



Environmental
Defender's
Office
Western Australia (Inc)

**ENVIRONMENTAL
DEFENDER'S OFFICE
WESTERN AUSTRALIA**

Annual Report

2017/18

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OUR PEOPLE

MANAGEMENT COMMITTEE

Members elected October 2017 Annual General Meeting

Inan Ahmed
John Bailey
Michael Bennett
Virginia Eastman
Alex Gardner
Rebecca Rorrison
Louisa Wales

Retired during the year

Michael Bennett
Louisa Wales

Co-opted during the year

Suzannah Macbeth
Sholeh Rutstein
Carman Yung
Hugh Finn

Committee at the date of notice of AGM

Alex Gardner	Convener
Rebecca Rorrison	Deputy Convener
Virginia Eastman	Secretary
Inan Ahmed	Treasurer
John Bailey	Member
Suzannah Macbeth	Member
Carman Yung	Member
Sholeh Rutstein	Member
Hugh Finn	Member

STAFF

Current

Declan Doherty	Principal Solicitor
Sarah Flynn	Solicitor (Restricted Practice)
Victoria Sozzi	Solicitor (Restricted Practice)
Ruby Hamilton	Law Graduate
Jess Stenhouse	Office Manager
Rebecca Chapple	Bookkeeper

Former

Isaac St-Clair Burns	Solicitor (Restricted Practice)
Sharon Crombie	Office Manager

CONVENER'S REPORT



Professor Alex Gardner

The EDOWA has again much to celebrate at this 2018 Annual General Meeting, and much to contemplate. The excellent progress made during the 2016-17 financial year in building our team, budget and our core legal activities has continued in 2017-18. There has also been progress in negotiating a national merger of EDOs (including since 1 July), and we will be seeking members' feedback on that progress. We are succeeding in pursuit of our core mission, "empowering the community to protect the environment through law", but we need to keep up with the rapidly evolving challenges in public interest environmental law.

The key achievements in the 2017-18 period have been progress in building:

- our core services in public interest environmental law;
- the team of legal staff and volunteers working in the EDOWA office;
- the sources of revenue for the EDOWA, both public and private; and
- the terms of a framework for the proposed national merger of EDO's.

Principal Solicitor, Declan Doherty, will expand on the various aspects of our progress. The purpose of this report is to express the gratitude of the Management Committee and Association membership for the invaluable contributions made by all our staff, volunteers, pro bono counsel, members and other supporters. We are also very grateful for the generous donations that make such a difference to the capacity of the EDOWA to deliver on its mission.

In this report, I want to expand on:

- the contributions made by our staff and management committee members;
- recognise the crucial role that key donors and fundraising events have made to the success of the EDOWA in the past year; and
- return to the discussion with the EDOWA Association membership about how we can address the ongoing challenge of financial and organisational security, especially through the proposal to merge with other EDOs in Australia to form the Environmental Defender's Office Australia.

Contributions by staff, volunteers & Committee Members

The Committee is again enormously impressed with Declan's professional skill, care and energy in developing the EDOWA legal practice. He has shown great leadership in fulfilling important responsibilities for recruiting, training and supervising the growing team of legal staff and a highly productive team of volunteers (see Principal Solicitor's report). The excellent morale of this team was especially evident at the volunteers' dinner held in May this year. We have also farewelled a number of former staff and volunteers; Isaac St Clair Burns obtained a placement with EDONSW, and Mariko Hunt and Jacob Wotherspoon found legal employment in Perth. Sharon Crombie, our Office Manager, found another opportunity for deploying her talents. We are grateful for the contributions that all have made, and wish them well in their new activities.

At the same time as managing the EDOWA's human resources, Declan has energetically approached the challenges of fundraising, working effectively with the fundraising sub-committee to improve the EDOWA's financial security. The EDOWA Art Auction in November 2017 attracted wonderful support from a broad range of people in the community, and organisation is well under way for the 2018 Art Exhibition. The experience with the 2017 crowd-funding campaign laid a good foundation for the notable success of the 2018 crowd-funder to support work on the project on fracking and climate change law. This project has been supported by a generous underwriting grant from one of our loyal donors, without whose support we would not have been able to commit to employing the talented staff who assist Declan.

Our staff have also worked assiduously at maintaining and building relations with clients and government agencies. The quality of the work of the EDOWA team has not only attracted important new client work to the EDOWA; it has built public and government agency confidence in the value of having a community legal centre to represent the environmental public interest in numerous government fora.

EDOWA continues to perform a highly informative service in environmental legal education and effective environmental legal advocacy. Declan and the talented team of volunteers are to be highly commended for publishing newsletters for members and supporters, as well as participating in a number of seminar events. Again, the Principal Solicitor's report will tell you more, but I note the particular success of the Carbon Budgets and the Law seminar with the Centre for Mining, Energy and Natural Resources Law at the UWA Law School in October 2017, with featured speakers David Ritter, CEO of Greenpeace Australia, Professor John Chandler of the UWA Law School and Michael Bennett, PhD candidate UWA Law School. Declan also contributes to a number of University academic seminar events.

On top of these educational activities, the EDOWA contributes to regular government agency consultative committees and inquiries, with the notable submission by Declan and Sarah Flynnne to the State Government's "Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia". The EDOWA has also run a number of cases and provided numerous important advices. On behalf of the EDOWA membership, the Committee records its gratitude for all of this excellent work.

