

# ANNUAL REPORT 2018~2019



ENVIRONMENTAL  
DEFENDERS  
OFFICE (SA) INC.

A Community Legal Centre specialising  
in public interest environmental law



## STAFF

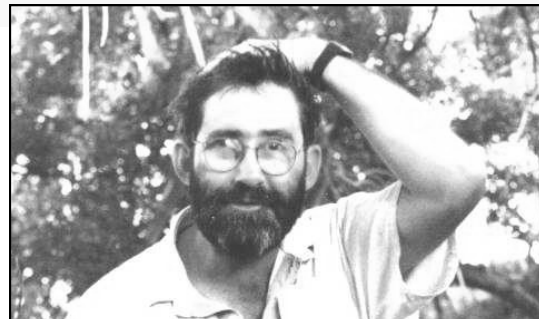
Coordinator / Principal Solicitor ~ Melissa Ballantyne

Administrator ~ Gabrielle Bond

## MANAGEMENT COMMITTEE

Chair ~ Alex Wawryk | Treasurer ~ Anna Dutkiewicz,

Yvonne Baulderstone, Karen Bubna-Litic



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



# CHAIRPERSON'S REPORT 2018~2019

It is with some sadness that I write this report for the Annual Report and AGM of the Environmental Defenders Office (SA), as this chapter in the history of environmental protection comes to a close. Created in 1992, the EDO(SA) has offered legal advice to countless South Australians, through our staff solicitors and voluntary legal advisory service; has taken legal action to protect the environment in cases such as the Whyalla red dust case, and in relation to aquaculture; and has provided education to the public through seminars, fact sheets, newsletters and e-bulletins. I would like to thank and acknowledge all the people who together have contributed to the life of EDO(SA) since its inception, including the founding members and life members, ordinary members, management committee members, staff, volunteers, and donors.

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, and Flinders University. I would like to thank my fellow members of the management committee, Yvonne Baulderstone, Anna Dutkiewicz and Karen Bubna-Litic, for their contribution to the EDO over the past year, as we have dealt with the move to the national organisation.

I also extend my heartfelt thanks to 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 remains a core service of the EDO(SA) and the value to the community is inestimable. Thank you to all our rostered lawyers who volunteer their expertise and time to advise members of the public regarding a range of environmental and planning queries.

Much of the management committee's time, and staff time, has been spent in negotiating the creation of the proposed national EDO Limited. Funding has been a significant challenge for the EDO(SA) since federal funding ceased in 2015, and despite fundraising efforts in the last few years, we have not been able to raise sufficient funding each year to sustain the office into the future. In the past year, the EDO(SA) has been involved in a range of activities necessary for the merger to be able to proceed. In September, the members of the EDO(SA), along with other EDOs in all other states and Territories (bar Victoria, where there

is no EDO as such) voted to merge to create the new EDO Limited. We formally signed the Merger Agreement in October, after which our staff will be offered contracts with the EDO Limited. The launch of the EDO Limited is planned for 6 November.

The national EDO Limited brings with it the hope and excitement that a new, high-profile national organisation will be better equipped to raise funds, undertake legal and other actions to protect the environment. The EDO Limited will continue to provide the analysis, advocacy and advice that seeks to improve the law; to prevent or minimise adverse environmental impacts and develop a sustainable society; and improve access to 'environmental justice' for South Australians and Australians. We expect that for the next few months, business will proceed 'as usual', and we will continue to operate our volunteer advisory service, provide legal advice through the office, and undertake a range of activities such as submissions on legislative reforms.

The staff report contains more detail on the legal matters with which the EDO has been concerned over the past year. Of these, the changes to planning law continue to be to the most complex, as planners, lawyers and councils and others have sought to provide feedback in relation to the changes, including design of the new code, and some grave concerns in relation to matters such as the removal or diminution of community rights of objection and appeal in relation to planning decisions. Other highlights include advocacy in relation to the new Landscapes Bill, as a result of which various improvements to the Bill were made.

The EDO has made a number of other submissions in relation to various reviews and inquiries, including the inquiry into Recycling; Single Use Plastics; the Inquiry into the Adelaide Oval Redevelopment; and the Review of the Local Nuisance and Litter Control Act. We have offered advice in relation to a range of matters, including the controversial tourism development in Flinders Chase National Park on Kangaroo Island.

Let me conclude once more with a final 'thank you' to all who have supported the EDO over the last year and many previous years, and without whom the EDO could not have operated in the way that it has. While it is sad to see the end of the EDO(SA), we are excited by the transition to the new national organisation, and hope to celebrate soon the launch of the EDO Limited and the start of a new era in the history of the EDOs.

