

# ANNUAL REPORT 2013~2014

# THIS IS YOUR EDO

## STAFF

Melissa Ballantyne ~ Coordinator / Principal Solicitor  
James Blindell ~ Solicitor  
Lucy Moschos ~ Solicitor  
Gabrielle Bond ~ Administrator

## BOARD OF MANAGEMENT

Christine Trenorden ~ Chairperson  
Duncan Hartshorne ~ Treasurer  
Patricia von Baumgarten ~ Secretary  
Karen Bubna-Litic, Richard Cook,  
Alexander Mackey, Tiana Nairn,  
Felicity Niemann,

**EDO**  
ENVIRONMENTAL  
DEFENDERS OFFICE  
(SA) INC

# CHAIRPERSON'S REPORT 2013~2014

The EDO has continued to serve the South Australian community in what has been a difficult year due to the loss of expected income in the form of committed grants from the Australian government. In the Chairperson's report last year, I said the following:

*As I write this report the EDO should be receiving the first tranche of funding under a new 3-year agreement with the Commonwealth government. This agreement, put in place by the previous government, should enable the EDO in SA to continue its operations during this period without having to spend valuable time searching for sources of operational funds, all being well. The EDO should be able now to add new professional staff to its team and expand its valuable work in education, outreach, law reform discussion and submissions, advice and representation in public interest matters for the protection of the environment in accordance with the Guidelines for this work.*

Those new funds had enabled the EDO in South Australia to employ additional legal resources, particularly in the person of lawyer James Blindell, whom we welcomed back to the EDO. James, with Mark Parnell had been the first EDO employed lawyers. However, following the change of government in September 2013, all was not well for the EDOs. On 17 December 2013 all EDOs received the news that the new 3-year agreement was ended forthwith, together with notice that Australian government funding of EDOs would cease entirely by 30 June 2014.

For the EDO, that was shocking news, as the only remaining source of funding was an annual grant from the State Minister for the Environment, in the amount of \$15,000 that was not guaranteed as recurrent funding. New and additional sources of funding had to be sought urgently and plans made and implemented if the EDO was to continue its valuable and necessary work in South Australia.

There has long been a network of EDOs in Australia. As each EDO in Australia faced a financial resources issue in varying degrees, the Network has been active in providing support and exploring options for greater collaboration in the interests of the continuation in each jurisdiction of the work of the EDOs. Together with the EDO Coordinator, in the past year I have attended 2 face-to-face meetings of the Network and the Coordinator is in regular contact with other members of the Network. Originally the Network comprised all EDOs, but in the course of the past year EDO Victoria withdrew from the Network to follow a separate path, under the name of *Environmental Justice Australia*.

That the EDO continues to operate is as the result of extraordinary efforts, dedication and sacrifice over the past year by the staff of the organization, together with the determination of and significant efforts and commitment by the Management Committee, as well as the financial support provided by generous donations from members and other donors (through the EDO Gift Fund) and the Law Foundation, and the generous commitment of time and efforts by its dedicated band of volunteers. The EDOs financial worries are far from over, but thanks to the generous provision of \$100,000 in transitional funding by the Law Foundation in April 2014, the provision of \$15,000 by the State Government for the current financial year, a judicious approach to expenditure, reductions in staff hours and the partnership since 1 July 2014 with Flinders University which has provided accommodation and other resources, the EDO will remain in operation at least until the end of the current financial year.

However, the search for sources of ongoing funding remains of the highest priority, as it is clear that there will be no resumption of funding by the current Australian government. The Australian Attorney General is of the view that funding to EDOs is the use of 'public monies for reform and advocacy activities'. By way of explanation as to why EDOs will no longer receive government funding, the Minister has said that 'the Government funds legal assistance service providers to prioritise direct services to individuals'; by implication incorrectly suggesting that EDOs do not do this. The Minister has also 'directed that the funding of legal assistance services be focused on providing front-line

legal services to disadvantaged people requiring legal help', commenting that 'it is vital that vulnerable Australians receive the help they need with their legal problems'. Since the December notice of withdrawal of funding, we have sought meetings with the Minister, without success. In May 2014 at the invitation of the Minister's Office Director of Policy, together with the Chairperson of EDO (ACT) I met with the Director and an Adviser in Canberra to inform them of the work of the EDOs. The meeting did not achieve any positive outcomes for the EDO or EDOs in general.

It is clear that new models of funding must be considered if the EDO is to continue its valuable and necessary work as a specialist community environmental law service, and I am pleased to say that the staff and management committee have been pursuing new directions and thinking. The EDO always welcomes ideas (and donations and other support) from members and supporters.

The work and achievements of the EDO are addressed in the Staff Report, so it is unnecessary for me to duplicate that report here. It is sufficient here to record that through its work in Adelaide and outreach visits to regional centres, the EDO has provided to a wide cross-section of the SA community, education concerning environmental law and rights under the law, legal advice and representation, information on proposed legal and policy changes, and promoted discussion of topical issues, as well as making submissions on proposed changes to relevant law and policy.

The Constitution of the EDO provides that the Management Committee may comprise up to 12 persons, including a representative of the staff, elected by them. During the course of the year the Management Committee comprised the following members:

- Christine Trenorden (Chairperson)
- Duncan Hartshorne (Treasurer)
- Patricia von Baumgarten (Secretary)
- Melissa Ballantyne (Staff Representative)
- Karen Bubna-Litic
- Richard Cook
- Alexander Mackey (since April 2014)
- Tiana Nairn
- Felicity Niemann
- Claire Williams (elected at 2013 AGM but withdrew to take up paid work with the EDO)

Management Committee meetings have generally been held monthly. The total number of meetings since the 2013 AGM has been fifteen (including two strategic planning workshops). An Administrative sub-committee comprising the chairperson, the secretary, the treasurer, the coordinator/principal solicitor and the administrative officer meets monthly generally in the week prior to the scheduled Management Committee meeting to consider the operational matters of the Office including the monthly financial reports.

I acknowledge and thank the members of the Committee for their commitment, dedication and work towards the continued operation of the EDO in South Australia. The Management Committee is comparable to the management board of a commercial enterprise and a reasonably significant commitment of time is necessary by its members for the oversight of the operation of the EDO, accountable as it is to its members and also to those who provide funding, for the expenditure of funds rigorously in accordance with the Constitution of the EDO and the applicable laws and any funding agreement.

