

Environmental Defender's Office Western Australia

Annual Report 2018/19



Environmental
Defender's
Office
Western Australia (Inc)

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OUR PEOPLE

MANAGEMENT COMMITTEE

Members elected at the October 2018 Annual General Meeting

Hugh Finn	Convener
Inan Ahmed	Treasurer
Rebecca Rorrison	Secretary
Clare Ward-Noonan	Member
Alex Gardner	Member
Suzannah Macbeth	Member
John Bailey	Member

Retired during the year

Carman Yung	Member
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Co-opted during the year

Andrew Disney	Member
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Committee at the date of notice of AGM

Hugh Finn	Convener
Rebecca Rorrison	Secretary
Inan Ahmed	Treasurer
Andrew Disney	Member
Suzannah Macbeth	Member
Clare Ward-Noonan	Member
Alex Gardner	Member
John Bailey	Member

STAFF

Current

Tim Macknay	Principal Solicitor
Rebecca Chapple	Bookkeeper
Noemie Huttner-Koros	Administrative Assistant
Sarah Flynnne	Solicitor
Victoria Sozzi	Solicitor
Ruby Hamilton	Solicitor

Former

Declan Doherty	Principal Solicitor
Jess Stenhouse	Office Manager
Emiko Watanabe	Office Manager

CONVENER'S REPORT



Dr Hugh Finn

This report covers the 2018-2019 financial year, but also discusses some matters that have occurred after 30 June 2019.

Progression toward a national merger

Since July 2018, EDOWA has progressed steadily towards a merger with the other Australia EDOs to create a single national entity – EDO Australia Ltd. In October 2019, EDOWA signed a merger agreement with EDO Australia Ltd and, as at 30 October 2019, the final steps are underway to conclude the existence of EDOWA as an incorporated association.

Since its formation in 1995, EDOWA has operated as a provider of legal services to the community of Western Australia. That function will continue through the Western Australian offices of EDO Australia Ltd. The national EDO will continue EDOWA's contribution to environmental law reform and to the rule of law generally in Western Australia.

EDOWA joined the process leading towards a national merger in November 2017 and a number of critical steps have occurred since July 2018, notably the passing of a special resolution supporting the national merger at a special general meeting of the members in September 2019.

Other notable events

Two of EDOWA's solicitors – Victoria Sozzi and Ruby Hamilton – completed their Practical Legal Training in 2018 and were admitted to practice in November 2018 and December 2018 (respectively). EDOWA's other solicitor, Sarah Flynnne, was admitted to practice in June 2018.

Isaac St Clair-Burns left EDOWA on secondment to the east coast in August 2018. Isaac commenced with the EDOWA as a volunteer in October 2015 and commenced as a Restricted Practitioner January 2017. We thank Isaac for his long and varied service to EDOWA.

In November 2018, EDOWA held its 2018 Art Exhibition, Connection to Country, at the King Street Art Space Gallery. The Minister for Water, the Hon Dave Kelly, spoke at the launch event on 23 November. The EDOWA AGM was held on 24 November amidst the exhibition.

In March 2019, Declan Doherty finished up in his role as Principal Solicitor. We extend our sincere thanks to Declan for his professionalism, guidance, and good will. Declan's contributions to the work of EDOWA were broad and deep, and extended into community outreach, preparation of legal advice, participation in law reform and community consultation processes, support for client litigation, fundraising, and management of the legal practice.

We thank Agnes McKay for her service as Acting Principal Solicitor in March-May 2019.

In May 2019, Tim Macknay commenced as Principal Solicitor and has enjoyed an extraordinarily busy first months, with much merger-related work on top of the Principal Solicitor work. We extend our great appreciation to stepping into the role with such aplomb and for his vital work during this critical period for the organisation.

On 4 June 2019, a special general meeting of the members passed a special resolution to amend the EDOWA Rules.

Contributions by staff, volunteers & committee members

Many staff and committee members made significant contributions in the 2018-2019 financial year, including (in no particular order): Virginia Eastman, Carman Yung, Emiko Watanabe, Andrew Disney, Sholeh Rutstein, Alex Gardner, Suzannah Macbeth, Inan Ahmed, and Jess Stenhouse. The organisation is particularly indebted to Andrew and Suzannah for the management of the merger process.

I would like to thank the members of management committee for their diverse and important contributions to the management of EDOWA.

Support of EDOWA

As Convener, I would like to extend the gratitude of the management committee to several persons who provided pro bono legal assistance to the committee, to the organisation and to our clients including: Michael Baldwin (Kott Gunning), David Murphy (Jackson McDonald), Stephen Kemp (Kemp & Associates), Angela Zhao (King & Wood Malletsons), Bret Walker SC, Greg McIntyre SC, Henry Jackson, Ashley Stafford, Matthew Pudovskis, Dr Kingsley Dixon and Dr Jatin Kala.

Recognition of State Government grant and key donors

In 2017, the Western Australian Government restored public funding to support EDOWA's work as a community legal centre, and repeated the grant for the 2018-19 and 2019-2020 financial years. Discussions are underway to arrange for EDO Australia Ltd to take over as the grant recipient, on the basis that the funding will continue to be used to support the delivery of legal services to the community of Western Australia. On behalf of EDOWA members, staff and volunteers, I thank the Government, especially the Minister for Environment, for the continued support to assist EDOWA in providing valuable community legal services.

EDOWA is also supported by generous donations. The generosity of all donors and the efforts of all who contribute to our fundraising events is greatly appreciated.



Convener



PRINCIPAL SOLICITOR'S REPORT



Tim Macknay

It has been my privilege to come on board as the Principal Solicitor of the Environmental Defender's Office WA in 2019. I will also be the last Principal Solicitor of EDOWA as a standalone office, as we are about to embark on a new era as the WA office of a newly created national Environmental Defenders Office.

2019 has been a challenging year for those of us seeking to protect the environment, with many frustrations, but also many hopeful developments. In the face of continuing government paralysis on the issue of climate change, we have seen an upswelling of community action that State and Federal governments have been unable to ignore. The WA Government has released a climate change issues paper, and reviews are now underway of both WA and national environmental laws, which offer us the opportunity to advocate for law reform to strengthen environmental protection.