The Management Committee has had another busy year supporting Declan and the team across the range of activities described above. Since the last annual general meeting, the Committee has met ten times; on 12 December 2017 and, in 2018, on 15 February, 5 April, 17 May, 26 June, 18 July, 8 August, 12 September, 2 and 30 October. There have also been numerous sub-committee meetings. I thank all the Committee members for their contributions (including refreshments) to the meetings and their patience in persevering with some of our more lengthy discussions. While discussions can be lively and free ranging, we have generally managed to achieve consensus in our decision-making. We have utilised modern technology to enable some members to join the meetings by phone, though we need to improve the technology we utilise for this purpose. Two Committee members (Michael Bennett and Louisa Wales) resigned during the year. Louisa's insightful contributions were greatly appreciated, but her family's needs are a greater call on her time. Michael completed his PhD and commenced work at the State Solicitor's Office. Michael's contribution to the EDOWA since its formation in 1996 has been outstanding and we wish him very well in his new role. It has also been a great pleasure to welcome four new Committee members (Suzannah Macbeth, Carman Yung, Sholeh Rutstein and Hugh Finn) across the course of the year; each of them bringing invaluable skills and experience in environmental science, law and community activities to the Committee's deliberations. We are very grateful for the contributions of our office bearers, Becky, Inan and Virginia. I am especially grateful to Becky and John for stepping into the national merger negotiations when I became unavailable in September and October.

Lastly, I congratulate Declan and Victoria Sozzi for the excellent effort in preparing our submissions to maintain our national accreditation as a community legal centre. Inan, Becky and Suzannah also contributed greatly to that huge effort.

Recognition of State Government grant, key donors and fundraising efforts

Our goal is to be majority privately funded but we are not there yet. The reality is that we have been able to rebuild the EDOWA's services because the Western Australian Government restored public funding to support our work as a community legal centre. The grant made in September 2017 has been repeated for the 2018-19 financial year. On behalf of the Association and the EDOWA staff and volunteers, I thank the Government, especially the Minister for Environment, for believing that we can perform valuable community legal services.

At the same time, a substantial and growing portion of our services are supported by private funding. In 2017-18, there have been numerous very generous donations that, cumulatively, sustain the efforts of the EDOWA staff and volunteers. The generosity of all donors and the efforts of all who contribute to our fundraising events is greatly appreciated. While it is clear that it was the extraordinary generosity of a very small number of donors that enabled EDOWA to survive on private funding for two years (2015-16 and 2016-17), our aim is gradually to build a broader base of regular donations and significant grants in order to deliver the quality and range of public interest environmental law services required in Western Australia. In this era of constrained public funding, the EDOWA has to generate more private funding of its activities.

Merger Proposal & EDOWA Rules Revision

Fundraising takes a lot of time and effort, the burden of which falls heavily on the Principal Solicitor. We need to consider new ways to build our financial base and to strengthen our legal professional and administrative capacities. While maintaining our efforts within the WA community will always be vital to the success of the EDOWA, the Committee and Declan, have consistently with the motion passed at the 2017 annual general meeting, spent much time negotiating and reviewing documents to create the framework for a national merger of EDOs to form EDO Australia. At the annual general meeting, the Committee will present an information package on the national merger discussions and seek members' feedback. Any decision to merge needs the approval of the EDOWA Association.

In the meantime, the EDOWA needs to approve a new set of rules to comply with the Associations Incorporation Act 2015 (WA) before 1 July 2019.

As Convener, I express the Committee's thanks to Alex Head, Clare Ward of Tottle Partners and Liz Tylich of Jackson MacDonald for their pro bono legal assistance to the Committee in its management of the EDOWA.

This is my final Convener's report. I am not renominating for this role because of very important family reasons. I thank all those with whom I've worked since December 2015. It has been a distinct honour to perform this role and I wish the EDOWA all the best in "empowering the community to protect the environment through law".

Alex Gardner

Convener



PRINCIPAL SOLICITOR'S REPORT



Declan Doherty

It has been another inspiring year defending the environment in the public interest, and I have been very privileged to have been able to work with so many incredible people, all of whom have been working towards a common goal – to protect the amazing environment of this State.

We have worked closely with clients and communities from all parts of the State – from Traditional Custodians in the Kimberley, Leonora and Albany, to dedicated local community groups and NGOs in Esperance, the Great Western Woodlands, Margaret River, Perth, Exmouth, the Pilbara and many places in between. What I find particularly inspiring is the determination, commitment and expertise of community members who spend countless volunteer hours, often while juggling other commitments such as work and family.

A large focus of our work has continued to be on the protection of biodiversity, habitat and native vegetation. We receive countless requests for assistance from local community groups who are concerned about land clearing and destruction of habitat in urban areas under planning schemes (often through exemptions), as well as in some of the State's iconic places such as the Exmouth Gulf and the south-west biodiversity hotspot. This only confirms to us the crisis being faced in the State from the cumulative impacts of land clearing and the pressure that it puts on so many of our native species, and the need for a proper review of our native vegetation clearing laws.

We have also continued to work closely with various communities and individuals concerned about the environmental, social and human rights impacts of fracking should the State Government allow this industry to proceed, and we have maintained our focus on climate change and ways in which the State can reduce its greenhouse gas emissions. At a time where there is complete policy paralysis at a Federal level there are opportunities within current State laws to bring about a reduction in emissions and a transition to renewable energy, while at the same time initiate reform of the law here in WA.