Duncan Hartshorne has been a management committee member at various times over a considerable number of years and the treasurer for six years, but I understand he is not seeking re-election to the committee at this stage. I sincerely thank him for his dedication to the EDO in this role, and as Acting Chairperson from time to time over recent years; these roles having meant a significant commitment of his time and expertise most generously given. I am also very grateful to Duncan for the support he has provided to me personally since I took on the role of chairperson.

I acknowledge the work undertaken and commitment shown by the EDO staff, currently Melissa Ballantyne the Coordinator/Principal Solicitor, Gabrielle Bond the Office Administrator and since 1 December 2013, James Blindell, EDO Lawyer. Unfortunately, the EDO had to make some hard decisions regarding staffing at the end of the 2013-2014 financial year to enable it to continue to operate for another year. That entailed a reduction in the hours of all staff and the non-renewal of the contract of part-time EDO junior lawyer Lucy Moschos, who had been with the EDO as a volunteer and since April 2013 in the part-time junior lawyer role. Lucy served the EDO cheerfully and productively and the team was sad to lose

*EDO Chairperson's Report 2013~2014*

her. All current EDO staff work on a part time basis, successfully coordinating their hours to ensure that the office, co-located with the Flinders University Law Professional Training Staff at Level 1, 182 Victoria Square, is generally open during normal business hours.

I recognise and thank all the volunteers who have supported the EDO team. Without the contribution of the volunteers over the past year, including assisting with the Office move, it would not have been possible for the EDO to function at the level and to the extent that it does. Volunteers are crucial to any not-for-profit organisation, but are particularly important to an organisation like the EDO.

Of particular note on the topic of volunteers is the small band of lawyers who have agreed to provide pro-bono initial legal advice to clients as part of the EDO Legal Advisory Service. Their commitment is much appreciated by the Management Committee and the beneficiaries of the advice given. We continue to look out for additional volunteer lawyers for this worthwhile service and would welcome new volunteers, particularly from the newer members of the legal profession.

Although my personal circumstances mean that I am not able to stand again for the position of Chairperson, I will remain supportive of the work of the EDO and reiterate that your continued support is vital now more than ever, to enable the EDO to maintain its essential work which has as a priority the provision of specialist legal assistance services to individuals in the interests of the protection of the environment for the South Australian community's present and future wellbeing.

**Christine Trenorden**  
**22 October 2014**



# TREASURER'S REPORT 2013~2014

## ATTACHMENTS

Attached to this report are copies of the:

- i) Balance Sheet (formerly Statement of Financial Position) as at 30<sup>th</sup> June 2014;
- ii) Income Statement (formerly Statement of Financial Performance) as at 30<sup>th</sup> June 2014;
- iii) Auditor's Report for year ended 30<sup>th</sup> June 2014.

## REPORT FOR THE 2013/2014 FINANCIAL YEAR

The roller-coaster of our finances over the last 12 months will be common knowledge to our members. From the heady time from the middle of 2013 when we were to be granted in excess of \$400,000 per annum by the outgoing Federal Government to the position starting in December when the new government announced that all our funding was to be removed, the bulk of the new funds immediately and our remaining traditional Federal grant by the middle of 2014, we have had to move very quickly to try to get other funding in place. This explains why the Commonwealth Grant shows in the Income Statement as being three times as much in 2014 as in 2013; it represents the amount of the higher grant which was spent or committed before it was withdrawn.

In the circumstances, a profit of \$11,802 compares well with the 2012/2013 profit of \$13,390, but whether profits will remain at least at about the same level over the next few years will depend on our success in attracting funds from other sources. \$11,802 is actually less than the profit budgeted for (\$43,360.72), but that is because the Commonwealth grant was withdrawn before more than a quarter of it was spent.

The Income Statement for the year ending in June 2014 shows an increase in total revenue of 124.21% when compared with June 2013. Offsetting such a large rise represented by the amount of money actually acquired from the greater but short-lived increase in our

*EDO Treasurer's Report 2013~2014*



Commonwealth grant, total expenses also increased, by 138.09%, representing the spending of that greater funding, primarily on wages for additional staff.

Income from membership dues is down on the previous year by just over 52%. Income from interest decreased by 12.74%. The State Government Grant remains the same at \$15,000.

The main increase in expenses came from advertising and promotion (representing activities to seek and encourage new sources of funding), consulting fees (ditto), archives, bank service charges, depreciation, electricity, equipment repair and maintenance, legal fees, legal library, NACLCs & Law Society, network meeting, outreach, phone, fax & internet, postage and delivery, practising certificates, printing and stationery, rent, seminars & staff development, staff amenities, subscriptions, superannuation, wages and Workcover. Expenses fell for computing expenses, fundraising expenses and insurance. The reason for the greater number of items in the increase category as well as the substantial size of the increases for some items represents the spending of the extra grant money and, given the cancellation of the Commonwealth grant, will be one-off increases.

In combination with the retained earnings carried over from financial year 2012/2013, the total of net assets was \$111,461 as at June 2014.

The principal sources of income during the last financial year were:

- (i) Commonwealth Grant (\$275,964);
- (ii) donations (\$20,783) *(I believe this is the first time donations have outstripped the State Government Grant and relegated it to third place; congratulations to all involved!)*
- (iii) State Government Grant (\$15,000).

Significant expenses were:

- (i) Salaries/wages (\$201,490);
- (ii) Rent (\$25,067);
- (iii) Superannuation (\$23,665).

This year's budget provides for a loss of \$153,052.00. This is an alarming figure, but needs to be seen in the context that when the budget was voted on, we did not yet know whether any of the grants we were applying for was likely to be successful, so, as always, we budgeted for a worst-case scenario. We have since secured a grant

which in net terms amounts to \$90,000 (Law Foundation) and are hopeful of more success, so the alarming prediction is already less alarming for next year's report.