**Dr Alex Wawryk**  
Chairperson, EDO(SA) Inc. Management Committee

# TREASURER'S REPORT 2018~2019

The 2018-2019 financial year has seen a further reduction in the EDO's net income, from negative \$19,338 in 2017-2018 to negative \$29,436 in 2018-2019 (reduced by \$10,098). The successive annual reductions are due to decreases in donations and fundraising. There was a slight increase in memberships and grants remained the same.

Despite continued best efforts, the EDO relied on its savings to maintain operations. Staff, volunteers and management committee members continue working at keeping expenses down to the lowest extent possible. Expenses decreased by \$1,817.

As in 2016-17 and 2018-19, the EDO again received no funding from the federal government. Although the year's budget provides for a negative net income of \$29,436, the EDO is still operating. The total net assets as at 30 June 2019 were \$27,687 (for comparison the total net assets at 30 June 2018 were higher at \$57,123).

## Revenue

The decline in the EDO's revenue (\$) from \$42,922 in 2017-2018 to \$31,007 in 2018-2019 was due to the decline in income from donations (\$7,347), and

fundraising (\$5,174). Revenue from Memberships increased slightly (by \$274). Grants remained steady at \$15,000, with \$10,000 from the South Australian Department of Environment and Water (though this grant was less than the \$15,000 in 2017-18) and \$5,000 from the Law Foundation.

This year the EDO raised \$1,877 through fundraising efforts, down from \$7,051 in 2017-2018. Time and effort that would in the past be put to fundraising was instead required to manage the merger to form the national EDOA.

## Expenses

The decline in the EDO's expenses from \$62,260 in 2017-2018 to \$60,443 in 2017-2018, a difference of \$1,817, is largely due to a reduction in fundraising, from \$3,797 in 2017-18 to \$1,286 in 2018-19.

## Concluding comment

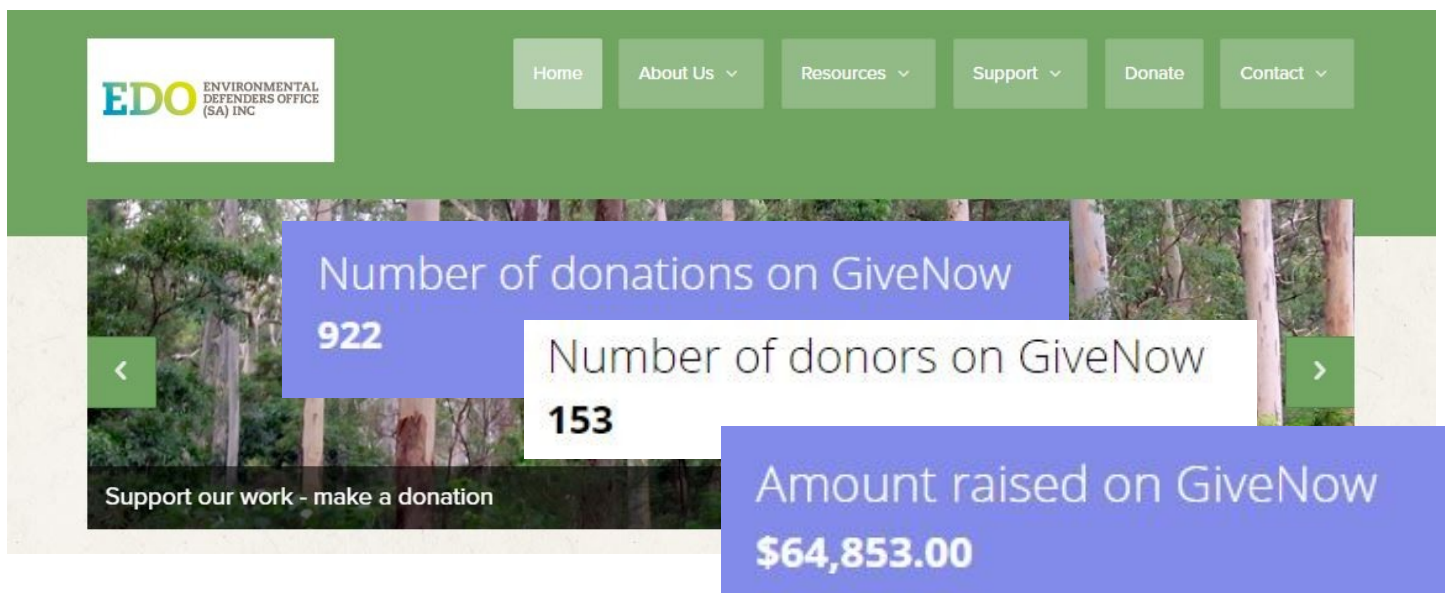
With continued decline in revenue over the years and ongoing uncertainty regarding grants and donations, the EDO(SA)'s future has been extremely vulnerable.

The merger into a national organisation is welcome as we prepare for a strategic, united and contemporary approach to raising funds so we can continue the unique and important work that EDOs do in the area of public interest environmental law.