In 2019, our work with clients continues to range across the breadth of our vast state, from addressing illegal clearing activities in the Kimberley, to fossil fuel expansion in the Pilbara, proposed industrial developments in the Gulf of Exmouth, the protection of our Southwest forests, and opposing harmful landfill projects in the Shire of Esperance and clearing of threatened ecosystems in the Perth metropolitan region.

Of particular note, our clients' appeal against the decision of the Supreme Court in the Yeelirrie uranium mining case was sadly unsuccessful, with the Court of Appeal ruling that the Government was lawfully entitled to approve the project, even after the Minister for Environment had confirmed the Environmental Protection Authority's finding that the project was environmentally unacceptable as it would be likely to cause the extinctions of several species. This case highlighted a significant flaw in our environmental law, which the EDO will draw to the Government's attention during the consultation on proposed amendments to WA's Environmental Protection Act 1986 (WA).

More positively, the Court of Appeal confirmed that the litigation was brought in the public interest, and declined to make an order of costs against our client, which established a useful precedent that will provide some reassurance for our clients when contemplating environmental litigation in future.

2019 has also been a frenetic year for climate change policy. In early 2019, EDOWA, together with our clients, made influential submissions to the EPA regarding how it should assess the greenhouse gas emissions of major projects. After the EPA published its policy guideline for the assessment of greenhouse gas emissions, a political storm ensued, with the EPA withdrawing the policy under government pressure following a media and fossil fuel industry campaign, and promising further consultation. Despite the EPA's apparent backdown, the Government subsequently announced a net-zero emissions target by 2050, indicating a recognition by the Government that it cannot afford to ignore the issue. EDOWA made further submissions during the EPA's consultation period, and we await the second release of the EPA's greenhouse gas policy in early 2020.

Merger of EDO Offices

For over 20 years, EDOWA has been working alongside the community and the environmental movement to protect the priceless natural values of our state, from the campaign to stop logging of old-growth forests in the 1990s, to the battle against the James Price Point gas project, to more recent efforts to prevent the Roe 8 road project through the Beeliar wetlands, and to protect the iconic Helena Aurora ranges from mining.

In September, our members joined other EDO organisations across Australia in voting to merge into a single unified national Environmental Defenders Office, and in October, the Committee of Management signed a merger agreement, which will lead to EDOWA becoming part of the national entity by the end of the year. This was the culmination of over two years of discussion and negotiation among the eight different EDO offices across the continent.

Becoming part of a national organisation brings new opportunities for the EDO in WA, including the capability to grow the office to provide more and better services to the community and the environmental movement in WA, and the greater certainty that comes with being part of a bigger entity with more diverse sources of funding. The merger also gives us the opportunity to raise awareness of WA's unique environmental values and issues to a national audience. The merger process itself has already drawn the attention of our colleagues in NSW, Queensland and Tasmania to the significance of the growth in WA's LNG industry for national greenhouse gas emissions, and of the importance of the Burrup Peninsula's ancient rock art, which is threatened by industrial development.

The EDOWA Management Committee

Our Management Committee members, all of whom are volunteers, have had a particularly busy year, with the changeover of Principal Solicitor, together with the merger process, which has required several special general meetings, as well as the negotiation of an agreement. My sincere thanks go to all the Committee members, and I particularly wish to thank Convener Dr Hugh Finn, and Committee members Suzannah Macbeth and Andrew Disney for their roles in the merger process. I would also like to extend my thanks to Dr Alex Gardner for his long-standing and ongoing support for EDOWA.

I look forward to continue to working with the Committee members who will form part of an advisory committee to the WA office as we merge into the national EDO.

Pro bono

EDOWA has called upon the assistance of members of the bar, legal practitioners and other experts a number of times in 2019, and I am extraordinarily grateful for the readiness with which these professionals and experts devote their time, pro bono, to assist EDOWA and our clients. Particular thanks go to Michael Baldwin (Kott Gunning), David Murphy (Jackson McDonald), Stephen Kemp (Kemp & Associates), Angela Zhao (King & Wood Mallesons), Bret Walker SC, Greg McIntyre SC, Henry Jackson, Ashley Stafford, Matthew Pudovskis, Dr Kingsley Dixon and Dr Jatin Kala.

Staff and volunteers

I would also like to extend my thanks to EDOWA's legal staff, Sarah Flynn, Ruby Hamilton and Victoria Sozzi who continue to do fantastic work despite enduring a year of significant uncertainty and change, and our team of student volunteers, without whose assistance our small team could not continue to perform at the level it does.

I hope you enjoy the rest of this final annual report for EDOWA, as we head into a new era.