Looking to the future, uncertainty is the theme. However, balanced against that is a degree of cautious optimism, encouraged by the drive of the staff and people within the organisation and the goodwill and willingness of members and people outside to pitch in. The efforts of the staff have seen our short-term stability ensured by the acquisition of a substantial grant from the Law Foundation to take us through to the end of June 2015 and further funding sources are being actively pursued. That said, we remain heavily reliant on the generosity and assistance of members and well-disposed outsiders. In that context, the usual formula will remain more apt than ever: conservative budgeting and careful expenditure will continue to be the EDO's policy.

During my time as Treasurer, I have been fortunate to have been able to present reports to members in times of relative stability and modest advantage. As I have just indicated, my last report is in an environment of much more uncertainty and apparent disadvantage, but staff and members of the Management Committee can see opportunities in it as well. Our strongly felt thanks go out to all those numerous people who have come to assist us in our time of crisis and we hope that their assistance will continue. In that sense, I am hopeful that my successor will have a sound foundation on which to base encouraging future reports. For my part, I thank all the staff and Committee members who have assisted me during my time as Treasurer.

In addition and as always, my thanks to Gabrielle Bond for the day-to-day work relating to finances. Thanks too to Melissa Ballantyne, James Blindell, Lucy Moschos and to Christine Trenorden and the current members of the Management Committee for their support during the year.

**Duncan Hartshorne**  
**22 October 2014**

**ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.****INCOME STATEMENT****YEAR ENDED 30 JUNE 2014**

	<b>2014</b>	<b>2013</b>
<b>REVENUE FROM ORDINARY ACTIVITIES</b>		
Commonwealth Grant	275964	96434
Donations	20783	3248
Fundraising	0	6611
Interest	5129	5878
Membership	1650	3466
Other Grants	3000	4940
Other Income	2762	9060
State Government Grant	15000	15000
	<b><u>324288</u></b>	<b><u>144637</u></b>
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>		
Accounting and Audit	2047	2166
Advertising and Promotion	2013	91
Archives	1122	492
Bank Service Charges	367	229
Computing Expenses	2168	2734
Consulting Fees	1800	0
Depreciation	3449	3357
Electricity	2227	1385
Equipment Repairs and Maintenance	2524	772
Fundraising Expenses	999	1403
Insurance	529	1075
Legal Fees	4860	0
Legal Library	1211	327
NACLCs & Law Society	819	680
Network Meeting	2347	0
Outreach	3283	1167
Phone, Fax and Internet	3830	2953
Postage and Delivery	988	475
Practicing Certificates	1040	401
Printing and Stationery	7752	995
Rent	25076	15422
Seminars & Staff Development	8628	4810
Staff Amenities	1434	669
Subscriptions	314	168
Sundries	4321	1125
Superannuation	23665	11198
Wages	201490	76408
Workcover	2183	745
	<b><u>312486</u></b>	<b><u>131247</u></b>
<b>TOTAL EXPENSES</b>	<b><u>312486</u></b>	<b><u>131247</u></b>
<b>NET INCOME FROM ORDINARY ACTIVITIES</b>	<b><u>11802</u></b>	<b><u>13390</u></b>

**ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.**  
**INCOME AND EXPENDITURE STATEMENT (CLIS FORMAT)**  
**YEAR ENDED 30 JUNE 2014**

<b>INCOME AND EXPENDITURE</b>	<b>2014</b>	<b>2013</b>
<b>NET SURPLUS/DEFICIT FROM PREVIOUS YEAR</b>	<b>26500</b>	<b>8645</b>
<b>CLSP INCOME</b>		
Commonwealth	275964	96434
Service Generated Income	5129	3919
State	0	0
<b>Total CLSP Income</b>	<b>281093</b>	<b>100353</b>
<b>CLSP General Purpose Income</b>	<b>307593</b>	<b>108998</b>
<b>CLSP Expenses</b>		
Salaries	201490	52266
Superannuation	23664	3571
Salary On Costs	2183	497
Rent	25076	10282
Repairs & Maintenance	408	459
Other Premises Costs	2098	355
Staff Training	7650	0
Staff Recruitment	2013	0
Communications	4817	2285
Office Overheads	6741	3064
Insurance	529	716
Finance, Audit & Accounting Fees	8504	2285
Library Resources & Subscriptions	1524	324
Travel	6411	1523
Programming & Planning	1800	0
Client Disbursements	0	0
Leases	0	0
Minor Equipment	0	0
Depreciation	3449	2238
Other	11014	2633
<b>Salary and Related Expenses</b>	<b>227337</b>	<b>56334</b>
<b>Total Operating Expenses</b>	<b>82034</b>	<b>26164</b>
<b>Total CLSP Expenses</b>	<b>309371</b>	<b>82498</b>
<b>Surplus/Deficit for Current Year</b>	<b>-28278</b>	<b>17855</b>
<b>Other Income</b>		
<b>Total Funds Received from Other Bodies</b>	<b>40433</b>	<b>44284</b>
<b>Total Funds Received from Other Bodies for non-CLIS Activities</b>	<b>7500</b>	<b>7500</b>
<b>Cap Expenditure in Current Year (net of GST)</b>	<b>0</b>	<b>0</b>
<b>Net Surplus for Next Year</b>	<b>-1778</b>	<b>26500</b>

**ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.**

**BALANCE SHEET AT 30 JUNE 2014**

	<b>2014</b>	<b>2013</b>
<b>CURRENT ASSETS</b>		
<b>Cash at Bank and on Hand</b>		
Bendigo Bank Cash Management Account	12921	520
Bendigo Bank Cash Management Trading Account	192544	21479
Bendigo Bank Term Deposits	44620	80642
Petty Cash	28	27
	<u>250113</u>	<u>102668</u>
Accounts Receivable	293	738
Prepayments	1205	1205
	<u>251611</u>	<u>104611</u>
<b>TOTAL CURRENT ASSETS</b>		
	<u>251611</u>	<u>104611</u>
<b>NON-CURRENT ASSETS</b>		
Furniture, Fixtures & Fittings	4159	9809
	<u>4159</u>	<u>9809</u>
<b>TOTAL ASSETS</b>	<u>255770</u>	<u>114420</u>
<b>CURRENT LIABILITIES</b>		
Accrued Expenses	25931	10211
Provision for Annual Leave	9363	4550
Provision for Long Service Leave	18106	0
Grant In Advance	90909	0
	<u>144309</u>	<u>14761</u>
<b>NET ASSETS</b>	<u>111461</u>	<u>99659</u>
<b>MEMBERS FUNDS</b>		
Net Profit/Loss	11802	13390
Retained Profits	99659	86269
	<u>111461</u>	<u>99659</u>



ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.

