

# ANNUAL REPORT 2017~2018



#### **STAFF**

Coordinator / Principal Solicitor ~ Melissa Ballantyne Administrator ~ Gabrielle Bond

#### **MANAGEMENT COMMITTEE**

Chair ~ Iris Iwanicki | Treasurer ~ Patricia von Baumgarten Yvonne Baulderstone, Karen Bubna-Litic, Anna Dutkiewicz, Tom Matthews, Peter Robertson, Alex Wawryk

## CHAIRPERSON'S REPORT 2017~2018

In looking over the activities of the past year, the EDO acknowledges the assistance of the SA Department of Environment and Water (DEW), the Law Foundation of SA, Flinders University and particularly the members of the management committee, all busy people, who have unstintingly helped with preparing submissions on state legislation changes, fund raising and attended our monthly meetings. Some messages from last year are worth reiterating and the main message concerns our services to the public.

I would particularly like to thank departing member, Dr Iris Iwanicki. Iris was Chairperson for 3 years until August 2018, and – in addition to the activities outlined further in this Report, and the preparation of much of this Report – contributed significantly to our fundraising efforts. Many thanks also to Patricia von Baumgarten and Tom Matthews, who also helped in this regard. Special thanks must go to Peter Robertson for his role as SA representative in the discussions regarding a proposed national EDO organisation. Finally, I would like to thank our staff solicitor Melissa Ballantyne, for the enormous amount of time that she dedicates to her work and to the EDO, and to Gabrielle Bond, for her administration of the office.

The volunteer service is a core service of the EDO. Last year, the Ninth Annual Performance Report on the National Pro Bono Aspirational Target 1 shows that 11,185 Australian lawyers provided 402,216 hours of pro bono legal services in 2016-2017. That is the equivalent of 223 lawyers working pro bono full-time for one year. While the dollar value of this is very high, the social value to the community is inestimable. Thank you to our 11 rostered lawyers who volunteer their expertise and time to advise members of the public regarding a range of environmental and planning queries.

Planning has taken up a lot of energy in the past twelve months, as SA is going through a fundamental change in its planning system. The new system is emerging in stages, and will concentrate control at a state level through a single state wide Planning and Design Code, replacing multiple council development plans that have been serially amended over the last 20 years. The result of numerous development plans created a system that was regarded as unwieldy, time consuming, complex and inefficient (especially by developers).

However, one of the casualties of the reform process is the marginalisation of neighbours and other members of the public to be notified of development proposals except in very rare instances. Will the single code and regional plans improve the system? We certainly hope so. We will keep a watch on the implications of planning policies in response to designing and locating developments that must begin to

respond to climate change challenges, greening cities and urban areas, sensible and sustainable water management, access to light for those solar panels of housing, improvement to the state's declining biodiversity and movement systems that cater for more than cars and trucks.

All these challenges are identified by the state government in various departmental policies, but need to be progressed through applied government policy and improved funding. The current state budget allocates only 1% of its budget to the environment. Sadly, it seems that funding programs to improve employment, economic development and managing growth does not 'get' the need to manage our environmental resources more responsibly in the longer term and build on the considerable volunteer efforts in the environmental sectors.

Fundraising efforts have included a fashion show, a film evening and seminar on the role of the Independent Commissioner Against Corruption with Michael Riches.

Iris, as Chairperson, was engaged in many aspects of the EDO including attendance at regular committee and staff meetings, letters to various politicians, lobbying for more financial support, assistance with the election policies prior to the state election, meetings with MPs, attending sessions on planning and heritage reform, advocacy for greater community representation and rights of appeal and organizing events. Significant assistance was received with these matters especially from fellow committee members and the staff.

A key issue for the organisation has concerned the proposed creation of a national organisation. In order to sustain and grow the organisation into the future, funding levels must improve. A nationally focused report regarding the future of EDOs around the country started a process whereby state EDOs signed up to a memorandum of understanding to consider details involved. This has taken up much of the committee and staff's time. Much of my time as Chairperson of the EDO since August has been spent in negotiations concerning the proposed national organisation, and this will continue to form the focus of the Management Committee's time for the next 3-6 months.