Principal Solicitor



EDOWA'S YEAR IN NUMBERS 2018-19

89 LEGAL ADVICES



22 CASEWORK &
REPRESENTATIONS

11 COMMUNITY
LEGAL EDUCATION
ACTIVITIES



8
NEWSLETTERS

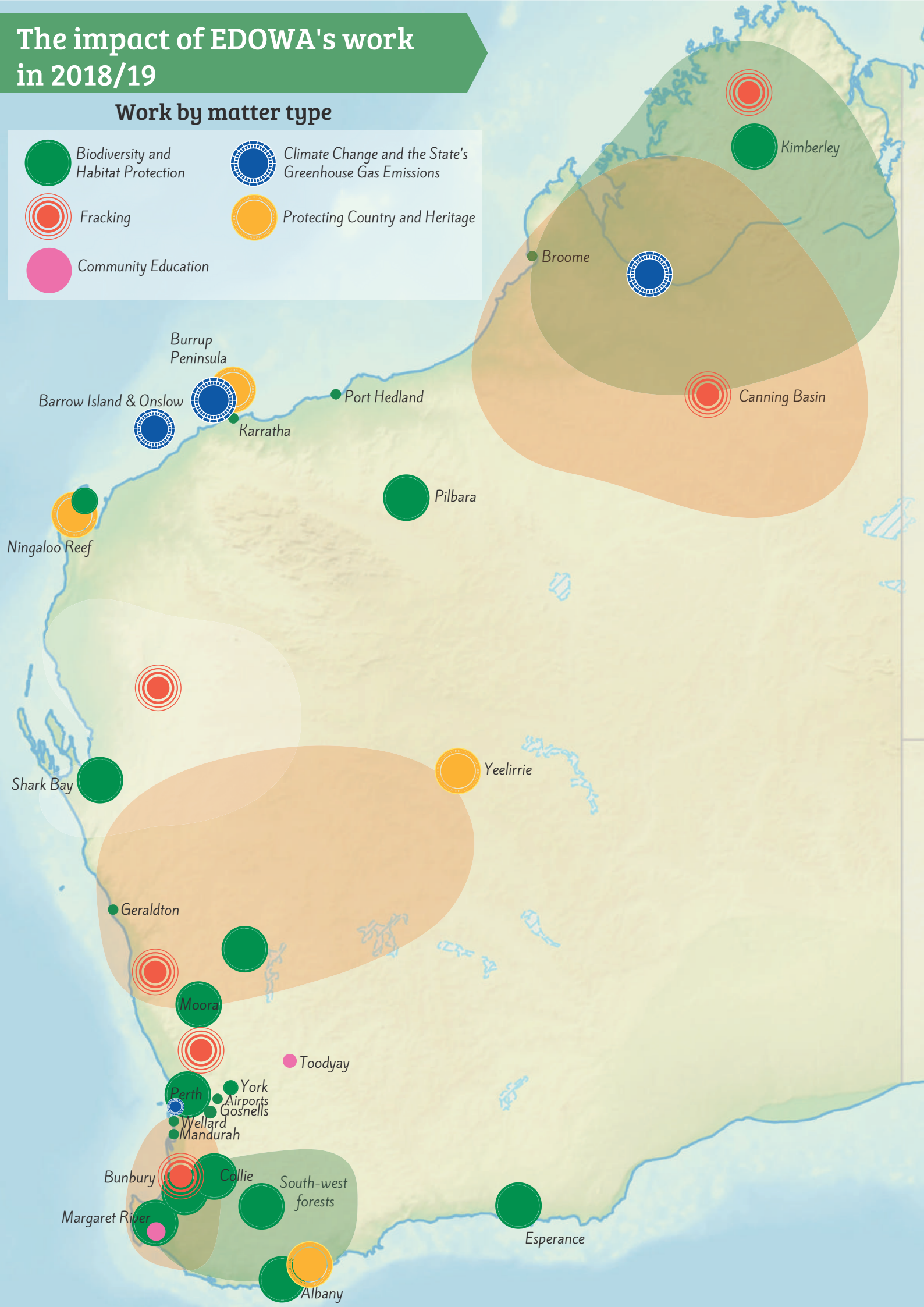
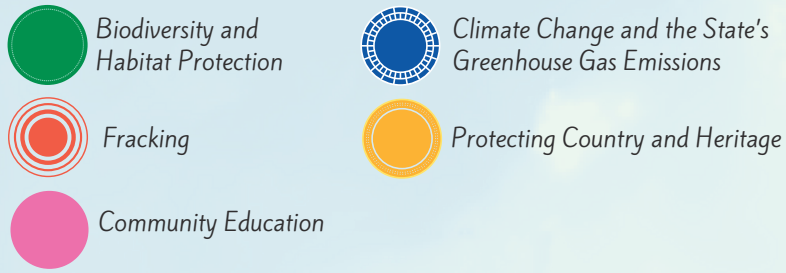
18 VOLUNTEER
RECRUITS



8 LAW REFORM
PROJECTS

The impact of EDOWA's work in 2018/19

Work by matter type



LEGAL ADVICE AND REPRESENTATION

Some examples of the public interest environmental legal services provided by EDOWA in the last year:

PROTECTING OUR STATE'S BIODIVERSITY AND HABITAT

Conservation Connectivity in the South-West

EDOWA is finalising work on a law reform project in collaboration with Gondwana Link which targets the role of the law in landscape scale conservation and connectivity, with a particular focus on the south-west of Australia. The project considers the legal opportunities and barriers to conservation connectivity, and makes recommendations on how the law can better protect one of the world's few biodiversity hotspots. The Report is currently being reviewed by key partners and academics. We anticipate that it will be launched/published in the near future.

Forest Protection

We have been working closely with clients to challenge forestry operations and ensure that Western Australia's unique forests and the species that inhabit them are protected, especially given the extension of the Regional Forest Agreement by the WA and Commonwealth governments in March 2019. EDOWA continued providing legal advice to community and conservation groups seeking to protect WA's ancient forests in the South-West from the impact of forestry operations. This has included advice on the extension of the Regional Forest Agreement and the Forest Management Plan as well as specific instances of potential legal breaches.

Mining Warden's Court Objections

EDOWA has been representing clients in lodging objections in the Mining Warden's Court in respect of applications for mining tenements over Charles Darwin Reserve and Hamelin Reserve, conservation areas managed by our clients.

Hamelin Reserve/Shark Bay

Hamelin Reserve, which borders the Shark Bay World Heritage Area, supports 240 bird species and 820 plant, reptile and mammal species. In particular, it is home to Malleefowl, Ctenopus Skinks, Beard's Mallees, and Woma Pythons. EDOWA has been assisting an environmental organisation who manages Hamelin Reserve (along with numerous other conservation reserves Australia-wide) to oppose the approval of a large mining operation which is proposed to extend over a neighbouring pastoral station, and on to Hamelin Reserve.

Charles Darwin Reserve

Charles Darwin Reserve is home to over 230 animals and 680 plant species, including, Malleefowl, Major Mitchell Cockatoos, Rainbow Bee-eaters, White-tailed Dunnarts, Spiny-tailed Skinks, Acacia cerastes, and Nodding waxflower to name a few! EDOWA has assisted the same environmental organisation who manages Hamelin Reserve to protect its Charles Darwin Reserve in the Warden's Court.