## Dr Anna Dutkiewicz

Treasurer, EDO(SA) Inc. Management Committee

## EDO(SA)'S ONLINE FUNDRAISING SINCE 2014



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

**YEAR ENDED 30 JUNE 2019**

**Income Statement**

**Statement of Financial Position**

**Notes to the Accounts**

**Statement by Committee of Management**

**Auditor's Report**



**ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.****INCOME STATEMENT****YEAR ENDED 30 JUNE 2019**

	<b>2019</b>	<b>2018</b>
<b>REVENUE FROM ORDINARY ACTIVITIES</b>		
Donations	9624	16971
Fundraising	1877	7051
Interest	765	1035
Membership	2404	2130
Other Income	1337	735
State Government Grant	10000	15000
Law Foundation of SA Grant	5000	0
	<b>31007</b>	<b>42922</b>
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>		
Accounting Software	521	532
Advertising and Promotion	100	24
Archives	546	588
Audit	650	650
Bank Service Charges	590	628
Depreciation	0	540
Fundraising Expenses	1286	3797
Insurance	856	1528
Legal Library	113	203
NACLCs & Law Society	365	266
Network Meeting	454	448
Office Amenities	103	122
Outreach	599	0
Phone, Fax and Internet	2265	2335
Postage and Delivery	311	283
Practicing Certificates	622	565
Printing and Stationery	840	243
Seminars & Staff Development	268	30
Subscriptions and Membership Fees	921	590
Sundries	559	520
Superannuation	3845	3845
Wages	44372	44266
Workcover	257	257
<b>TOTAL EXPENSES</b>	<b>60443</b>	<b>62260</b>
<b>NET INCOME FROM ORDINARY ACTIVITIES</b>	<b>-29436</b>	<b>-19338</b>

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

**BALANCE SHEET AT 30 JUNE 2019**

	<b>2019</b>	<b>2018</b>
<b>CURRENT ASSETS</b>		
<b>Cash at Bank and on Hand</b>		
Bendigo Bank Cash Management Account	2963	1969
Bendigo Bank Cash Management Trading Account	15763	25615
Bendigo Bank Term Deposits	25694	41490
<b>TOTAL CURRENT ASSETS</b>	<b><u>44420</u></b>	<b><u>69074</u></b>
<b>NON-CURRENT ASSETS</b>		
Furniture, Fixtures & Fittings	0	0
<b>TOTAL ASSETS</b>	<b><u>44420</u></b>	<b><u>69074</u></b>
<b>CURRENT LIABILITIES</b>		
Accrued Expenses	1723	838
Provision for Annual Leave	12274	9211
Provision for Long Service Leave	2736	1902
	<b><u>16733</u></b>	<b><u>11951</u></b>
<b>NET ASSETS</b>	<b><u>27687</u></b>	<b><u>57123</u></b>
<b>MEMBERS FUNDS</b>		
Net Profit/Loss	-29436	-19338
Retained Profits	57123	76461
	<b><u>27687</u></b>	<b><u>57123</u></b>

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

**NOTES TO THE FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30 JUNE 2019**

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 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.



## ENVIRONMENTAL DEFENDERS OFFICE (SA) INC.

### STATEMENT BY COMMITTEE

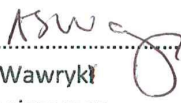
The attached financial statements of the Environmental Defenders Office (SA) Inc. for the year ended 30 June 2019 are in our opinion properly drawn up:

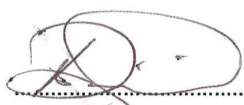
- (i) so as to present fairly the financial position and the state of affairs of the organisation at 30 June 2019 and the results of the operations for the period then ended;
- (ii) in accordance with the provisions of the Constitution; and
- (iii) in accordance with applicable accounting standards, as disclosed.

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

Dated at Adelaide this day... *24 September* ...2019

Signed in accordance with a resolution of the Committee.

  
A Wawryk  
Chairperson

  
A Dutkiewicz  
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 2019, 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 2019 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 2018~2019

## OVERVIEW

After nearly 30 years as the EDO(SA) this will be the last staff report as a stand alone SA community legal centre. Whilst the process for merging into a national organisation has occupied a great deal of staff time including attending numerous in person and online meetings, 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

Tuesday and 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 a number of students and law graduates. We have also had pro bono assistance from Michael Constantine with the merger process- we are very grateful for his ongoing help with this complex matter. 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

- ◆ 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:

- ◆ Megan Devenport
- ◆ Tyler Keenan
- ◆ Amelia Moretti
- ◆ Seisia Kane

## LEGAL ADVICE AND CASE WORK

During 2018-2019 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 include mining, native vegetation management and protection of water resources.

Staff provide assistance with public interest matters and volunteer lawyers deal with all other non public interest matters. In all 25 clients were provided with advice and case work services (staff: 15 matters and volunteer lawyers: 10 matters).