We have also been busy over the last year with law reform initiatives, including making submissions to the Fracking Inquiry and participating in several State Government agency consultation processes.

A key role of EDOWA is to also undertake community education in environmental law. This year we have finalised 22 new or updated environmental law fact sheets for the public as well as speaking at numerous seminars and workshops for a variety of different audiences.

Read further about all of this work in the pages that follow this.

There are many people I want to thank, who have been essential in EDOWA's success this year. These include:

Our wonderful staff and volunteers:

This year we have celebrated law graduates Sarah Flynn, Victoria Sozzi, Dayna Lazarides and Ruby Hamilton who have all completed their practical legal training here at EDOWA and will all have been admitted as solicitors by the end of the year. They all contributed significantly to the work of EDOWA as volunteers, and we were pleased to be able to welcome Sarah, Victoria and Ruby as part-time members of staff this year. Congratulations also to Dayna who has secured a graduate policy role following her placement at EDO. This year we also farewelled Isaac St Clair-Burns who transferred to a litigation role at EDO NSW. I wish to thank Isaac for his support here at EDOWA and wish him all the best for his new and exciting position in Sydney. We also welcomed Jess Stenhouse to the part-time Office Manager role. Jess has been amazing since she started, leading our #climatejustice crowdfunding campaign and the upcoming "Connection to Country" Art Exhibition fundraiser. Rebecca Chapple also commenced with us this year as bookkeeper working hard behind the scenes to keep the financials in-check.

The EDOWA Management Committee:

All of our management committee members are volunteers and they have provided significant support and oversight of our operations over the last year, as well as being sources of advice. In particular I wish to thank Professor Alex Gardner for his unwavering support, wise counsel and good humour since I have been here at EDOWA.

Pro bono:

I wish to also thank the many barristers, legal practitioners and other experts who have provided their time pro bono to help our clients, or with important law reform projects.

Our financial supporters, members and funders:

Our success simply would not be possible without support from a State Government grant and the very generous donations from our private donors and many members of the general public who made donations to our crowdfunder, bought art at last year's art auction fundraiser, or attended our events. Thank you to you all.

I hope that you enjoy the rest of this report, which provides a snapshot of just some of our achievements over the last year.