Protection of Goode Beach from Development

EDOWA has been assisting a community group in respect of the referral of a proposed tourist development in Goode Beach, Albany to the EPA to ensure its environmental impacts are adequately assessed and opportunities for public participation in this process are provided.



Sand Mining

EDOWA has assisted a community group in Oldbury and Wellard to oppose the development of a sand mining operation in a quiet residential area surrounded by endangered Banksia Woodlands.

Yakka Munga Cattle Station

EDOWA assisted an environmental organisation in relation to a company who had unlawfully cleared 1200 hectares of native vegetation on Yakka Munga cattle station in the Kimberley.

Clearing of Banksia Woodlands

EDOWA provided advice to an environmental group in relation to clearing of native vegetation at Perth and Jandakot Airports. The clearing proposed by the Airports will impact significantly on endangered Banksia Woodlands which are home to the endangered Carnaby's Black Cockatoo and Grand Spider Orchid, and the critically endangered Western Swamp Tortoise. EDOWA has been advising clients on legal pathways to better protect the Banksia Woodlands at Perth and Jandakot airports from clearing.

PROTECTING THE COMMUNITY AND ENVIRONMENT FROM IMPACTS OF FRACKING

Fracking Activities

EDOWA continues to advise clients in respect of the regulation of fracking activities in WA, in particular the lifting of the moratorium on fracking and the proposed environmental impact assessment of all fracking proposals in WA.

Fracking Implementation Plan

EDOWA has been advising various community groups on the legislative and policy reforms required to implement the WA Government's Fracking Implementation Plan, particularly veto rights. The Fracking Implementation Plan was released in July 2019 and outlines the WA Government's response to the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in WA and seeks to implement the recommendations contained in the Panel's Final Report through various reforms to policy and legislation.

ADDRESSING CLIMATE CHANGE AND THE STATE'S GREENHOUSE GAS EMISSIONS

WA's Greenhouse Gas Emissions

EDOWA continues to advise clients on ways that the State's greenhouse gas emissions and reliance on fossil fuels can be reduced, focusing on the assessment, approval and regulation of various WA projects and legislative avenues to encourage significant emissions reductions. This work has involved filing numerous merits review appeals with the Minister for Environment and the Appeals Convenor, engaging with inquiries initiated by the Minister into the greenhouse gas conditions for particular projects, and attending regular meetings with the client, regulatory authorities and stakeholders.

Review of EPA Greenhouse Gas Assessment Guidance

EDOWA has been providing input to the EPA's consultation on its withdrawn Greenhouse Gas Assessment Guidance (Air Quality Guideline and Technical Guidance: Minimising Greenhouse Gas Emissions). This has involved providing detailed submissions to the EPA and publishing a fact sheet on our website and organising community education events in order to inform public submissions. EDOWA has also attended regular meetings throughout the consultation process and will likely have the opportunity to provide further input in relation to the revised Greenhouse Gas Assessment Guidance.

Development of new State Climate Policy

EDOWA has been preparing to provide input to the State Government's 'Issues Paper – Climate Change in Western Australia' that will inform the development of the new State Climate Policy. This will involve providing detailed submissions to the WA Government and publishing a fact sheet on our website to inform public submissions.

Climate Litigation Opportunities in WA

EDOWA is working on a project for a client that will analyse climate litigation opportunities in Western Australia. This involves preparation of a research report that will outline international developments and provide a comparative analysis to WA's legal and court system.

PROTECTING COUNTRY AND HERITAGE

Yeelirrie Uranium Mine

Appeal

EDOWA represented the Conservation Council of WA and three Tjiwarl traditional owners in a judicial review application to the highest court in WA, challenging the former WA Minister for Environment, Albert Jacob's decision to approve a uranium mine at Yeelirrie Station in the mid-west region of WA. The Court of Appeal found that the Minister acted lawfully in approving the mine even after confirming that it was environmentally unacceptable, resulting in likely extinction of various unique species of stygofauna. While the appeal was dismissed in July 2018, the Court of Appeal confirmed our arguments that it was brought in the public interest of our clients' case and did not impose the usual orders that the appellants pay the legal costs of the State and the mining proponent.

Yeelirrie - Law Reform

Following the Court of Appeal decision, EDOWA lodged a submission to the Federal Senate inquiry into Australia's faunal extinction crisis, jointly with the Conservation Council WA. The submission highlighted the implications of the case for communities seeking to protect environment, country and species and the need for urgent reform of our State and federal laws to address the extinction crisis.

Yeelirrie – Federal

EDOWA provided legal advice on the validity of the Commonwealth approval of the Yeelirrie uranium mine, which was published by the former federal Minister for the Environment just days before the government went into caretaker mode before the election. This included obtaining the formal reasons for the decision, liaising with other interested environmental organisations and receiving pro bono advice from counsel across the country.

Esperance Tanker Jetty

Earlier this year, EDOWA assisted a community group in opposing the demolition and reconstruction of the iconic Esperance Tanker Jetty.



Burrup Hub

EDOWA continues to represent conservation groups opposing large-scale industry developments on the Burrup Peninsula which includes the precious and culturally significant Murujuga rock art. Ongoing work to improve regulation of acid gas emissions from various facilities has continued through preparing submissions and coordinating merits appeal and court processes, and we have also assisted with legal advice and representation in processes for environmental impact assessment.

Warriup Swamp, Albany

EDOWA has been advising a traditional custodian of land in Albany, in relation to a proposal to allow water-skiing on Warriup Swamp, a registered Aboriginal heritage site which is of environmental and cultural significance to the local Aboriginal community.

Protecting Ningaloo and the Exmouth Gulf

EDOWA has assisted an environmental organisation in preparing submissions to the EPA in respect of the Shire of Exmouth's proposal to amend the local planning scheme amendment to allow for the development of Subsea 7's proposed pipeline fabrication facility which is likely to impact on the Ningaloo Coast World Heritage Property.



ASSISTING LOCAL COMMUNITIES TO PARTICIPATE IN ENVIRONMENTAL DECISION- MAKING

Freedom of Information Requests

EDOWA has assisted clients with preparation of freedom of information requests to obtain valuable information from government departments and ministers regarding various environmental matters.