STATEMENT OF CASHFLOWS

FOR THE FINANCIAL YEAR ENDED 30 JUNE 2014

<b>Cash Flows from Operating Activities</b>	<b>2014</b>	<b>2013</b>
Commonwealth Grant	275964	96434
Other Receipts	<u>150184</u>	<u>49572</u>
	<b><u>426148</u></b>	<b><u>146006</u></b>
 Payment for Equipment	 0	 2200
Payments to Employees & Other Expenses	<u>278703</u>	<u>136028</u>
 Net Cash Generated by Operating Activities	 <u>147445</u>	 <u>7778</u>
 <b>Net Increase in Cash</b>	 <b><u>147445</u></b>	 <b><u>7778</u></b>
 Cash at the beginning of Financial Year	 <u>102668</u>	 <u>94890</u>
 <b>Cash at the end of the Financial Year</b>	 <b><u>250113</u></b>	 <b><u>102668</u></b>

**ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.**

**NOTES TO THE FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30 JUNE 2014**

This special purpose financial report has been prepared for distribution to the members to fulfil the committee's financial report requirements under the Environmental Defenders Office (SA) Inc.'s constitution. The accounting policies used in the preparation of this report, as described below, are consistent with the financial reporting requirements of the Environmental Defenders Office (SA) Inc.'s constitution and with previous years and are, in the opinion of the committee, appropriate to meet the needs of members.

The financial statements have been prepared on an accruals basis and are based on historical costs unless otherwise stated in the notes. The accounting policies that have been adopted in the preparation of these statements are as follows:-

**Goods and Services Tax**

Revenue, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office.

**Non-Current Assets**

Office equipment, furniture and fittings are shown at cost less accumulated depreciation.

**SACS Funding**

During the year ended 30 June 2014 the Environmental Defenders Office (SA) Inc. received a Social and Community Services Equal Remuneration Funding Adjustment amount of \$14273 from the Commonwealth of Australia. An amount of \$960.52 from this funding was used for the sole purpose of paying increased wages as a result of the Equal Remuneration Order issued by the Full Bench of the Fair Work Australia on the 22<sup>nd</sup> June 2012. No funds were received from the South Australian Government for this purpose.

## **Auditor's Certification**

**Name of Organisation: ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.**

**Financial Year Period: 1/7/13 - 30/06/14**

- (a) I am not a principal, member, shareholder, officer, employee or accountant of the Organisation or of a related body corporate as defined in Section 9 of the Corporations Act 2001.

- (b) In my opinion, the attached financial statements which comprise a Statement of Financial Position, a Statement of Comprehensive Income (previously known as a Statement of Financial Performance) and Notes to the Financial Statements of the above-mentioned Organisation (the 'Organisation'), and a Statement of Cash Flows, for the stated Financial Year are:


- (i) based on proper accounts and present a true and fair view of the Organisation's financial position and financial performance in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
- (ii) in accordance with the terms and conditions of Agreement between the Commonwealth of Australia and Environmental Defender's Office dated 1st July 2010 - 30 June 2014, a copy of which has been made available to me, in relation to the provision of community legal services.

- (c) The 12 month CLSIS Funds Report, containing details of the Organisation's transactions for the financial year, including audit adjustments, and the Organisation's grant position at the beginning and end of the financial year is provided in respect of funds provided in accordance with the Terms and Conditions of the Agreement referred to in b.ii. Above for all Funding Categories.

This is an unqualified audit report.

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

## AUDITOR DETAILS

<b>Full Name</b>	Daryl Lee Harradine
<b>Name of Company</b>	Harradine & Norris-Green
<b>ABN Number</b>	26712721421
<b>Registered Auditor</b>	Yes
<b>Registration Number</b>	5245
<b>Signature</b>	
<b>Date</b>	15th September 2014



# ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.

## STATEMENT BY COMMITTEE


The attached financial statements of the Environmental Defenders Office (SA) Inc. for the year ended 30 June 2014 are, in our opinion, properly drawn up:

- (i) so as to present fairly the financial position and the state of affairs of the organization at 30th June 2014 and the results of its operations for the period then ended;
- (ii) in accordance with the provisions of the Constitution; and
- (iii) in accordance with applicable accounting standards, as disclosed.

As at the date of this statement, there are reasonable grounds to believe that the Environmental Defenders Office (SA) Inc. will be able to pay its debts as and when they fall due.

Dated at Adelaide this day...<sup>October</sup> September 2014

Signed in accordance with a resolution of the Committee.

  
.....  
C.L. Trenorden  
Chairperson

  
.....  
D.N. Hartshorne  
Treasurer

## **To the members of the Environmental Defenders Office (SA) Inc.**

We have audited the accompanying financial report, being a special purpose financial report, of Environmental Defenders Office (SA) Inc., which comprises the statement of financial position as at 30 June 2014, the statement of income for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Committee of Management.

### ***The Committee of Management***

The Committee of Management are responsible for the preparation of the financial report and have determined that the basis of preparation described in Note 1 to the financial report is appropriate to meet the requirements of the organisation's constitution and is appropriate to meet the needs of the members. The Committee of Management's responsibility also includes such internal control as they determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

### ***Auditor's responsibility***

Our responsibility is to express an opinion on the financial report based on our audit. We have 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 whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a fair presentation 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Committee of Management as well as evaluating the overall presentation of the financial report. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### ***Independence***

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

### ***Electronic publication of the audited financial report***

It is our understanding that the Environmental Defenders Office (SA) Inc. may electronically present the audited financial report and auditor's report on its internet website. Responsibility for any electronic presentation of the financial report on the organisation's website is that of those charged with governance of the organisation. The security and controls over information on the website should be addressed by the Environmental Defenders Office (SA) Inc to maintain the integrity of the data presented. The examination of the controls over the electronic presentation of audited financial reports on the organisation's website is beyond the scope of the audit of the financial report.