Declan Doherty

Principal Solicitor

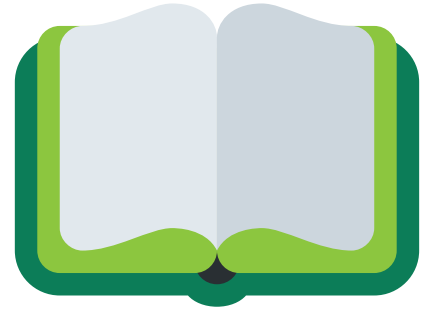


EDOWA'S YEAR IN NUMBERS



53

Legal advices



25

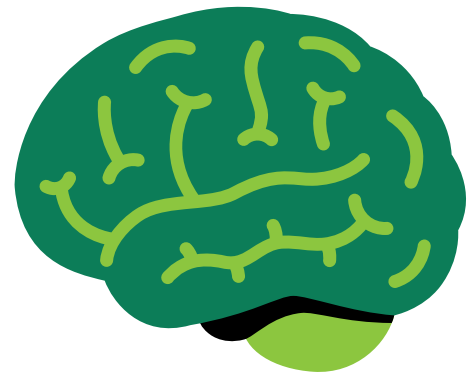
Casework/representations



Community legal education activities

22

New fact sheets



8

Newsletters



22

Volunteer recruits







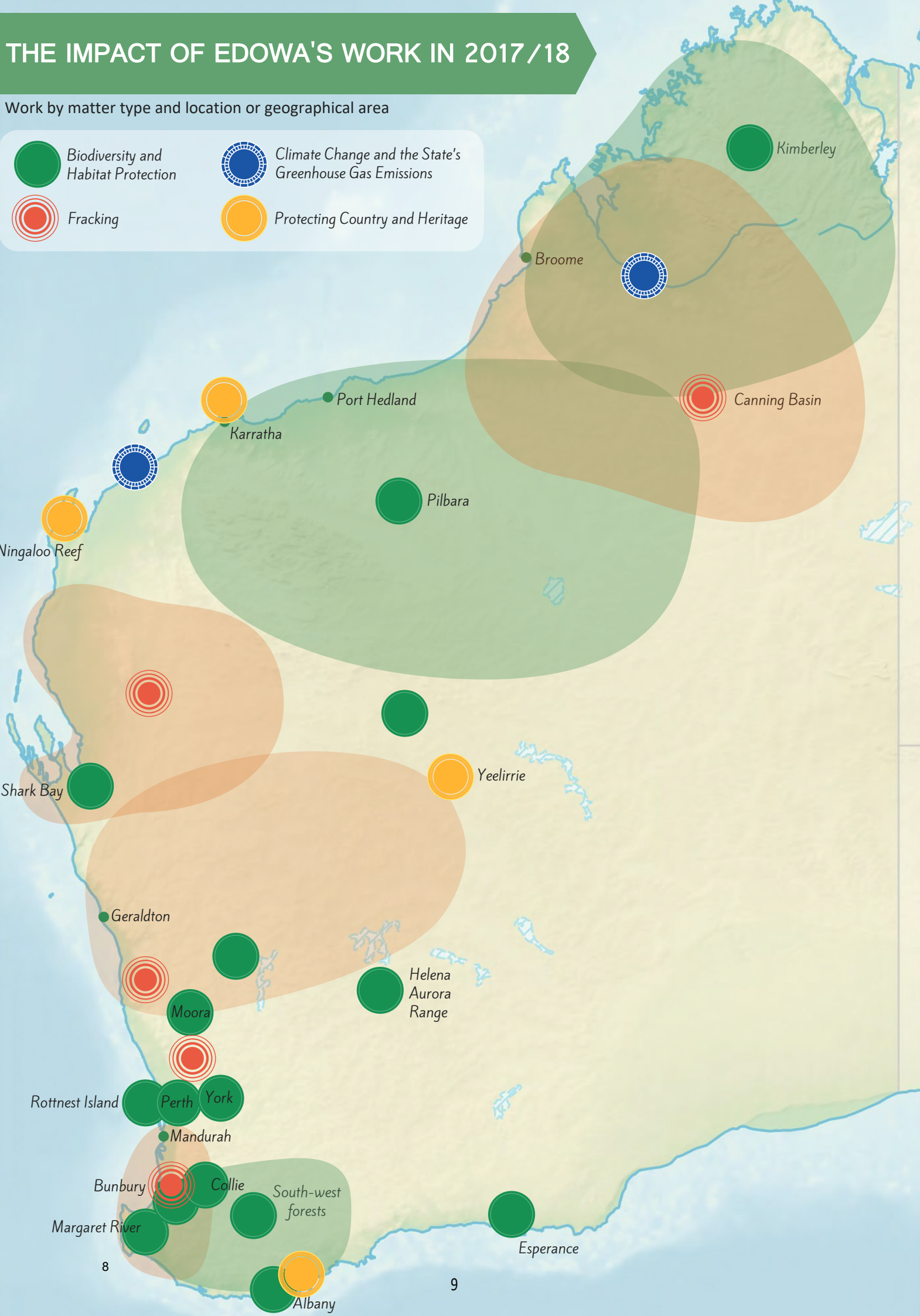
12

8 Law reform projects

THE IMPACT OF EDOWA'S WORK IN 2017/18

Work by matter type and location or geographical area

-  Biodiversity and Habitat Protection
-  Climate Change and the State's Greenhouse Gas Emissions
-  Fracking
-  Protecting Country and Heritage



LEGAL ADVICE AND REPRESENTATIONS

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

PROTECTING OUR STATE'S BIODIVERSITY AND HABITAT

Biodiversity Conservation Act

EDOWA has continued to advise several clients regarding the implications of the *Biodiversity Conservation Act 2016* (WA) and in particular the draft *Biodiversity Conservation Regulations 2018* (WA) which were released earlier this year.

From a law reform perspective we have also provided feedback to the State Government on the draft regulations, as well as on improvements that should be made to the Act to make it more effective in protecting the State's biodiversity.

Controlling Native Vegetation Clearing

The ongoing clearing of native vegetation and destruction of habitat in the State continues to be source of frustration for our clients. We have continued to provide representation and advice to those clients who seek to uphold and enforce our land clearing laws, including acting on appeals against clearing permits and advising on potential breaches of the *Environmental Protection Act 1986* (WA) for unlawful clearing and misapplication of clearing exemptions.

Increasing and Securing Conservation Estates

EDOWA has been acting for an NGO which owns and manages several properties for conservation purposes. These properties have numerous local, national and international environmental and heritage values, but which are under threat from mining and other development interests.



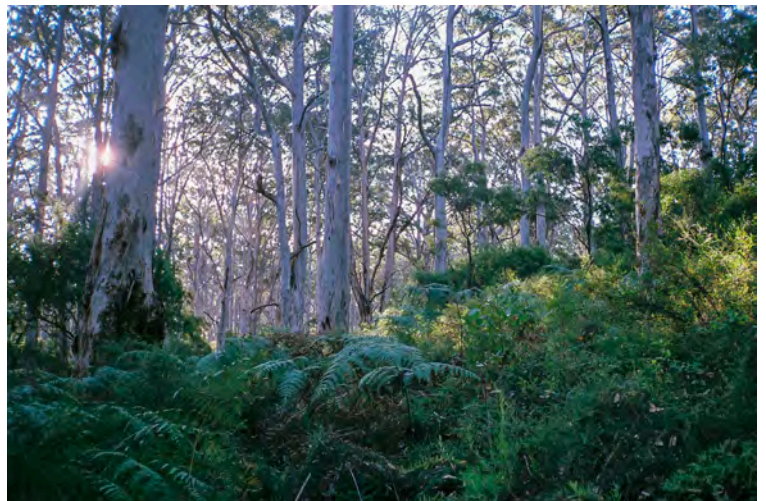
In seeking to help protect these properties, EDOWA has acted on objections to the grant of mining tenements and, where appropriate, negotiating resolution of objections to ensure our client's interests and the environmental values on these properties are protected.

EDOWA has also advised several clients on processes and options for protecting land for conservation purposes. In particular, we have advised on the process for establishing conservation tenure, management requirements applicable to protected land, and the best options for protecting the environmental and cultural values on the land into the future.