EPA Greenhouse Gas Assessment Guidance

EDOWA published a fact sheet on the EPA's withdrawn Greenhouse Gas Assessment Guidance and the consultation process to encourage interested members of the public to make submissions. We also hosted two regional 'Road Show' seminars in Margaret River and Toodyay with Outback Carbon to provide information about the Guidance and how a stronger EPA policy will benefit regional WA communities, including opportunities for carbon farming.

Standing for Public Interest Environment Groups

EDOWA has prepared comprehensive advice on the ability to bring litigation seeking to protect the environment in the public interest – the law of standing. This will assist community and conservation organisations and members of the public to access justice through the courts system and make informed decisions about the means for enforcing legal rights and obligations relating to environmental issues.

EDOWA has provided advice to clients on the requisite standing for public interest environmental groups in litigation.

LAW REFORM

EDOWA has been an active participant on 12 State Government agency reference groups and consultation processes that contribute to and initiate law and policy reform and constructive cross-sector dialogue in a range of environmental law and policy matters.

We also made several law reform submissions during the reporting period, including to:

- the WA Government in relation to the reform of the Environmental Protection Act 1986 (WA);
- the Senate Inquiry into Australia's Faunal Extinction Crisis;
- the EPA in relation to its withdrawn Greenhouse Gas Assessment Guidance; and
- Climate Health Inquiry in relation to the health impacts associated with climate change.

We are currently preparing submissions in relation to the WA Government's Issues Paper on Climate Change in Western Australia that will inform the development of the new state climate policy.

Some of our staff are also committee members of the WA Branch of the National Environmental Law Association (NELA).



COMMUNITY ENGAGEMENT

Over the course of the year EDOWA have presented at numerous seminars and events on a diverse range of environmental law topics including: biodiversity and clearing of native vegetation, environmental impact assessment, climate change, public participation and environmental activism, mining law and third party appeal rights.

We have presented at events hosted by the following organisations:

- Conservation Council WA
- University of Western Australia Public Policy Institute
- Clean State
- Law Society of Western Australia
- Friends of Lake Claremont
- Nuclear Free WA

We have also hosted the following events throughout the year:

- Connection to Country Art Exhibition
- 2040 Film Screening
- A Night Against Extinction
- Margaret River Road Show Seminar on EPA GHG Assessment Guidance
- Toodyay Road Show Seminar on EPA GHG Assessment Guidance



We provide opportunities to gain experience in the profession to the environmental lawyers of the future. Over the last year a total of 18 volunteers studying law and other related disciplines volunteered regular hours at EDOWA, helping with a range of legal, administrative, communications and fundraising work. Volunteers are an invaluable resource to EDOWA and without them we would simply not be able to deliver the quality and volume of work that we do to clients. Volunteering at EDOWA provides law students and volunteers with valuable insight into legal practice and the way the justice system operates, and adds significantly to their education and prospects for employment.

Additionally, 2 law graduates including one from the Piddington Justice Project, carried out their practical legal training placements at EDOWA.



TREASURER'S REPORT



Inan Ahmed

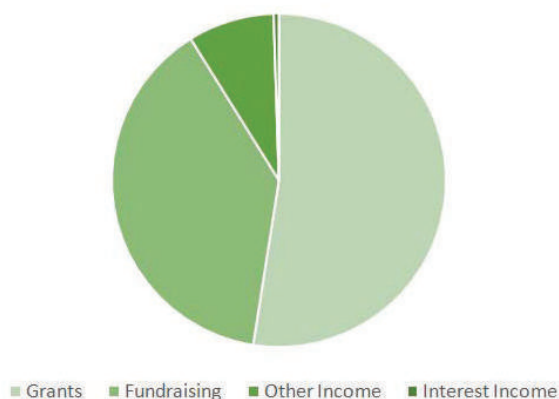
The Environmental Defenders Office of WA has been at the forefront on protecting WA's biodiversity, habitat and native vegetation. In that endeavour, EDOWA closely worked with local community groups and the State Government.

During the year, EDOWA said farewell to Declan Doherty and welcomed Tim Macknay as the new Principal Solicitor. Agnes McKay's contributions during her short tenure as the acting Principal Solicitor were also invaluable.

In the last financial year 2018/19, EDOWA faced several challenges. However, with a dedicated team of staff and volunteers, it was able to overcome most of the difficulties and alleviate the challenges. EDOWA saw a decrease in revenue; however, it successfully secured a significant project funding for the year ahead.

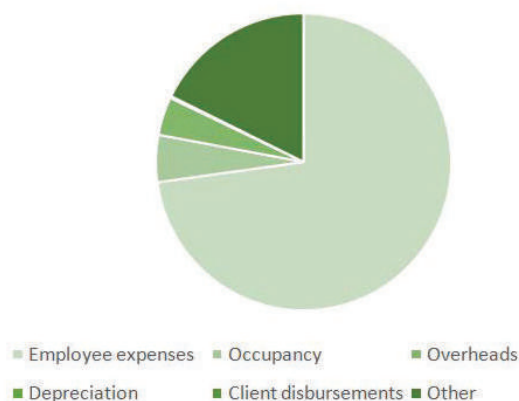
Total income for the year was \$285,834, a reduction of 6% from the financial 2017/18. EDOWA continued its efforts to diversify its income streams. During the financial year 2018/19, EDOWA received a generous combined grant from the WA State Government, which represented 52% of EDOWA's income for the year. The remainder of the revenue included 39% from fundraising and 9% as other income and interest.

Income FY 2018/2019



The total expenses for the year was \$341,357, an increase of 14% from the previous year. Majority of the expenditures for the financial year 2018/19 was for employment expenses, representing 73% of total expenditure. The remaining 27% included other operational expenses and overheads.

Expenses FY 2018/2019



At the end of the financial year 2018/19, EDOWA had a net deficit of \$55,523, but with sufficient reserves built up over the previous years, EDOWA was able to continue its invaluable services to WA community. As of 30 June 2019, EDOWA's reserves were at \$76,685.