### ***Opinion***

In our opinion, the financial report gives a true and fair view of the financial position of the Environmental Defenders Office (SA) Inc. as at 30 June 2014 and of its financial performance for the year then ended on that date and complies with Australian accounting standards to the extent described in Note 1.

### ***Basis of accounting and restriction on distribution***

Without modifying our opinion, 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 Committee of Management's reporting responsibilities under the constitution. As a result, the financial report may not be suitable for another purpose.



D. L. Harradine  
Chartered Accountant

Dated this 17<sup>th</sup> day of September 2014

Harradine & Norris-Green  
218 Glen Osmond Rd., Fullarton, SA 5063



# STAFF REPORT 2013~2014

## OVERVIEW

2013-2014 has been a year of great challenge for the EDO as set out in detail in the Chairperson's report. Whilst funding issues occupied much staff time, we continued providing assistance to the South Australian community.

Paradoxically, funding cuts have come at a time of significant changes to environmental laws and an increased demand for our services from the public. We have remained active, making submissions about law and policy issues and taking on a range of case work activities. Our activities are outlined below but include much work in the planning law area including delivering a forum *Towards a Sustainable Planning System*.

Unfortunately, as a consequence of the Federal Government funding cuts, we had to decrease solicitor and administrative hours by approximately 50% at the end of June 2014.

A full description of our client and other activities can be found later in this report.

## STAFF

In December 2013 we welcomed James Blindell to the team. In June 2014, we sadly farewellled Lucy Moschos. We also employed Sally Legg in the role of Planning Reform Project Officer (1 day pw August -October 2013) and Claire Williams in the role of Administrative assistant (1 day pw).

## VOLUNTEERS, STUDENTS AND PRO BONO ASSISTANCE

As in previous years, the EDO is extremely grateful for the assistance provided by dozens of volunteers. As well as the lawyers on our Thursday evening roster and pro bono lists, the EDO has been helped by many students and law graduates. In round figures, this voluntary contribution is roughly equivalent to about three quarters of the paid time put in by EDO staff.

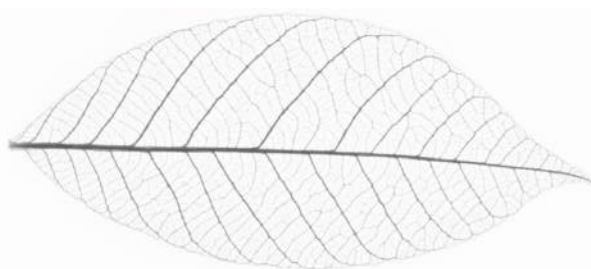
Special thanks to all those mentioned below:

## ROSTERED LAWYERS

- Ruth Beach
- Michael Doherty
- Stuart Henry
- Paul Leadbeter
- John McElhinney
- Tim Mellor
- Lucy Moschos
- Kathryn Nicolai
- Kyra Reznikov
- Nicholas Swan

## OPENING HOURS

**Monday, Tuesday, Wednesday  
and Friday 9am-5pm  
Thursday 9am-6.30pm**



*EDO Staff Report 2013~2014*

**2013~2014 staff and  
hours worked:**



**Coordinator / Principal Solicitor**  
**MELISSA BALLANTYNE**  
(5 days pw)



**Solicitor**  
**JAMES BLINDELL**  
(5 days pw from 1 December 2013)



**Solicitor**  
**LUCY MOSCHOS**  
(3 days pw)



**Administrator**  
**GABRIELLE BOND**  
(3 days pw)

## QUALIFIED LEGAL, LAW STUDENT AND RECENT GRADUATE VOLUNTEERS

The EDO continues to attract quality volunteer legal and general researchers. As in previous years, we offered informal and formal placements. We have had to turn some offers of help away due to lack of a capacity to provide adequate supervision. Special thanks to the following people who have assisted the EDO during the year with legal research and other tasks:

- Richard Cook
- Avishek Gazmere (PLT placement)
- Taylor Pope
- Sarah Dickins
- Emily Playford
- Michelle Munro
- Claire Booth
- Claire Flint

## LEGAL ADVICE AND CASE WORK

During 2013-2014 advice was sought from the EDO by a wide variety of individuals, residents groups, special interest groups and environment groups. EDO clients come from varying socio-economic backgrounds and from all regions of South Australia.

By volume, the largest number of cases involved planning issues under the Development Act (50%) followed by pollution issues under the Environment Protection Act (10%). Some other areas of law with multiple clients included local government, native vegetation and water resources.

Client advice covered a wide range of topics including:

- Eyre Peninsula's water resources
- Damaged wetlands in the South East
- Truck noise pollution
- Closure of Dry Creek salt fields
- Regulation of the Port Pirie smelter
- Proposed changes to boat ramp
- Urban Renewal legislation
- Waste treatment
- Clearance of coastal native vegetation
- Mining waste
- Decommissioning of a defective drilling well
- Water license for mining concern
- Abattoir effluent

- Exploration by BP in the Great Australian Bight
- Exploration by Bight Petroleum off Kangaroo Island
- Proposed Arckaringa Coal Mine
- Regulation of unconventional gas extraction
- Tree protection
- Mining proposals on Yorke and Eyre Peninsulas
- Native Title consultation
- Groundwater contamination
- Industrial site contamination and associated air pollution
- Boat ramp construction on the River Murray
- Metropolitan air pollution from cooking activities
- Licensed premises noise pollution
- Land exempted from mining activities
- Development plan flood plain zoning
- Council refusal to release FOI documents
- Spray drift
- Retention dam and impact on significant trees
- Proposed changes to a jetty and consequent impacts on marine life

Details of client numbers are recorded on the "Community Legal Services Information System" database and are attached at the end of the Annual Report.

## LITIGATION AND LITIGATION-RELATED ACTIVITIES

The Olympic Dam case concluded in October 2013 when the Full Court of the Federal Court rejected our client's appeal. We thank the many volunteers and barristers acting pro bono who assisted with this case. Whilst not the outcome we were seeking, the Court at first instance did not award costs against our client as it considered the case was sufficiently in the public interest and there were arguable grounds of appeal.