We are committed to retaining and improving our ability to carry out the important work of the EDO which includes providing the public with advice that is factual and unbiased. In a world where information is often a slogan, rather than a reasoned and intelligent discussion, organisations like the EDO are vital. It is hoped that we can continue to provide the analysis, advocacy and advice that looks to improve the law and the impacts of legislation on the environment and a sustainable society at both national and state/territory levels.

Finally, thank you to all who have supported the EDO in other ways including members, donors and law students. Without you the EDO could not operate in the way it does.

#### Dr Alex Wawryk

Chairperson, EDO(SA) Inc. Management Committee

## TREASURER'S REPORT 2017~2018

The 2017-2018 financial year has seen a reduction of \$8,995 in the EDO's net income, down from \$10,343 to \$19,338 in 2017-2018 (this follows the 2016-2017 reduced net income of \$8,094). The successive annual reductions are due to decreases in grants, fundraising and donations.

Expenses were reduced by \$1,335 mainly due to a reduction in wages – this is a fluctuation due to the timing of pay runs rather than a reduction in staffing hour. Despite all efforts, the EDO is still relying on its savings to maintain its operations. Staff, volunteers and management committee members continue working at keeping expenses down to the lowest extent possible and generating revenue from fundraising activities.

As in 2016-17, the EDO again did not receive funding from the federal government. Although the year's budget provides for a negative net income of \$19,338, the EDO is still operating. The total net assets as at 30 June 2018 were \$57, 123 (for comparison the total net assets at 30 June 2017 were higher at \$76, 461).

#### Revenue

The decline in the EDO's revenue (\$10,330) from \$53,252 in 2016-2017 to \$42,922 in 2017-2018 was due to the decline in income from all income streams mainly grants (\$3000), donations (\$1630), memberships (\$1,222) and other income (\$2971).

The reduction in grants income was due to the absence of a grant from the Law Foundation of SA. The reduction of \$2,971 in other income revenue relates mainly to a

reduction in funding for projects (\$300), advisory service fees (\$234) and seminar fees (\$190). Income from advisory service fees was reduced due to fewer appointments and more people paying the concession rate, while income from seminar fees is reduced due to the decision to significantly lower the ticket price to \$5 to encourage attendance (whereas in the past seminar fees were usually in the range of \$30-\$50 per ticket).

The South Australian Department of Environment and Water again contributed with a\$15,000 grant. The EDO continues to rely on fundraising as one of its key activities. This year the EDO raised funds totalling \$7,051 compared to \$7,612 in 2016-2017.

#### **Expenses**

The decline in the EDO's expenses from \$63,595 in 2016-2017 to \$62,260 in 2017-2018, a difference of \$1,335, is largely due to reduction in:

- ♦ Wages from \$46,395 to \$44,266 (\$2,129)
- ◆ NACLCs & Law Society from \$1,386 to \$266 (\$1,220)
- Outreach from \$489 to \$0 (\$489)
- Workcover from \$629 to \$257 (\$372)

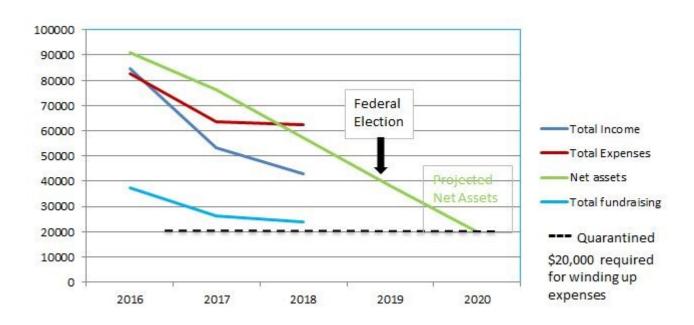
The expenses that increased and are noteworthy were:

- Fundraising Expenses from \$1,502 to \$3,797 (\$2,295)
- Insurance from \$804 to \$1,582 (\$778)

Into the future, the continuing support from volunteers, Flinders University, the South Australian Department of Environment and Water, members, donors and community in general will be crucial to enable the EDO to remain operational as the state's only independent community legal centre which specialises in public interest environmental law.