EDOWA continues to play a key role in WA's environmental sector. With the support from the community, it will continue to do so in whatever form it takes in the coming years.

ENVIRONMENTAL DEFENDER'S OFFICE (WA) INC.

**FINANCIAL REPORT
FOR THE YEAR ENDED
30 JUNE 2019**

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.

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ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.

STATEMENT BY MANAGEMENT COMMITTEE

The Management Committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies described in Note 1 to the financial statements.

The Management Committee of the Association declares that:


1. The financial report and notes are in accordance with part 5 of Associations Incorporation Act 2015 (WA) and with the Australian Charities and Not-for-Profit Commission Act 2012 (Cth) and;

a. comply with Australian Accounting Standards to the extent described in Note 1 to the financial statements; and

b. give a true and fair view of the association's financial position as at 30 June 2019 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements.

2. In the Management Committee's opinion there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with the resolution of the Management Committee.



IVAN AHMED (TREASURER)
COMMITTEE MEMBER



COMMITTEE MEMBER
Hugh Finn (Chairperson)

Dated this 30th day of October 2019

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2019

	Note	2019 \$	2018 \$
INCOME FROM ORDINARY ACTIVITIES	7	285,834	303,274
LESS EXPENSES			
Employee expenses		248,488	206,238
Occupancy		17,587	21,023
Overheads		14,246	15,511
Depreciation		562	834
Client disbursements		146	3,351
Other		60,328	50,806
TOTAL EXPENSES		341,357	297,763
NET (DEFICIT) / SURPLUS FOR THE YEAR		(55,523)	5,511

The accompanying notes form part of these financial statements.

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
BALANCE SHEET
FOR THE YEAR ENDED 30 JUNE 2019

	NOTE	2019 \$	2018 \$
CURRENT ASSETS			
Cash at bank			
- General		17,056	19,712
- Fund		68,970	137,044
Cash On Hand		216	1,253
Trade and other receivables	2	7,498	5,854
TOTAL CURRENT ASSETS		93,740	163,863
NON-CURRENT ASSETS			
Trade and other receivables	2	3,279	3,279
Plant and Equipment	3	1,109	1,671
TOTAL NON-CURRENT ASSETS		4,388	4,950
TOTAL ASSETS		98,128	168,813
CURRENT LIABILITIES			
Trade and other payables	4	17,780	21,488
Provisions	5	3,663	15,117
TOTAL LIABILITIES		21,443	36,605
NET ASSETS		76,685	132,208
EQUITY			
Retained surplus		132,208	126,697
Net surplus/(loss) for the year		(55,523)	5,511
TOTAL EQUITY		76,685	132,208

The accompanying notes form part of these financial statements.

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
STATEMENT OF CHANGES IN OWNERS EQUITY
AS OF 30 JUNE 2019

	Retained Earnings \$	Total \$
Balance at 30 June 2017	126,697	126,697
Net surplus for the year	5,511	5,511
Balance at 30 June 2018	<u>132,208</u>	<u>132,208</u>
Net deficit for the year	(55,523)	(55,523)
Balance at 30 June 2019	<u>76,685</u>	<u>76,685</u>

The accompanying notes form part of these financial statements.

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
STATEMENT OF CASH FLOWS
AS OF 30 JUNE 2019

	2019	2018
	\$	\$
Cash flows from operating activities		
Membership, funding and grant income	283,159	299,697
Interest Received	1,454	1,394
Payments to suppliers and employees	(356,380)	(284,781)
Net cash from/(used in) operating activities	<u>(71,767)</u>	<u>16,310</u>
Cash flows from investing activities		
Payments for property, plant & equipment	-	-
Net cash used in investing activities	<u>-</u>	<u>-</u>
Net increase in cash held	(71,767)	16,310
Cash at beginning of the financial year	158,009	141,699
Cash at end of the financial year	<u>86,242</u>	<u>158,009</u>

The accompanying notes form part of these financial statements.

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2019

1 STATEMENT OF ACCOUNTING POLICIES

The management committee has prepared the financial statements on the basis that the incorporated association is not a reporting entity because there are no users dependent on general purpose financial statements. These financial statements are therefore special purpose financial statements that have been prepared.

These financial statements have been prepared on an accruals basis and in accordance with the requirements of Australian Accounting Standards, except where specifically identified in the following

The following is a summary of the significant accounting policies adopted by Environmental Defender's Office WA (Inc.) in the preparation of the financial statements;

a) Plant & Equipment

Depreciation is calculated on a straight-line basis so as to write off the cost of each asset over its expected useful life to the entity.

b) Unearned income

Unearned income is the unutilised amounts of grants received on the condition that specified services are delivered or conditions are fulfilled. The services are usually provided or the conditions usually fulfilled within 12 months of receipt of the grant.

c) Revenue

Grant revenue is recognised in the income statement when the associated services are provided or costs incurred. Grant income that has been received but not earned is deferred as unearned income.

Donations are recognised as revenue at the earlier of when received or when the donor can demonstrate they made donation.

Interest revenue and distribution income from investments is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from rendering of a service is recognised upon the delivery of the service to the customers.

All revenue is stated net of the amount of goods and services tax (GST).

d) Employee Benefits

Provision is made for the association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash

Environmental Defenders Office (WA) INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2017

e) Income Tax

Environmental Defender's Office WA (Inc.) is exempt from income tax under section 50-5 of the Income Tax Assessment Act 1997, as amended.

f) Goods and Services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax 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 expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flow.

g) Trade and Other Payables

Trade and other payables are carried at amortised cost and due to their short-term nature they are not discounted. They represent liabilities for goods and services provided to the organisation prior to the end of the financial year that are unpaid and arise when the organisation becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

h) Cash and Cash Equivalent

Cash and cash equivalent in the balance sheet comprise of cash at banks and cash on-hand.

i) Trade and Other Receivables

Trade and other receivables which are stated at amounts which are expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

j) Comparative Information

Where necessary, comparative figures have been adjusted to conform to changes in presentation in these financial statements.