The EDO also commenced a new case in late 2013 when we assisted the Port Adelaide Residents Environment Protection Group (PAREPG) in its appeal against the decision to approve an On the Run development. In this (8 day) 3<sup>rd</sup> party planning appeal in the Environment Resources and Development Court, the EDO represented the group in respect of the procedural breaches argument and provided ongoing assistance to the Group as it represented itself in regard to the planning merits. Regrettably the Court dismissed the appeal. However the judgment was



instructive in regards to the Court's view on certain procedural aspects including notification of planning proposals.

A number of other matters were in the category of litigation related activities. For example we assisted members of a coastal community with substantial advice with respect to their appeal against a proposal to extend their local boat ramp. We provided advice on a number of occasions on how to conduct their appeal, possible outcomes and use of expert evidence. Our assistance helped the clients to cover all the relevant issues in court and to understand the court process.

## ACCESS TO INFORMATION, COMMUNITY LEGAL EDUCATION & SEMINARS

Environmental Law seminars form part of the EDO's Rural Outreach Programme (funded by the State Department of the Environment, Water and Natural Resources). As well as providing free legal advice, most regional visits include presentations to school classes and/or a community workshop. This year we visited the Riverland, Port Pirie, Wallaroo and the South East including Mount Gambier. In the South East we presented at two community forums focussing on the regulation of extraction of unconventional gas, a topic of concern in that region.

During the year a number of Community Legal Education projects were completed. Our major seminar on potential reform of the planning system attracted a range of interested participants and informed our input into the current SA review. We thank our speakers Rob Fowler, Paul Leadbeter, Wil Van Deur and Kathryn Walker for presenting at the seminar and the Law Foundation of South Australia for their sponsorship of the event. More detail on the EDO's involvement in the planning review process can be found in the law reform section of this report.

Other educational activities included:

- Law Week Stall (in conjunction with Central Community Legal Service)
- attendance at the UniSA Careers Fair
- presenting to OLSH school on environmental issues
- participation in a community forum entitled "Turning the System Inside Out"
- Presenting the environmental law component of the Legal Services Commission Law for Community Workers course

- Further work on the Environment , Resources and Development Court handbook
- Further work on updating fact sheets
- Further work on updating Law Handbook online
- Commenced research on information guides covering the regulation of mining and the extraction of unconventional gas
- About the EDO at Ecofest Willunga

## PUBLICATIONS AND WEBPAGE

As in recent years, we have focused on web-based materials rather than paper resources as electronic technologies are widely used by our client base. However, we continue to print and post materials if requested.

Our quarterly newsletter and e-Bulletin continued to be produced. The e-Bulletin is a fortnightly publication, compiled by volunteer Richard Cook. It details the latest relevant South Australian and Commonwealth environmental law notices, events and inquiries. Many thanks to Richard for his continuing work on this important publication which continues to generate great feedback from the public.

## LAW REFORM AND RESEARCH

The EDO continues to be active in promoting reform of environmental laws.

Our law reform work includes submissions to government departments and parliamentary committees on proposed legislation as well as our own law reform agenda. Not all of these resulted in EDO submissions as many involved giving assistance to conservation clients with their submissions. Copies of EDO submissions are available on our web site and summaries can be found in our newsletters.

An important and ongoing law reform project is the EDO's involvement in the South Australian government's Planning Review – the Planning Improvement Project.

This review will continue until December 2014, when the Expert Panel provides its report and recommendations to the Government. We continue to be actively involved in the review as a member of the Community and Interests Group Working Party (which is a member of the Planning Reform Reference Group) and independently of that

Working Party. We participate in the Review by providing submissions (available on the EDO website), meeting with Expert Panel members and attending a number of workshops and meetings. We continue to work with conservation and community groups in an effort to influence real and lasting improvements to the planning system. We also undertook work in the following areas:

- Submission on the proposed Environment Protection and Biodiversity Conservation Act 1999 draft bilateral assessment agreement between SA and the Federal Government.
- A summary of South Australia's threatened species legislation (for inclusion in an EDO network publication)
- Submission on draft prescribed clearance guidelines in relation to Aboriginal activities under the Native Vegetation Act 1992
- Comment on draft Urban Renewal Regulations and draft fact sheets
- Submission on Commonwealth regulation of chemical management
- Attendance at the annual Environment Protection Authority Roundtable
- Meeting with the Environment Protection Authority Chief Executive
- Meeting with the Department of Planning, Transport and Infrastructure, Executive Director, Andrew McKeegan
- Discussions and submissions with respect to reform of the reserve provisions in the National Parks and Wildlife Act 1972
- Attendance at meetings of the Campaign for Planning Reform
- Submission on the Radiation Protection and Control Act 1982
- Attendance meetings of the Conservation Council of South Australia's Planning Environmental Standing Committee
- Input into post graduate research into third party appeals in the planning system
- Input into post graduate research on corporate social responsibility and the mining industry

As a member of the EDO network, the EDO contributed to a number of law reform proposals and submissions at the national level including with respect to access to justice in environmental law matters.

## FUNDING ACTIVITIES

As a consequence of the previous Federal Government's decision to provide EDOs with substantial extra funds (a 200% increase on regular ongoing funding), we:

- Liaised with the Commonwealth Attorney-General's department in relation to finalisation of the funding agreement
- Held a strategic planning session to formulate ideas and budget for allocation of the funds
- Moved into a new, larger office space
- Advertised and negotiated the employment of two additional fulltime solicitors
- Increased the hours of the Coordinator/Principal Solicitor to fulltime
- Attended a weekend strategic planning session with other EDOs in Melbourne

As a consequence of the new Federal Government cutting all Commonwealth funds to EDOs (a 90% decrease in our regular ongoing funding), we:

- Held a strategic planning session to formulate a plan for dealing with our new funding situation
- Engaged in political lobbying at the State and Federal level
- Liaised with the Law Schools in SA, the Environment Protection Authority, the Legal Services Commission and the Law Society of South Australia
- Sought to highlight our position through print, radio and online media
- Communicated with all past and current clients and supporters
- Sent out regular Community Link updates to councils and media
- Lodged multiple grant applications including Law Foundation of South Australia, James Kirby Foundation, Ian Potter Foundation (with other EDOs), the Department of Environment, Water and Natural Resources and BankSA
- Liaised with other EDOs interstate on our responses
- Attended a full day meeting with other EDOs in Brisbane
- Updated our website
- Redesigned our logo
- Developed an EDO Guardian campaign
- Negotiated new sponsored office accommodation at the Flinders University city campus
- Sold or donated excess equipment and furniture in preparation for downsizing and a second move to a

- smaller office space
- Attended seminars on fundraising
- Attended a seminar on social impact investing

Currently, we are working on developing further partnership opportunities with Flinders University — please see page 21 for a transcript of the speech given by Chief Justice Kourakis when launching the partnership between the EDO and Flinders University on 24th September 2014.

