieved with the help of our office administrator Marie Short, a dedicated management committee, students, volunteers and our conservation sector partners. The centre punches well above its weight in the provision of legal services to the northern Queensland community and the environment they love.

Table 2: Deliverables

Type of service	Targets 2017-18	Results 2017-18
Information	50	33
Referral	25	49
Legal advice	40	38
Legal tasks	0	8
Community legal education	14	19
Law reform	12	9
Total services	141	156

Law reform

13. Law reform continues as a strategic and focused area of practice. EDO NQ receives many instructions and stories from the community about how environmental laws are failing nature and humans. We must persistently and consistently work towards change in order to see a clean and green future for our unique tropical environment. Our law reform efforts are made on two fronts. Firstly, working within the system: making submissions on amendments to policy and legislation. Secondly, reimagining the system: raising awareness of environmental justice, earth jurisprudence, and the rights of nature.

14. Our submissions within the system during this reporting period include:

- 14.1. Fisheries reform – in partnership with AMCS (Qld govt.)
- 14.2. Hinchinbrook Island National Park management plan (Qld govt.)
- 14.3. North Queensland regional plan – in partnership with NQCC (Qld govt.)
- 14.4. Nature Conservation (Special Wildlife Reserves Bill) 2017
- 14.5. Tax Deductible Gift Recipient Reform Opportunities Discussion Paper (Cth govt)
- 14.6. Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017
- 14.7. The Mineral, Water and Other Legislation Amendment Bill 2017
- 14.8. Safer Waterways Bill 2018 (both Submissions and appeared as a Witness before Committee)
- 14.9. Vegetation Management Act and OLA Bill 2018 (appeared as Witness before Committee)

- 14.10. Senate Enquiry into Australia's Faunal Extinction Crisis.
 - 14.11. Environment Minister Briefing Note on the lack of efficacy of environmental laws in Queensland's planning laws.
15. Our most comprehensive and meaningful submissions on law reform issues are those that are prepared jointly with other organisations. The combination of legal and technical expertise greatly improves our submissions and raises the confidence of our members, the community and government in our work.
16. Of course, as environmental defenders, it remains necessary to advocate for broader and more radical change to our environmental laws so that we can reverse decline and even see improvement in environmental values.

Case work and legal advice

17. We have not taken on any litigation in the past few years as we lacked the resources to do so. As those of you who have been involved in litigation know it is a very time-consuming, all-encompassing undertaking. Our legal advice practice is very busy and in this reporting period we have advised on a wide range of local, State and Commonwealth government planning and environment legislation, including matters related to:
- 17.1. Urban flying-fox camps
 - 17.2. Cassowary protection
 - 17.3. Co-ordinated project development processes: KUR-World
 - 17.4. Mangrove protection
 - 17.5. Development and the new planning laws
 - 17.6. Land clearing
 - 17.7. Inappropriate urban development
 - 17.8. Right to information
 - 17.9. Boat ramps
 - 17.10. Wallaby removal and relocation permits
 - 17.11. Airport noise
 - 17.12. Environmental harm and restraints
 - 17.13. Defamation
 - 17.14. Private airstrips
 - 17.15. Taking of animals under the Nature Conservation Act (Qld)
 - 17.16. Water laws
18. Our clients are often community groups representing a large group of people and many referrals are made from regional environment centres such as CAFNEC, NQCC and MCG. Whilst the majority of requests for advice come from the coastal communities within our service area, we remain committed reaching out to other regions including the Tablelands.

Community legal education

19. We have provided a number of community forums and workshops throughout the year, including:

- 19.1. Kirstiana Ward, upon appointment as the EDO NQ Principal solicitor lead a discussion at the CAFNEC FNQ Roundtable in Cairns on the current issues in remote indigenous communities from a health, social and welfare perspective and how they impact on environmental opportunities, concerns, obligations and liabilities. It was a great opportunity for conservation groups and Kirstiana to meet and get know each other.
- 19.2. EDO NQ had stalls at community events and attendees were able to access face to face legal information from Kirstiana Ward and discuss current environmental concerns with our management committee including the Cairns Bat Festival, Eco Fiesta 2018 and the Gimuy Fish Festival.
Kirstiana also presented on the Spectacled Flying Foxes, the role of local governments in roost management and the watered down protections under the Environmental Protection and Biodiversity Act at the Bat Festival 2018 in collaboration with CAFNEC.
- 19.3. Kirstiana Ward attended North Queensland's Birdlife community event and presented on using the laws to protect nature.
- 19.4. Both Tania Heber and Kirstiana Ward attended an Environment Ministers Round Table and the Queensland Conservation Council NGO days in Brisbane.

20. Followers of our facebook page continue to receive regular updates on environmental law matters.



National Accreditation Scheme

21. The legal profession, legal practice and community legal centres are heavily regulated. In order to practice, our solicitors must hold a current practising certificate and the centre must be accredited under the national accreditation scheme that is administered in Queensland by CLCs Queensland.
22. In this reporting period, EDO NQ managed the improvement plan required to maintain our accreditation. This required review of a significant number of centre policies, procedures, practices and protocols. Like all CLCs we must implement a continuous improvement plan to ensure we maintain regulatory standards and qualify for professional indemnity insurance. Our 2017/2018 improvement plan was approved.