#### Dr Anna Dutkiewicz

Treasurer, EDO(SA) Inc. Management Committee



#### YEAR ENDED 30 JUNE 2018

#### Income Statement

Statement of Financial Position

Notes to the Accounts

Statement by Committee of Management

**Auditor's Report** 

#### INCOME STATEMENT

#### YEAR ENDED 30 JUNE 2018

	2018	2017
REVENUE FROM ORDINARY ACTIVITIES		
Law Foundation of S.A. Grant	0	3000
Donations	16971	18601
Fundraising	7051	7612
Interest	1035	1606
Membership	2130	3352
Other Income	735	3706
State Government Grant	15000	15375
	42922	53252
EXPENSES FROM ORDINARY ACTIVITIES		
Accounting Software	532	489
Advertising and Promotion	24	0
Archives	588	541
Audit	650	650
Bank Service Charges	628	670
Depreciation	540	539
Fundraising Expenses	3797	1502
Insurance	1528	804
Legal Library	203	362
NACLCs & Law Society	266	1386
Network Meeting	448	283
Office Amenities	122	0
Outreach	0	489
Phone, Fax and Internet	2335	2267
Postage and Delivery	283	357
Practicing Certificates	565	553
Printing and Stationery	243	217
Seminars & Staff Development	30	46
Subscriptions and Membership Fees	590	641
Sundries	520	670
Superannuation	3845	4105
Wages	44266	46395
Workcover	257	629
TOTAL EXPENSES	62260	63595
NET INCOME FROM ORDINARY ACTIVITIES	-19338	-10343

#### **BALANCE SHEET AT 30 JUNE 2018**

	2018	2017
CURRENT ASSETS		
Cash at Bank and on Hand		
Bendigo Bank Cash Management Account	1969	27970
Bendigo Bank Cash Management Trading Account	25615	25719
Bendigo Bank Term Deposits	41490	30571
TOTAL CURRENT ASSETS	69074	84260
NON-CURRENT ASSETS		
Furniture, Fixtures & Fittings	0	540
TOTAL ASSETS	69074	84800
CURRENT LIABILITIES		• .
Accrued Expenses	838	992
Provision for Annual Leave	9211	6249
Provision for Long Service Leave	1902	1098
	11951	8339
NET ASSETS	57123	76461
MEMBERS FUNDS		
Net Profit/Loss	-19338	-10343
Retained Profits	76461	86804
	57123	76461

#### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2018

This special purpose financial report has been prepared for distribution to the members to fulfil the committee's financial reporting requirements under the organisation'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 need 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.

#### STATEMENT BY COMMITTEE

The attached financial statements of the Environmental Defenders Office (SA) Inc. for the year ended 30 June 2018 are in our opinion properly drawn up:

- so as to present fairly the financial position and the state of affairs of the organisation at 30 June 2018 and the results of the 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 Environmental Defenders Office (SA) Inc. will be able to pay its debts as and when they fall due.

Dated at Adelaide this day... November 2018

Signed in accordance with a resolution of the Committee.

A. Wawryk

Chairperson

ADWKIEWICZ

Treasurer

#### INDEPENDENT AUDIT REPORT

#### 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 2018, 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 2018 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

Harradine & Norris-Green

22 Greenhill Road, Wayville, S.A. 5034

## STAFF REPORT 2017~2018

#### **OVERVIEW**

2017-2018 has been another year of great challenge for the EDO as set out in detail in the Chairperson's report. Whilst funding and strategic planning issues occupied some staff time, we continued providing assistance to the South Australian community. Much of our work involved making submissions in relation to law and policy issues including the planning reform process, regulation of mining activities and proposed changes to natural resources management laws. However we also provided legal advice and assistance across a wide range of matters as detailed below.