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2019

	2019 \$	2018 \$
2 TRADE AND OTHE RECEIVABLES		
Current		
Trade Receivables	1,220	-
Sundry debtors and prepayments	6,278	5,853
	<u>7,498</u>	<u>5,853</u>
Non-current		
Rental bond	3,279	3,279
	<u>3,279</u>	<u>3,279</u>
3 PLANT AND EQUIPMENT		
Furniture & fittings - at cost	37,281	30,264
Less Accumulated Depreciation	(36,172)	(29,410)
Total Furniture& Fittings	<u>1,109</u>	<u>854</u>
Office Equipment - at cost	55,598	26,800
Less Accumulated Depreciation	(55,598)	(25,983)
Total Office Equipment	<u>-</u>	<u>817</u>
Total plant & equipment	<u>1,109</u>	<u>1,671</u>
4 TRADE AND OTHER PAYABLES		
Trade creditors and Accruals	8,555	8,328
Employee expenses payables	13,519	14,131
GST payable	(4,294)	(971)
	<u>17,780</u>	<u>21,488</u>
5 PROVISION		
Provision for annual leave	3,663	15,117
	<u>3,663</u>	<u>15,117</u>
6 INCOME FROM ORDINARY ACTIVITIES		
Income from ordinary activities consist of;		
Interest Income	1,454	1,395
Donations and Fundraising	110,454	134,722
WA State Government Grants	150,000	150,000
Other Income	23,926	17,157
Income from Ordinary Activities	<u>285,834</u>	<u>303,274</u>

ENVIRONMENTAL DEFENDERS OFFICE (WA) INC
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2019

	2019	2018
	\$	\$
7 CASH FLOW INFORMATION		
Reconciliation of Net Cash from / (used in) Operating Activities to Net Surplus for the year		
Net surplus/(loss) for the year	(55,523)	5,511
Depreciation	562	834
Balance sheet movements:		
- (Increase) / decrease in Receivables	(1,644)	1148
- Increase / (decrease) in Payables	(3,708)	(1,452)
- Increase / (decrease) in Provision for Annual Leave	(11,454)	10,270
Net cash provided by operating activities	<u>(71,767)</u>	<u>16,311</u>

8 SUBSEQUENT 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 Association, the result of those operations, or the state of affairs of the Association in future financial years.



Anderson Munro & Wyllie

CHARTERED ACCOUNTANTS, REGISTERED COMPANY
AUDITORS AND REGISTERED SMSF AUDITORS

Postal Address:

PO Box 229 JOONDALUP DC WA 6919

P: 1300 284 330

E: reception@amwaudit.com.au

ABN 59 125 425 274

Liability limited by a scheme approved under Professional Standards Legislation

AUDITOR'S INDEPENDENCE DECLARATION

To: the Committee members of Environmental Defender's Office (WA) Inc.

I declare that, to the best of my knowledge and belief, in relation to the audit for the financial year ended 30 June 2019 there have been:

- No contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- No contraventions of any applicable code of professional conduct in relation to the audit.

Dated this 30th day of October 2019

AMW (AUDIT) PTY LTD

Anderson Munro + Wyllie

ANDERSON MUNRO & WYLLIE
Chartered Accountants

Martin Shone

MARTIN SHONE
Principal



Anderson Munro & Wyllie

CHARTERED ACCOUNTANTS, REGISTERED COMPANY
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INDEPENDENT AUDITORS' REPORT TO THE MEMBERS OF ENVIRONMENTAL DEFENDER'S OFFICE (WA) INC.

Opinion

We have audited the accompanying financial report of Environmental Defender's Office (WA) Inc. which comprises the balance sheet as at 30 June 2019, the income statement, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the statement by the Committee.

In our opinion, the special purpose financial report of Environmental Defender's Office (WA) Inc. has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-Profits Commission Act 2012*, including:

- (i) giving a true and fair view of the financial position as at 30 June 2019 and of its financial performance and cash flows for the year ended on that date; and
- (ii) complying with Australian Accounting Standards to the extent described in Note 1, and Division 60 the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free of material misstatement. Our responsibilities under those standards are further described in the *Auditor's responsibility* section of our report. We are independent of Environmental Defender's Office (WA) Inc. in accordance with the *Corporations Act 2001* and the ethical requirements of the Accounting Professional and Ethical Standards Committee's *APES 110 Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, which has been given to committee members, would be in the same terms if given as at the time of this auditor's report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter- Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the financial reporting responsibilities under the *Australian Charities and Not-for-profits Commission Act 2012*. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.



Committee's responsibility for the financial report

The Committee of Environmental Defender's Office (WA) Inc. is responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) and for such internal control as the Committee determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Committee is responsible for assessing Environmental Defender's Office (WA) Inc. ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the Committee's either intend to liquidate Environmental Defender's Office (WA) Inc. or to cease operations, or have no realistic alternative to do so.

Auditor's Responsibility

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organisation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the organisation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Organisation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the committee members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



We also provide the committee members with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

Anderson Munro + Wyllie

ANDERSON MUNRO & WYLLIE

Chartered Accountants

Martin Shone

MARTIN SHONE

Principal

Dated at Perth, Western Australia this 30th day of October 2019

COMMITTEE OF MANAGEMENT

HUGH FINN
Convener



Hugh is a lecturer at the Curtin Law School with a research focus in environmental law and policy. He obtained a PhD in Biological Sciences from Murdoch University in 2005 and has worked extensively as a wildlife biologist, both in Australia and internationally. Hugh enjoys learning through the eyes of his four-year old son and also serves on management committee of an early childhood learning centre.

REBECCA RORRISON
Secretary



Becky was admitted in 1997 and is a senior legal officer with the Legal Profession Complaints Committee and an adjunct lecturer in Ethics & Professional Responsibilities at the College of Law. She's been a guest speaker in Ethics at Murdoch University, Notre Dame University, UWA, Legalwise and the Law Society. She has worked in both the private and government sector and with a national community legal clinic. Becky is a keen camper and wanderer with her husband and 3 children.