Partnerships

23. I would like to acknowledge the following organisations who we have partnered with us during the reporting period:

- 23.1. Cairns and Far North Environment Council
- 23.2. North Queensland Conversation Council
- 23.3. Mackay Conservation Group
- 23.4. Natural Resource Management Groups
- 23.5. Queensland Conservation Council – peak body for Qld environment groups
- 23.6. Australian Conservation Foundation, northern program office
- 23.7. Australian Marine Conservation Society
- 23.8. CSG Free NQ
- 23.9. CLCQ – peak body for QLD CLCs
- 23.10. EDO Qld
- 23.11. EDOs of Australia – network of EDO offices
- 23.12. James Cook University – student placements
- 23.13. NACLC – accreditation and insurance
- 23.14. LAQ – service agreement administrator
- 23.15. RLAF – regional legal assistance forum

EDO NQ in the community

24. In 2017-2018, EDO NQ:

- 24.1. Attended QCC NGO workshops in Brisbane (November 2017 and June 2018)
- 24.2. Attended the Environment Minister's roundtable for environmental groups in Brisbane (November 2017 and June 2018)
- 24.3. Attended the CAFNEC Environment FNQ roundtable (March 2018)
- 24.4. Attended at numerous Queensland government forums in Cairns and surrounds
- 24.5. Held information stalls at community events in Cairns such as ECOfiesta, bat Festival and Gimuy Fish Festival

Management Committee

25. EDO NQ's management committee for the reporting period is set out in table 2. Further details about the MC's leadership and work are contained in the President's report.

Table 2: Management Committee 2017/2018

Name	Role
Grant Fawcett	President
Stuart Worboys	Vice-President
Paul Matthews	Secretary
Brynn Mathews	Treasurer
Bob Frazer	Committee member – Cape York NRM rep (retired)
Kate Galloway	Committee member – JCU rep
Andy Marr	Committee member – CAFNEC rep (resigned)
George Davidson	Committee member
Sue Reid	Committee member (resigned)

The future

26. Looking ahead, EDO NQ has secured State government funding at the current funding level of \$100,000 per annum to 30 June 2020.
27. Throughout the reporting period, EDOs of Australia, of which EDO NQ is a member, has continued to work steadfastly on a proposal to merge the EDOs to form a national organisation. Kate Galloway of the management committee will present the proposal to members this evening. David Morris CEO of EDO NSW is also attending and presenting on the proposed merger.
28. I have been employed in the role of principal solicitor by EDO NQ since 27 February 2018. I have previously served on the management committee as a JCU representative when I was the President of the student body *Inter Alia*. It has been a privilege and an honour to commence work at EDO NQ: an organisation that supports, through the provision of legal services, the wonderful north Queensland environment and our conservation community. I warmly thank our members, supporters, management committee, partners and above all, our office manager, Marie Short for making my transmission into the role at EDO NQ one that has been challenging at times but most importantly one that has, and will continue to be, professionally, socially and ethically fulfilling.

Both EDOs in Queensland received renewed grant funding from the Department of Justice and Attorney General of \$100,000/year (+ State ERO wage increase component) for 2017-20. When we learnt from Hansard records of the Estimates committee for the 2017-18 budget that EDO Qld had also been allocated an additional \$133,000/year from Department of Environment and Heritage Protection (DEHP), now Environment and Science (DES), we started seeking an equivalent additional grant amount. Our efforts in lobbying the Minister and Director-General for DES have eventually gained us a one-off grant for 2018-19 of \$33,000, which we received in July 2018. This grant has enabled us to employ a junior solicitor for 4 days a week, which is a considerable expansion in our staffing and capacity for service delivery to Northern Queensland.

Our continued quarterly grant payments from DJAG under our grant enabled us to deliver a limited service to our region, which stretches from Mackay to PNG and west to the Northern Territory. Our Principal Solicitor, Tania Heber, resigned in December 2017 to pursue a new career in teaching, and our new Principal Solicitor, Kirstiana Ward, didn't start with us until late February 2018. This reduced our budget deficit, against our grant funding, to \$23,095 for 2017-18. This deficit was readily covered by the carryover from 2016-17 and a transfer of \$10,000 from our donations fund, which had been considerably increased by a bequest of \$100,000 from a long-term member and donor to EDO NQ. This most generous bequest has been placed in a term deposit account.

We still had some \$28,500 in our general account at 1 July 2018. This is budgeted to run out in June 2019 when we'll need to raise additional funds or draw from our donations account (\$55,220 at 5 October 2018) to support our current expenditure. If we chose to draw down on our donations account we could operate for one year beyond our current funding agreement with Justice and Attorney General's Department (until July 2021), but we would have totally exhausted our funds. So we still need to call on the continued financial support of our members and supporters, who kept us going through some 20 months of no government funding, to maintain operational solvency. The ongoing financial support from the public and our membership has been a great encouragement to us as well as ensuring our very survival as an organisation.