EDOWA has continued to advise and support important campaigns to increase the network of national parks and protected areas in the State, including to create ranger parks in the Western Australian outback regions of the Mid West, Gascoyne, Murchison and Pilbara, as well as to create a national park over the Helena Aurora Range (Bungabin).

Greater Brixton Street Wetlands

We provided advice and assistance to a community group in respect of an industrial development in Perth. The project has the potential to significantly impact the Greater Brixton Street Wetlands, the most floristically diverse bushland in urban Perth. It has a number of significant environmental values including hosting 11 threatened plant species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).



Carnaby's Black Cockatoo

EDOWA has provided advice and representation services to numerous clients who work to protect the endangered Carnaby's Cockatoo from the impacts of clearing of its native habitat throughout the south-west of the State.

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.

As part of this project we have recently completed major updates to 22 environmental law fact sheets for use by the community.

PROTECTING THE COMMUNITY AND ENVIRONMENT FROM IMPACTS OF FRACKING

Fracking Inquiry

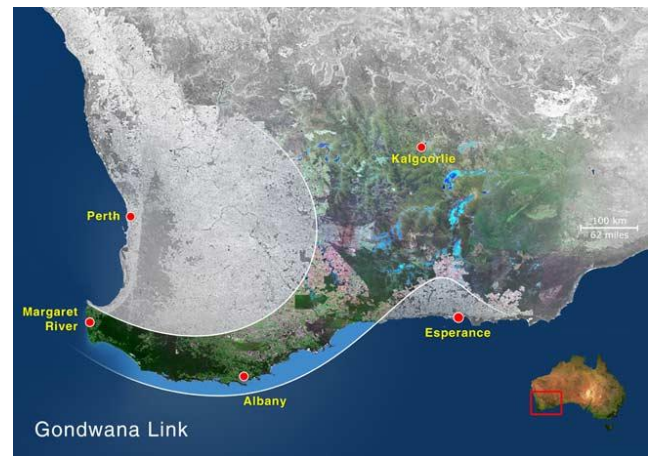
EDOWA filed an extensive submission to the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia.

In supporting our clients' calls for a permanent State-wide ban on fracking, our submission outlined the significant deficiencies in the legal and regulatory regime as it would apply to fracking activities in Western Australia should the current moratorium and ban be lifted and fracking be authorised to proceed.

Our submission included over 40 law reform recommendations, as well as recommended changes to the way in which the law is currently being implemented.

Permanent Peoples' Tribunal on Human Rights, Fracking and Climate Change

Earlier this year EDOWA made a submission and appeared by video link before the Rome-based Permanent Peoples' Tribunal on Human Rights, Fracking and Climate Change. Our submission focussed on how the risks posed by fracking to the natural environment, health, communities and Aboriginal heritage, and its regulation under Western Australian law, may breach substantive and procedural human rights.



Other Australian participants included EDOQLD and Earth Laws Alliance.

ADDRESSING CLIMATE CHANGE AND THE STATE'S GREENHOUSE GAS EMISSIONS

WA's Greenhouse Gas Emissions

EDOWA is advising several clients on ways that the State's greenhouse gas emissions and reliance on fossil fuels can be reduced. In particular this has included filing appeals with the Minister for Environment and engaging with a number of inquiries initiated by the Minister into the greenhouse gas emissions from the State's largest emitters.

Poelina v Blackfin

EDOWA continues to act for Dr Anne Poelina, a Nyikina Mangala Traditional Custodian and native title holder, in relation to an application for a mining lease and proposal to develop the Duchess Paradise Coal Project, which would be located close to the Fitzroy River and Camballin Wetlands in the Kimberley. There is concern that this project will have serious detrimental impacts on a number of significant environmental values and Aboriginal heritage sites in the area, in addition to contributing to climate change.



PROTECTING COUNTRY AND HERITAGE

Yeelirrie Uranium Mine

EDOWA continues to act for three Tjiwarl native title holders and the Conservation Council of WA, in relation to a judicial review application in respect of a decision by the former WA Minister for Environment, Albert Jacob, to approve a uranium mine at Yeelirrie Station in the mid-west region of WA.

While the application to the Supreme Court was dismissed in February 2018, we continue to represent our clients in an appeal. We anticipate the Court of Appeal will hear the matter in 2019.

Burru Peninsula Rock Art

EDOWA continues to act for a client seeking to protect the precious Murujuga rock art on the Burrup Peninsula in the Pilbara region of WA. Murujuga is the site of the largest collection of ancient rock art in the world. It is estimated to host over one million petroglyphs in an area of over 100 square kilometres. It is home to more rock art than the whole of Paleolithic Europe. The art is of immense spiritual, cultural and scientific significance, estimated as being at least 45,000 years old.

We have represented our client in appeals to the Minister under the *Environmental Protection Act 1986* (WA) against a works approval and a subsequent licence for a facility that our client contends will have irreversible impacts on the rock art unless more robust conditions and limits on emissions are required. We are also providing advice to our client in respect of an inquiry that is being conducted by the EPA into Ministerial conditions on the operations of that facility.

Our work continues in parallel with the process for World Heritage Listing of the Murujuga rock art, which the State Government announced in August 2018.