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

- ◆ Management of the Coorong and Lower Lakes
- ◆ Proposed Adelaide Oval Hotel
- ◆ Proposed state heritage listing of Lochiel Park House
- ◆ Proposed Tourism development on Kangaroo Island
- ◆ Kangaroo Island Golf Course
- ◆ Heritage considerations in the planning system
- ◆ Proposed expansion of the Olympic Dam mine
- ◆ Proposed drilling by Equinor in the Great Australian Bight
- ◆ Heritage listing processes
- ◆ Proposed demolition of cottage in Moonta State Heritage Area



- ◆ Proposed works in Robe State Heritage listed cemetery
- ◆ Lifting of moratorium on genetically modified crops
- ◆ Change to operating hours of a south east saw mill
- ◆ Multi story beachside developments
- ◆ Factory development in the Adelaide Hills

## LITIGATION AND LITIGATION-RELATED ACTIVITIES

Due to continued limited lawyer hours the EDO was involved in just one litigation this year. With the support of EDO NSW we challenged the approval of a trial underground coal gasification plant at Leigh Creek. Unfortunately the application for judicial review in the Supreme Court had to be withdrawn due to information coming to light regarding the merits of continuing the case.

We thank EDO NSW lawyers and staff especially Matt Floro, Brendan Dobbie and Elaine Johnson for their huge effort in conducting the case. A special thank you also to local barrister Steven Churches for his assistance with this case.

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 to law students on the work of the EDO and organising a mock trial in the Environment Court for legal studies students at a South East high school.

## 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. When the national organisation is underway Richard has kindly agreed to continue providing local content to a national e-Bulletin-thanks Richard!

## LAW REFORM AND RESEARCH

The EDO continues to be active in promoting reform of environmental laws and this was our major area of work this year. During 2018/2019 we were involved in 15 major 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:

- ◆ Proposed changes to state mining regulation-reviewed mining bill ( second draft) and prepared a letter to the Minister for Mining. Special thanks to Alex Wawryk for her assistance in this process.
- ◆ Attended a consultation on proposed revisions of significant environmental benefit calculations under the state's native vegetation laws
- ◆ Engaged in a number of responses to the stepped introduction of new planning system including;
  - ◆ Attended meetings of the Conservation Council SA Environmental Standing Committee
  - ◆ Consideration of the first phase of the Planning and Design Code (outback code) and provision of evidence to the Environment, Resources and Development Committee of State Parliament
  - ◆ Prepared a submission on the draft state planning policies
  - ◆ Prepared a submission on the assessment pathways discussion paper
  - ◆ Prepared a submission on the natural resources and environment policy discussion paper
  - ◆ Prepared a submission on the draft assessment regulations
  - ◆ Attended meetings of the Planning, Environment and Local Government Committee of the Law Society
  - ◆ Attended consultation on proposals by the Labor Opposition to amend the Planning, Development and Infrastructure Act 2016



- ◆ Attended Labor Opposition's Building Communities Forum on Community Engagement in the new planning system

- ◆ Consulted with the conservation sector on proposed reforms to natural resources management laws (Landscape SA Bill), met with departmental staff, attended a half day forum and prepared a submission on the discussion paper

- ◆ Prepared a submission to the State Parliament's Inquiry into overabundant and pest species

- ◆ Prepared a submission to the State Parliament's Inquiry into recycling

- ◆ Prepared a submission on the Local Nuisance and Litter Control Discussion Paper

## FLINDERS UNIVERSITY

Flinders University again provided invaluable assistance to the EDO through sponsored accommodation and meeting spaces. We thank Flinders University for their wonderful support.

## STAFF DEVELOPMENT

Staff attended information sessions on social media and cyber security issues relating to legal practice.

## NETWORKS

Staff participated in regular phone link ups of the EDO network with the primary topic being the proposal for a national organisation.

## OTHER ACTIVITIES

As well as involvement in our winter dinner fundraiser staff were busy with a wide range of other activities which 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

Work also continued with accrediting our service in accordance with the national process applying to all community legal centres.

## MEDIA

This year we gave radio interviews on the EDO's work and the proposed national nuclear waste facility. 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. The advice 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 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.

## 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 (especially our Chairperson and Treasurer) who have worked tirelessly on the merger proposal amongst other matters.

- ◆ Law Foundation of South Australia—mining and planning reform projects
- ◆ South Australian Department of the Environment and Water—litigation support and assistance and outreach work
- ◆ Flinders University—accommodation, meeting rooms
- ◆ Norman Waterhouse Lawyers—Government Gazette
- ◆ Jenny Norris-Green—audit
- ◆ All our wonderful supporters who have given donations or have provided assistance in some way

### Melissa Ballantyne

Coordinator / Principal Solicitor

### Gabrielle Bond

Administrator