INAN AHMED
Treasurer



Inan is a CIMA qualified management accountant, currently working as the Finance Manager for the Conservation Council of WA. He is a passionate environmentalist and human rights activist, regularly volunteering his time at various not-for-profit organisations in Western Australia, ranging from fair-trade to human rights advocacy groups. Since moving to Perth in 2011, he has developed a keen interest in being a citizen scientist and exploring, as much as he can, the splendour of WA's outback.

ALEX GARDNER
Member



Alex Gardner is a Professor of Law at the University of Western Australia and has more than 30 years' experience as an environmental lawyer across Australia. He was part of the legal team that stopped old growth logging in south-west WA in the mid-1990s and helped found the EDO. Alex has a special teaching and research interest in water resources and the environment: <http://www.law.uwa.edu.au/research/water-resources-reform>.

JOHN BAILEY
Member



John has taught and published widely on issues at the boundary of environmental science and environmental law, including in the area of biodiversity conservation and environmental impact assessment. He has served as both Chair of the Conservation Commission and as a Board Member of the Environmental Protection Authority. Most recently, he has taken an active role as Convenor of the Leeuwin Group of Concerned Scientists in advocating for improved environmental laws in Western Australia.

CLARE WARD NOONAN
Member



Clare is a solicitor at Tottle Partners practicing primarily in commercial litigation. In 2015, Clare worked as the Research Associate to the Hon Justice McLure, the former President of the Court of Appeal. She has a strong interest in administrative law and environmental law, having tutored in these subjects at the University of Western Australia and having completed her Honours thesis in an area of mining and environmental law in 2014.

SUZANNAH MACBETH
Member



Suzannah has a background in science and communications and currently works as a conservation campaigner with Partnership for the Outback, an alliance of groups dedicated to a brighter future for people and nature in the Western Australian Outback. Growing up with one foot in the city and one in the bush, Suzannah has a particular interest in sustainable agriculture and rural and regional issues. She also has experience in youth development through sail training and is a keen writer.

ANDREW DISNEY
Member



Andrew Disney graduated from the University of Adelaide in 1996, first working as an environmental manager with Santos Ltd in Adelaide before moving to Brisbane in 2001 as an environmental lawyer for Corrs and Freehills. In 2003, Andrew moved to Perth and focused on corporate and resources law at Freehills and Steinepreis Paganin before becoming a director at EMK Lawyers in July 2017, a specialist corporate and resources law firm. Outside work, Andrew has volunteered at the EDO in Sydney and various charitable and environmental organisations over the past 20 years. He is passionate about bushwalking and outdoor adventures.



STAFF

TIM MACKNAY

Principal Solicitor



Born and bred in Western Australia, Tim graduated in Law with Honours from the University of Notre Dame in 2003 and was awarded a Postgraduate Diploma in Environmental Management. Tim has worked in environmental law and policy since 2006, including work for industry in private practice, government work, pro bono work and for environmental NGOs and community legal centres. Before commencing at EDOWA, Tim had a senior legal role with the Department of Water and Environmental Regulations.

REBECCA CHAPPLE

Bookkeeper



Rebecca is a qualified Bookkeeper and BAS agent with a passion for conservation who loves using her skills to contribute to the EDO's work. Outside of work she loves to travel and spend time in nature when not running around after her three year old son.

NOEMIE HUTTNER-KOROS

Admin Assistant



Noemie graduated from the Western Australian Academy of Performing Arts with a Bachelor of Performing Arts (Performance Making) in 2018. She regularly performs, produces, directs and writes for theatre and performance across Perth at the Blue Room Theatre, FRINGEWORLD and the Perth Institute of Contemporary Arts. She has also been active in climate activism for many years through the Australian Youth Climate Coalition, 350.org, Front Line Action on Coal and now with Arts and Cultural Workers for Climate Action.

VICTORIA SOZZI

Solicitor



Victoria graduated from the University of Notre Dame in 2017. She completed her Practical Legal Training at EDOWA in 2018 and was admitted to practice in November 2018. Victoria's work at EDOWA has had a strong biodiversity focus. In particular, Victoria has prepared advice relating to native vegetation and environmental assessment and approvals processes, and has assisted in negotiating Warden's Court matters. Outside of work, Victoria can be found somewhere sunny reading a good book.

RUBY HAMILTON

Solicitor



Ruby graduated from the UWA Juris Doctor in 2017. She completed her Practical Legal Training at EDOWA in 2018 and was admitted to practice in December 2018. Ruby's work at EDOWA has included advice on forests, land tenure and environmental approvals as well as assisting with merits appeals and judicial review. Outside of work, Ruby can be found swimming laps or optimistically supporting the Fremantle Dockers.

SARAH FLYNNE

Solicitor



Sarah graduated from Curtin University in 2016, and completed a Master of Environmental Law at University of Melbourne in 2018. She completed her Practical Legal Training at EDOWA in 2017 and was admitted to practice in June 2018. Sarah's work at EDOWA has included advice and representation on a range of environmental issues, but lately her work has been focused on climate change and fracking. Outside of work, Sarah enjoys travelling, scoping out markets and dog-spotting.

ACKNOWLEDGEMENTS

The generosity and expertise of the following people has enabled EDOWA to continue providing expert public interest environmental legal services. We thank all of you for donating your expertise and time to us and our clients this year.

Pro bono assistance (barristers and lawyers)

Dr Johannes Schoombee

Greg McIntyre SC

Henry Jackson

Bret Walker SC

Ashley Stafford

Matthew Pudovskis



...and several other practitioners and firms who wish not to be named, but have provided valuable pro bono advice to us.

Volunteers

Aideen Gallagher

Brianna Wallace

Dayna Lazarides

Ellen Jury

Elliott Tripp

Emiko Watanabe

Fiona Waring

Hilda Chan

Jacob Higgins

Jon Davidson

Lara Scott

Madelaine Cannell-Lunn

Mara Papavassiliou

Mariko Hunt

Matilda Franklin

Mollie Middleton

Nathan Sloan

Rowan Ratter-Stotesbury