Protecting Ningaloo and the Exmouth Gulf

EDOWA continues to act for a local conservation group concerned about development in and around the World Heritage site of Exmouth Gulf and the Ningaloo Reef.

EDOWA's work has included assisting our client with appeals to the Minister under the *Environmental Protection Act 1986* (WA) against a vegetation clearing permit as well as on the various assessment and approvals processes that the proponent is required to follow.



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.

ASSISTING LOCAL COMMUNITIES TO PARTICIPATE IN ENVIRONMENTAL DECISION-MAKING

Ramsar Wetlands, Esperance

EDOWA continues to act for a diverse local community group in Esperance who have been campaigning against a landfill development in the Shire of Esperance. There are risks that if constructed, the landfill may impact on a number of sensitive land uses in the area, including adjacent farming and tourism properties and Ramsar listed wetlands. EDOWA assisted the client to successfully highlight a number of significant environmental risks with the project, which has resulted in it being required to be assessed at a public review level of assessment by the EPA.

Sand Mining, Perth

EDOWA is currently advising a local community group to oppose the development of a sand mine on two separate sites located in Oldbury and Wellard, which could adversely affect areas of high environmental value. In particular, clearing of native bushland is likely to cause significant impact to listed threatened species, such as the Carnaby's Black Cockatoo.

EDOWA is working together with community members, who have concerns about the lack of public consultation afforded to residents in the area, and local government to ensure that proper legal processes are followed and that they have a genuine opportunity to raise their concerns.

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 native vegetation clearing, 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:

- Moore Catchment Council
- Conservation Council WA
- National Environmental Law Association
- Clean State
- Rottneest Society
- Environment Institute of Australia and New Zealand
- Environmental Consultants Association
- University of Western Australia
- Murdoch University
- Birdlife Australia
- Wildflower Society WA

We also provide opportunities for the environmental lawyers of the future. Over the last year a total of 17 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 for 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, four law graduates including one from the Piddington Justice Project, carried out their practical legal training placements at EDOWA.

In May we celebrated National Volunteer Week with a dinner at Mela Indian restaurant in Northbridge. It was well attended by staff, volunteers and Management Committee members (who are volunteers as well)!

LAW REFORM

EDOWA has been an active participant on eight 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 State Government's Scientific Inquiry into Hydraulic Fracturing (fracking); to the EPA regarding its revised guidelines and procedures for environmental impact assessment; and in respect of the *Biodiversity Conservation Act 2016* (WA) and associated Regulations.

We are also a member of the WA Branch of the National Environmental Law Association (NELA). Three of our staff have been members of the NELA WA committee this year, and we have actively contributed to several NELA initiatives, including presenting and volunteering at the NELA conference, and facilitating the drafting of NELA's discussion paper on reforming third party appeal rights in planning and environmental law.



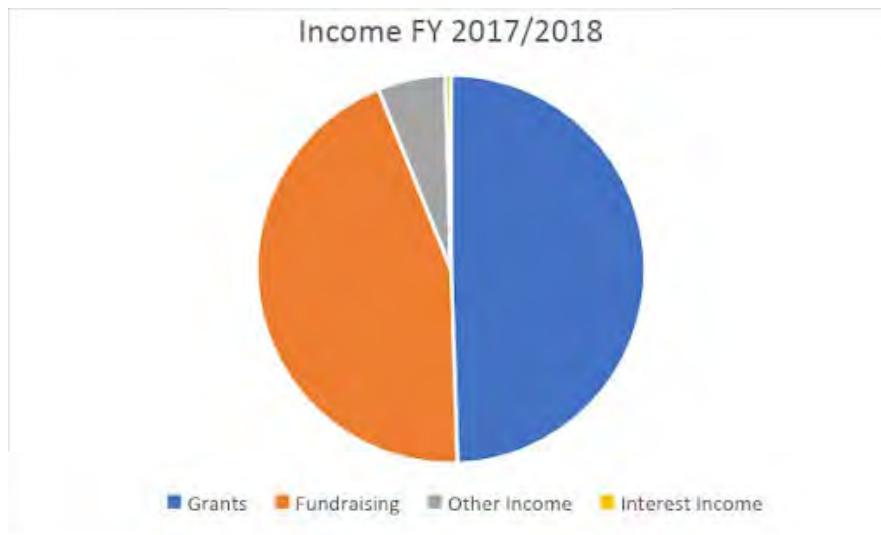
TREASURER'S REPORT



Inan Ahmed

During the last financial year EDOWA made some significant changes to its operations. Following the challenges of the previous years when Governments defunding of EDOWA resulted in the depletion of its cash reserves, EDOWA has sought to diversify its income sources.

With Declan's leadership and guidance from the Management Committee, EDOWA held its first major fundraising event which concluded in the third quarter of 2017. The event raised over \$26,000 for the EDOWA.



Whilst EDOWA did receive a combined grant of \$150,000 from the State Government, which was much appreciated and essential to EDOWA's ongoing survival, the grant represented just under half of EDOWA's total income for the year 2017/18.

The remainder was 44% from Fundraising activities and 6% from membership fees and income from services.



The year end surplus for EDOWA was \$5,511. The EDOWA had a healthy reserve of \$132,208 and cash reserves of over \$158,000 at the end of the Financial year 2017/18.

However, we cannot become complacent, and need to continue our work in diversifying our income streams and developing a more secure funding model.