#### **OPENING HOURS**

Monday, Tuesday, Thursday 9am—5pm

#### **STAFF**

**Administrator:** Gabrielle Bond (0.5 days per week) **Coordinator / Solicitor:** Melissa Ballantyne (2 days pw)

## VOLUNTEERS, STUDENTS AND PRO BONO ASSISTANCE

As in previous years, the EDO is extremely grateful for the assistance provided by many volunteers. As well as the lawyers on our volunteer 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
- Alison Brookman
- ◆ Tim Campbell
- Victoria Danambasis
- Michael Doherty
- ♦ Stuart Henry
- Paul Leadbeter
- ♦ Tim Mellor
- ♦ Felicity Niemann
- ♦ Kyra Reznikov
- Nicholas Swan

### QUALIFIED LEGAL, LAW STUDENT AND RECENT GRADUATE VOLUNTEERS

The EDO continues to attract quality volunteer legal and general researchers. 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:

- ♦ Gabriella Coote
- ♦ Megan Devenport
- Anna Dutkiewicz
- Tyler Keenan
- ♦ Amelia Moretti
- Shoma Roy
- Nick Salagaras
- Chris Sumner

#### LEGAL ADVICE AND CASE WORK

During 2017-2018 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.

Staff provide assistance with public interest matters and volunteer lawyers deal with all other non public interest matters. In all 35 clients were provided with advice and case work services (staff - 25 matters and volunteer lawyers -10 matters).

Client advice and case work covered a wide range of topics including:

- Kangaroo Island golf course
- Proposed trial Underground Coal Gasification
  Plant at Leigh Creek
- Glenthorne Park
- Offshore petroleum regulation
- ♦ Proposed national nuclear waste facility
- Phone towers
- Renewal of licence for Adelaide Brighton Cement
- Widening of Outer Harbor Channel
- Gas fired power stations
- Redevelopment of the state heritage listed Robe cemetery

## LITIGATION AND LITIGATION-RELATED ACTIVITIES

Due to continued limited lawyer hours the EDO was not involved in any litigation this year.

A number of other matters were in the category of litigation related activities. We provided advice on a number of occasions on how to conduct third party appeals in the Environment, Resources and Development Court.

### ACCESS TO INFORMATION, COMMUNITY LEGAL EDUCATION & SEMINARS

This year we were involved in a number of activities including:

- Presenting a forum on the Independent Commissioner Against Corruption – thank you to all who attended and special thanks to our speaker Michael Riches
- Participation in the compilation of the 2018 State of the Environment Report
- Preparing summaries of the planning reforms
- Having a stall at the Department of Environment and Water Environment Fair
- Attending a meeting of the Legal Services
  Commission community legal education network

#### **OUTREACH**

This year we visited the South East. We presented a mock trial at a local high school and advised clients on a number of issues including pollution from a saw mill and forestry management.

#### PUBLICATIONS AND WEBPAGE

Our 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. During 2017/2018 we were involved in 20 activities of this type.

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 promoted through our Facebook page.

We undertook work in the following areas:

- Review of State Parliament Report on Biodiversity and preparation of conservation sector response.
- Prepared a summary of the EDO report on public participation in environmental law decision making. Special thanks to Management Committee member Karen Bubna-Litic for her assistance with this project.
- Prepared a Submission to a Senate Inquiry into the National Nuclear Waste Facility – Special thanks again to Karen Bubna-Litic for preparing this submission.
- Proposed changes to state mining regulationreviewed mining bill and liaised with departmental staff and conservation sector on our response. Special thanks to Management Committee member Alex Wawryk for her assistance in this process.
- Engaged in a number of responses to the stepped introduction of new planning system including;
  - ♦ Attendance at meetings of the Conservation Council SA Environmental Standing Committee on Planning
  - ♦ Attendance at forums to develop the Community Engagement Charter
  - Collaboration with community groups on introduction of Community Engagement Charter including media releases, collating case studies and developing reform ideas
  - Preparation of submission to the Environment, Resources and Development Committee of State Parliament on the Community Engagement Charter
  - ♦ Attendance at meeting on the future design of the Planning Portal
- Consulted with the conservation sector on proposed reforms to natural resources management laws.
- Prepared recommendations aimed at enhancing the operation of the State Commission Assessment Panel & met with the Chairperson of the State Planning Commission, Tim Anderson QC.