## STAFF DEVELOPMENT

Staff attended seminars and information sessions on the following topics:

- NOPSEMA seminar – regulation of petroleum activity in Commonwealth waters
- Fundamentals of Judicial Review
- Managing and Leading Lawyers – two sessions
- Environmental Justice and Land Use
- CEDA forum on Energy
- Wilderness Society presentation on the “one stop shop” process
- Law Society of South Australia seminar on Trust Account Requirements
- Climate Change and the Legal Profession
- Law Society of South Australia Staff Appraisal Basics and Feedback Techniques for Small Practices
- Heritage legislation

## NETWORKS

The Australian network of EDOs (ANEDO) supports the staff of EDO offices across the country and coordinates national activities such as submissions on changes to Commonwealth environmental laws. Staff participated in regular phone link ups of the network.

Staff also attended meetings of the South Australian Council of Community Legal Services, the South Australian Legal Assistance Forum, JusticeNet and the Law Society of South Australia Planning, Environment and Local Government Committee.

## OTHER ACTIVITIES

There are a wide range of other activities were carried out by staff to keep our service functioning and accountable. These include:

- reporting to funding bodies
- preparation of financial documents including the annual budget
- bookkeeping
- participation in the professional indemnity insurance review scheme
- preparation for and attendance at various service meetings
- data entry
- organising the volunteer advisory service
- quarterly reviews of all client files
- updating office equipment and information technology
- seeking advice on award matters

Work also continued with accrediting our service in accordance with the national process applying to all community legal centres. Several new policies were finalised including fees for service and sponsorship.

## MEDIA

When approached by media outlets, EDO comment is generally limited to broad legal issues (including law reform) with requests for more specific media comment on particular issues being referred to appropriate clients. This year, we have raised the issue of funding cuts to the EDO through the media. Another issue generating media interest was the regulation of mining and unconventional gas extraction. We continue to focus on this area and are in the process of compiling educational materials for local communities.

The EDO continues to seek publicity through regional media for Outreach visits. The support of commercial, public and community broadcasters in promoting our service has been invaluable. From past experience, we find that an interview on local radio can be as effective as a paid newspaper ad in attracting clients to the EDO’s rural outreach program.

This year we have expanded the use of our Facebook page in order to promote our seminars and events and promote discussion on environmental law issues and access to justice for the community. The Facebook page has also proved significant in our funding crisis and has raised the profile of and support for the EDO.

## ACCESS AND EQUITY

Volunteer solicitors provide advice to clients as part of the Thursday evening Advisory Service. Demand for this service has been fairly steady with an average capacity for two appointments each week. The Thursday evening service is the first point of face-to-face contact between the EDO and some of its clients, however urgent issues, public interest matters, issues raised by conservation groups and country clients are usually dealt with by the staff solicitors. As a consequence of the Federal Government funding cuts, we have recently introduced a \$55 administrative fee for those clients who seek advice. This fee is intended to help cover the costs of providing the service.

The EDO toll free advice phone number (1800 337 566) continues to be used extensively by rural clients. The toll free number is listed in all South Australian country telephone directories. The funding for the toll free number is from the South Australian Department of the Environment, Water and Natural Resources as part of their continuing support for legal advice to country clients through outreach visits and country phone inquiries.

The EDO does not impose a means test on clients because our main criterion for providing ongoing assistance is “public interest”. In the past, all clients whose problem falls within the definition of “environmental law” have been accommodated at our Thursday evening advisory service. In any event, ongoing assistance depends on meeting the public interest criterion. All clients are invited to make a donation to the EDO at the time of receiving legal advice.

## THANK YOU

The EDO staff greatly appreciate the continued support from all members and volunteers who have freely and willingly given their time to the EDO. Without volunteer support, the EDO would not be able to provide the current service to the people of South Australia and to the environment. Special thanks go to the EDO Committee of Management, particularly our office bearers - Chairperson, Christine Trenorden, Treasurer, Duncan Hartshorne and Secretary Patricia von Baumgarten. Our thanks also go to:

- Law Foundation of South Australia - grant for staffing costs and project funding for planning seminar

- South Australian Department of the Environment, Water and Natural Resources - country outreach, litigation support and other funding
- Flinders University - sponsorship of office accommodation
- Paul Leadbeter - advice on various matters
- James Hilditch - advice on various matters
- Stuart Henry - advice on various matters
- Brian Hayes QC - advice on various matters
- Kyra Reznikov - advice on various matters
- Internode - sponsorship of broadband ISP services
- Malcolm Griffith & Gui Visuals - IT services
- Norman Waterhouse Lawyers - Government Gazette and advice on employment and lease issue
- Giulio Cirillo - accountant
- Total Computer Solutions - for National EDO Network web page
- ADP - payroll services
- Jenny Norris-Green - auditor
- Rob Fowler - Planning Law Service
- Temple Bruer Wines – in kind sponsorship with great wine!
- Tony Hunt, Wavetel - for sponsoring our new phone system
- Nick Crouch - videos
- Anne Walker - writing text for “EDO story”, donor policy comments
- Sally Caston - graphic design
- Tessa Colliver - fundraising advice
- Damien Pyne, Claire Williams, Annie Bond - graphic design, website and administrative tasks
- Brenton Wright - strategic planning assistance, advice on social impact investment
- Paul Leadbeter, Rob Fowler, Brian Hayes QC - advocacy in relation to fundraising issues
- Julia Winefield, Meg Sobey, Claire Quinn, Justin McCarthy - media on funding cuts
- Kristine Peters - for assistance with strategic planning and facilitation for Planning seminar
- All our wonderful supporters who have given donations and provided notes, emails and letters in response to the cuts to our funding.