I commend Declan for maintaining favourable relationships with different stakeholders and with the help of Committee members having been able to secure funding a further \$150,000 from the State Government for the Financial Year 2018/19, which again is much appreciated.

ENVIRONMENTAL DEFENDER'S OFFICE (WA) INC.

**FINANCIAL REPORT
FOR THE YEAR ENDED
30 JUNE 2018**

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 2018 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.



COMMITTEE MEMBER
Convener



COMMITTEE MEMBER
TREASURER

Dated this 31st day of October 2018

**ENVIRONMENTAL DEFENDERS OFFICE (WA) INC.
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2018**

	Note	2018 \$	2017 \$
INCOME FROM ORDINARY ACTIVITIES	7	303,274	295,802
LESS EXPENSES			
Employee expenses		206,238	124,553
Occupancy		21,023	22,880
Overheads		15,511	37,220
Depreciation		834	1,997
Client disbursements		3,351	3,369
Other		50,806	38,118
TOTAL EXPENSES		<u>297,763</u>	<u>228,137</u>
NET SURPLUS FOR THE YEAR		<u>5,511</u>	<u>67,665</u>

The accompanying notes form part of these financial statements.

ENVIRONMENTAL DEFENDER'S OFFICE (WA) INC.
BALANCE SHEET
AS OF 30 JUNE 2018

	NOTE	2018 \$	2017 \$
CURRENT ASSETS			
Cash at bank			
- General		19,712	18,137
- Fund		137,044	122,824
Cash On Hand		1,253	738
Trade and other receivables	2	5,853	7,022
TOTAL CURRENT ASSETS		163,863	148,721
NON-CURRENT ASSETS			
Trade and other receivables	2	3,279	3,259
Plant and Equipment	3	1,671	2,504
TOTAL NON-CURRENT ASSETS		4,950	5,763
TOTAL ASSETS		168,813	154,484
CURRENT LIABILITIES			
Trade and other payables	4	21,488	20,758
Unearned income	5	-	2,182
Provisions	6	15,117	4,847
TOTAL LIABILITIES		36,605	27,787
NET ASSETS		132,208	126,697
EQUITY			
Retained surplus		126,697	59,032
Net surplus for the year		5,511	67,665
TOTAL EQUITY		132,208	126,697

The accompanying notes form part of these financial statements.

Environmental Defenders Office (WA) INC.
STATEMENT OF CHANGES IN OWNERS EQUITY
AS OF 30 JUNE 2018

	Retained Earnings \$	Total \$
Balance at 1 July 2016	59,032	59,032
Net surplus for the year	67,665	67,665
Balance at 30 June 2017	<u>126,697</u>	<u>126,697</u>
Net surplus for the year	5,511	5,511
Balance at 30 June 2018	<u>132,208</u>	<u>132,208</u>

The accompanying notes form part of these financial statements.

Environmental Defenders Office (WA) INC.
STATEMENT OF CASH FLOWS
AS OF 30 JUNE 2018

	2018	2017
	\$	\$
Cash flows from operating activities		
Membership, funding and grant income	299,697	295,486
Interest Received	1,395	727
Payments to suppliers and employees	(284,781)	(242,916)
Net cash from/(used in) operating activities	<u>16,311</u>	<u>53,297</u>
Cash flows from investing activities		
Payments for property, plant & equipment	-	(1,364)
Net cash used in investing activities	<u>-</u>	<u>(1,364)</u>
Net increase in cash held	16,311	51,934
Cash at beginning of the financial year	141,699	89,767
Cash at end of the financial year	<u>158,010</u>	<u>141,699</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 2017

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 2018

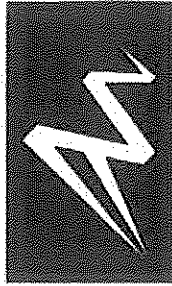
	2018	2017
	\$	\$
2 TRADE AND OTHE RECEIVABLES		
Current		
Sundry debtors and prepayments	5,853	7,022
	<u>5,853</u>	<u>7,022</u>
Non-current		
Rental bond	3,279	3,259
	<u>3,279</u>	<u>3,259</u>
3 PLANT AND EQUIPMENT		
Furniture & fittings - at cost	30,264	37,281
Less Accumulated Depreciation	(29,410)	(34,778)
Total Furniture & Fittings	<u>854</u>	<u>2,503</u>
Office Equipment - at cost	26,800	55,598
Less Accumulated Depreciation	(25,983)	(55,597)
Total Office Equipment	<u>817</u>	<u>1</u>
Total plant & equipment	<u>1,671</u>	<u>2,504</u>
4 TRADE AND OTHER PAYABLES		
Trade creditors and Accruals	8,328	11,374
Employee expenses payables	14,131	8,795
GST payable	(971)	589
	<u>21,488</u>	<u>20,758</u>
5 UNEARNED INCOME		
Income in advance (member)	-	2,182
	<u>-</u>	<u>2,182</u>
6 PROVISION		
Provision for annual leave	15,117	4,847
	<u>15,117</u>	<u>4,847</u>
7 INCOME FROM ORDINARY ACTIVITIES		
Income from ordinary activities consist of;		
Interest Income	1,395	727
Donations and Fundraising	134,722	280,819
WA State Government Grants	150,000	-
Other Income	17,157	14,256
Income from Ordinary Activities	<u>303,274</u>	<u>295,802</u>

Environmental Defenders Office (WA) Inc
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018

	2018	2017
	\$	\$
8 CASH FLOW INFORMATION		
Reconciliation of Net Cash from / (used in) Operating Activities to Net Surplus for the year		
Net surplus for the year	5,511	67,665
Depreciation	834	1,997
Balance sheet movements:		
- (Increase) / decrease in Receivables	1,148	(5,490)
- Increase / (decrease) in Payables	(1,452)	(10,172)
- Increase / (decrease) in Unearned Income	-	410
- Increase / (decrease) in Provision for Annual Leave	10,270	(1,113)
Net cash provided by operating activities	16,311	53,297

9 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.cam.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 2018 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.