- ♦ State election campaign
  - Developed and promoted a statement of law reform asks
  - ♦ Attended a Leaders Forum
  - Reviewed environmental policies of the major parties
- Met with the Environment Protection Authority and the Environment Minister on various issues
- Worked with the conservation sector regarding review of process for listing nationally threatened species
- Reviewed the Technology Bill
- Contributed to national EDO submissions on the following matters:
  - ♦ Mining activities and impacts on water
  - ♦ Murray Darling Basin Plan

#### **FUNDRAISING ACTIVITIES**

As a consequence of our ongoing funding issues EDO staff participated in various events including a film night and fashion parade. We also celebrated the 25th anniversary of the founding of the EDO with a dinner at the Hackney Hotel. Thank you to all who participated in these events and special thanks to our dinner speaker, explorer and environmentalist Tim Jarvis.

#### FLINDERS UNIVERSITY

Flinders University again provided invaluable support to the EDO through sponsored accommodation and meeting spaces. We thank Flinders University for their ongoing support and look forward to furthering our relationship into the new year. This year we were very pleased to work with Flinders University by providing a lecture to law students on environmental compliance.

#### STAFF DEVELOPMENT

Staff attended seminars and information sessions on the following topics:

- ♦ Planning (2)
- Environmental Law Symposium
- ♦ Legal Costs

#### **NETWORKS**

The Australian network of EDOs (EDOs of Australia) 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 with the primary topic

being the proposal for a national organisation.

#### 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
- Updating office equipment and information technology
- Meeting with staff from the State Attorney-General's office regarding service delivery

Work also continued with accrediting our service in accordance with the national process applying to all community legal centres. Thank you to Shoma Roy for her assistance with this project.

#### **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. Our Facebook page has also proved significant and has raised the profile of and support for the EDO.

#### ACCESS AND EQUITY

Volunteer solicitors provide advice to clients as part of the Advisory Service. Demand for this service has been fairly steady with an average capacity for two appointments each week. The advisory service is the first point of contact between the EDO and some of its clients, however as noted above urgent issues, public interest matters, issues raised by conservation groups and country clients are usually dealt with by the staff solicitor.

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 and Water as part of their continuing support for legal advice to country clients.

The EDO does not impose a means test on clients because our main criterion for providing ongoing assistance is "public interest". All clients are charged an administration fee 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 services to the people of South Australia and to the environment.

Special thanks go to the EDO Committee of Management, particularly Iris Iwanicki, Patricia von Baumgarten, Peter Robertson and Tom Matthews who all contributed in significant ways to the operations of the EDO. Iris in particular made a major contribution to fundraising efforts during her time as Chairperson and Peter was our key representative during much of the deliberations on the proposed national entity. Our thanks also go to:

◆ Law Foundation of South Australia—extension of grant for mining regulation review project

- South Australian Department of the Environment and Water—country outreach, litigation support and other funding
- Flinders University—accommodation, meeting rooms
- Kerrod Trott media
- ♦ Sam Taylor—for assistance with strategic planning
- ♦ Brian Donaghy—fundraising
- IT on the road
- ♦ Norman Waterhouse Lawyers—Government Gazette
- Total Computer Solutions—for National EDO Network web page
- ♦ Jenny Norris-Green—audit
- ◆ Temple Bruer Wines—in kind sponsorship with great wine!
- All our wonderful supporters who have given donations or have provided assistance in some way

#### **Melissa Ballantyne**

Coordinator / Principal Solicitor

#### **Gabrielle Bond**

Administrator



*Image: hiking trail near Mount Lofty* 

Cover image: rock formations near Second Valley