**Melissa Ballantyne** — Coordinator / Principal Solicitor

**James Blindell** — Solicitor

**Gabrielle Bond** — Administrator



# EDO & FLINDERS UNIVERSITY PARTNERSHIP 2014

## ***The Honourable Chris Kourakis, Chief Justice of South Australia***

I congratulate Flinders University Law School and the Environmental Defenders Office on their collaboration. It exemplifies what can be achieved by people of good will who are prepared to think innovatively and to combine to advance the public in these financially strained times.

It is an example not lost on me in my capacity as Chair of the State Courts Administration Council.

The continued operation of the Environmental Defenders Office through this partnership will of course be celebrated by environmentalists. For environmentalists it has been a good week. Abroad the male lead of the movie Titanic has addressed the UN on global warming.

Locally the State Government has revised its renewal energy targets to 50 per cent by 2025. However, it is not on the environmental cause in itself on which we focus today but on the legal aspects of environmental regulation. At the beginning of the 20<sup>th</sup> century, Henry Bourne Higgins described the system of industrial conciliation of arbitration, borne out of the devastating strikes of the 1890s, as a new province of law and order. A century later environmental regulation attracts, I think, the same description.

The Environmental Defenders Office was opened by, then Judge, Christine Trenorden in May 1996. In opening the office, Her Honour said:

*The environment is, and must be, the concern of each of us. Consideration of the principles of ecological sustainable development must, and is, being integrated into all decision making by government business and industry. But who, to adopt a phrase, keeps the bastards*

*honest. Everyone has a responsibility. But do we have equal capacity to do what is necessary?*

Since 1996 the Environmental Defenders Office (EDO) has proven to be an important enforcer. The EDO is a state-wide not for profit community legal centre which specialises in environmental law.

It has three primary work programs. First it provides legal advice and assistance which would otherwise be unaffordable. Its clients include individuals and community groups. It provides assistance in matters including:

- planning and development,
- biodiversity conservation,
- the environment impact assessment process,
- cultural heritage,
- tree protection, and
- environmental pollution.

Secondly the EDO is actively involved in community education.

The third program area is law and policy reform. The significant potential in the collaboration between the EDO and Flinders University Law School is probably appreciated by many of you here but allow me to elaborate.

The EDO will provide opportunities for law students to gain practical legal experience working in a community legal aid centre in environmental law. The EDO has accommodated law students on a voluntary basis for many years. Their work will now become an integrated part of their law course and be recognised as a “social justice internship”.

Through their internships students will gain experience in the practical application of environmental law. The academic aspects of the environmental law and planning law electives taught by the Flinders University Law School will be put to good use by the EDO in the preparation of its law reform submissions.

Students will also be exposed to the governance processes of the EDO as a community legal centre. They will have an opportunity to attend management committee meetings for a specific term as observers. Students will also be involved in the community legal education program.

I wish to turn to what, in my view, is the most promising aspect of this collaboration. Flinders University Law School has a focus on research into environmental law. There is no doubt that environmental regulation will become more pervasive, comprehensive and complex as the environmental impacts of development locally and globally become more severe, immediate and critical.

Society will have to devote substantial resources to comply with and enforce that regulation. Moreover the regulation will, from a necessity born of complexity and the need to act in a timely and efficient manner, be largely undertaken by statutory authorities and tribunals. If the regulation, which is undoubtedly necessary to protect the environment, is not to impose a crushing financial burden, environmental laws will have to be cleverly drawn and skilfully applied. Research centres devoted to developing forms of environmental regulation which work cost effectively are critical.

Lawyers who are skilled in their application will be vital to the success of those regulatory schemes. Those lawyers, I suspect, will require quite different skill sets to traditional Anglo-Australian lawyers. The environmental lawyer of the future will work essentially in an area of administrative law which will more closely resemble European administrative codes than the common law.

Moreover, the environmental lawyer is likely to require wide ranging scientific and, in particular, engineering knowledge. That knowledge might be learnt through a double degree or by way of a degree either in law or in engineering with a focus on environmental regulation, and in what is perhaps a glimmer of hope for the hordes of law graduates. Many will be needed.

The legal workforce for this new province for law and order in the 21<sup>st</sup> century will come from collaborations like the one I am about to launch. Again, I congratulate these two newly found comrades, the Flinders University Law School and the Environmental Defenders Office, on their commitment to a vital cause – the establishment of a legal superstructure to support the sustainable development which is necessary to provide the citizens of the world with a reasonable and healthy standard of living.

I launch the Environment Defenders Office Flinders University partnership.

***The Honourable Chris Kourakis,  
Chief Justice of South Australia***

Wednesday 24 September 2014



## CMR1.1 Centre Activity Summary Report

Centre Id:	5002	Current Date:	14/10/2014
Catchment:	All	Report Period:	01/07/2013
Report version:	CMR1.1 V4		to 30/06/2014
Funding Category:	0000-9999 All		

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### All Data Totals for this Centre (Centre & Outreaches)

#### Clients

Total number of Clients		140
New Clients	73	
Repeat Clients	14	
Existing Clients	53	

#### Activities

Information Activities		3
Total Advice Activities		96
- with Public Interest dimension	0	

#### Cases

Total cases open during period (Open and New)		118
- Open at period start	80	
- New (opened in period)	38	
- Still open at period end (Ongoing)	97	
Total cases closed during period		21
- Minor Cases closed	7	
- Medium Cases closed	12	
- Major Cases closed	2	
Closed involving court representation	0	
Closed involving primary dispute resolution	1	
Closed test cases	4	
Closed with Public Interest Indicator	8	

#### Non-Casework Projects

Total projects open during period (Open and New)		179
- Open at period start	98	
- New (opened in period)	81	
- Still open at period end	56	
Open Community Legal Education Projects	15	
Open Law Reform & Legal Policy projects	35	
Total projects completed during period		123
- Minor projects completed	73	
- Medium projects completed	40	
- Major projects completed	10	
CLE projects completed	51	
LRLP projects completed	52	
Projects deferred during period		0