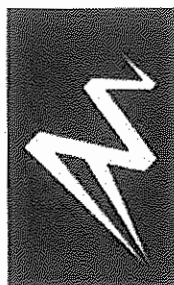
Dated this 31st day of October 2018

AMW (AUDIT) PTY LTD

Anderson Munro + Wyllie

ANDERSON MUNRO & WYLLIE
Chartered Accountants

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.

Audit Opinion

We have audited the accompanying financial report of Environmental Defender's Office (WA) Inc. which comprises the statement of financial position as at 30 June 2018, the statement of financial performance, 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 2018 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
Principal

Dated at Perth, Western Australia this 31st day of October 2018

COMMITTEE OF MANAGEMENT

ALEX GARDNER
Convener



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>.

REBECCA RORRISON
Deputy Convener



Becky was admitted to practice law in 1997 and is currently a senior legal officer with the Legal Profession Complaints Committee. She often guest lectures in Ethics and Professional Responsibilities 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.

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 Convener of the Leeuwin Group of Concerned Scientists in advocating for improved environmental laws in Western Australia.

VIRGINIA EASTMAN
Secretary



Virginia has a fifteen year career as a television presenter and business correspondent in the BBC's Economics and Business Unit in London behind her. She subsequently joined the executive search firms Heidrick and Struggles and then Saxton Bampfylde to run their Telco Media and Technology practices. She and her family moved to Perth recently when her husband secured the role of Headmaster at Aquinas College. She has a Bachelor of Education, a Diploma of Acting and is also a full time mother to their five year old daughter.

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.

SHOLEH RUTSTEIN
Member



Sholeh was admitted to practice law in 2005, and was later invited to complete her LLM in the United States as an Ambassadorial Scholar for Rotary International. She gained extensive experience in the non-profit sector in Washington, DC, and has recently returned to Perth with her husband and three young children. Sholeh enjoys playing music, spending family time outdoors, and being of service to the community.

CARMAN YUNG
Member



Carman is a nationally accredited mediator and family dispute resolution practitioner, currently working in the not for profit sector. Formerly, she was a commercial dispute resolution lawyer and has practiced in Perth and Hong Kong. Carman is passionate about environmental conservation and communities working towards a more sustainable future. She enjoys hiking, organic productive gardening and being the busy mum of two very busy daughters.

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.

HUGH FINN
Member



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.



STAFF

DECLAN DOHERTY
Principal Solicitor



Declan commenced with the EDOWA on January 9 2017 and is one of Western Australia's most respected environmental lawyers with a distinguished record of service to community and civil society organisations. Through his professional legal experience, Declan has a detailed understanding of all aspects of environmental law, including environmental impact assessment, water management, biodiversity conservation, climate change, Aboriginal heritage, mining and land access, and human rights.

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.

JESS STENHOUSE
Office Manager



Jess has a background in sustainable development and working in the not for profit sector. The EDOWA is a natural fit for Jess's passions to work within environmental conservation that is community-driven.

VICTORIA SOZZI
Solicitor



Victoria first began volunteering at EDOWA in 2016. In 2017 she graduated from the University of Notre Dame, and completed her Practical Legal Training at EDOWA. Victoria was admitted to practice in November 2018. Victoria is extremely passionate about protecting and preserving the natural environment, and spends a lot of her free time at the beach.

RUBY HAMILTON
Law Graduate



Ruby Hamilton graduated from the UWA Juris Doctor in 2017. She completed her Practical Legal Training at EDOWA in 2018 and will be admitted to practice in December 2018. Outside of work, Ruby can be found swimming laps or optimistically supporting the Fremantle Dockers.

SARAH FLYNNE
Solicitor



Sarah was admitted to practice in June 2018. She graduated from Curtin University and is currently studying a Master of Environmental Law at the University of Melbourne. Before commencing as a law graduate Sarah completed her Practical Legal Training. In her spare time, 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)

Dane Chandler

David Garnsworthy

Alex Head

Alan Rumsley

Dr Johannes Schoombee

John Southalan

Liz Tylich

Bret Walker SC

Clare Ward



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

Volunteers

Kelsey Brosens

Hilda Chan

Lucy Clark

Jonathon Davidson

Caitlin Grehan

Denholm Harold

Rod Hailstone

Lea Hiltenkamp

Mariko Hunt

Gaby Inga

Emiko Watanabe

Somayya Ismailjee

Clara Joyce

Tom Kettle

Dayna Lazarides

Mollie Middleton

Ismene Panaretos

Mara Papavassiliou

Rowan Ratter-Stotesbury

Nathan Sloan

Natalie Thompson

Brianna Wallace



