



**EDO** Qld.

Environmental Defenders Office

*Using the law to protect  
our environment.*

# ANNUAL REPORT

## 2015-2016

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Audited Financial Statements follow after Treasurer's Report

**Our Mission:** Empowering the community to use law to protect our environment.

**Our Goals:** To protect clean air, soil and water for healthy communities;  
to preserve wonderful nature, the Great Barrier Reef and wildlife;  
to advance clean energy and to combat climate change.

**Who we are:** We are your lawyers for the environment, driven by a commitment to justice and a passion for nature.

We provide the community with legal advice and court representation, we advocate for laws that protect nature and your rights and we empower the public through legal education.

We are not-for-profit and public interest.

We are Queensland's leading community environmental legal centre.

EDO Qld does not support, promote or oppose any particular political party or candidate. EDO Qld promotes changes to law and policy which protect the environment and advance sustainable development.



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# EDO Qld - committee and staff 2015-2016

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## Management Committee

**Michelle Maloney** Chair  
**Vikki McLeod** Secretary  
**Anne-Maree Elliott** Treasurer  
**James Dillon** *(to end December 2015)*  
**Nicholas Tucker**  
**Rachel Eberhard**  
**Daniel Morton**

## Staff

**Jo Bragg** Chief Executive Officer, Solicitor  
**Sean Ryan** Principal Solicitor  
**Andrew Kwan** Senior Solicitor  
**Michael Berkman** Solicitor  
**Revel Pointon** Solicitor, Law Reform  
**Juanita Williams** Solicitor  
**Catherine Browning** Solicitor *(from June 2016)*  
**Cara Mahoney** Solicitor Law Reform, part-time *(to April 2016)*  
**Bronwyn Bell** Operations Manager  
**Tanya Moir** Administrative Assistant  
**Tamara Savage** Administrative Assistant- part-time *(to June 2016)*  
**Paul Perovic** Fundraising & Communications  
**Christine Grodd** Data Entry - Casual  
**Jolee Wakefield** Media Adviser - part-time

### VALE NICK TUCKER

We were deeply saddened that our friend, barrister Nick Tucker, passed away in October 2016.

Nick Tucker generously gave of his free time to serve on EDO Qld's management committee, and we are very grateful for his contribution.

Our thoughts are with Nick's family and loved ones.

### Staff changes:

Tamara Savage, our valued Admin Assistant of 5 yrs, left EDO Qld in June 2016 to pursue her legal career.

Cara Mahoney left us in April 2016 and welcomed a new daughter shortly after. We also welcomed Catherine Browning as Solicitor.



**EDO Qld staff, 4 October 2016.** *From left: Juanita Williams, Revel Pointon, Alison Rose, Michael Berkman, Sean Ryan, Paul Perovic, Jo Bragg, Bronwyn Bell & Andrew Kwan*

# Management Committee Report 2015 - 2016

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On behalf of the EDO Qld Management Committee we would like to open this year's Annual Report by acknowledging the tragic passing of one of our Committee Members – Nick Tucker. Nick was a barrister who worked tirelessly for the community, both in his role as Committee Member for EDO Qld and even more substantially for his work with PACT, protecting and supporting children through the criminal justice system. Nick passed away on 24 October 2016 and leaves behind a wife and two children, as well as a community of friends and colleagues who will miss him terribly.

I'm very proud to report that this financial year has marked another successful year for the Environmental Defenders Office Queensland. I want to acknowledge the incredible hard work and commitment of all our staff and volunteers, including our volunteer Management Committee.

The EDO has continued to offer exemplary legal services for ordinary Queenslanders: providing free and low cost legal services to people who want to protect the environment in the public interest. These services include legal education, legal advice, law reform work and where necessary, defending the rights of Queenslanders to protect and enforce their legal rights in court.

This past financial year has seen an increased focus on the most challenging issue of our time: climate change. EDO Qld is at the forefront of challenging the causes of life threatening climate change – the mining of fossil fuels – and we are also engaged in creating positive frameworks for transitioning to a renewable energy future. We began the 2015-2016 year by hosting a talk by Marjan Minnesma, the leader of the now famous Urgenda case, which saw ordinary Dutch citizens win a case against the Dutch Government and demand they take more urgent action to address climate change. We also hosted numerous public LawJams on various topics, including a very successful seminar about renewable energy and the law. We plan to host further educational and public information events about creating a sustainable, renewable energy future in Queensland.

EDO Qld continued to run critically important cases challenging massive thermal coal mines, and their impact on global climate change. Groundwater was also a prominent issue amongst the impacts of those mines. Potential damage to groundwater was one key concern of many that led to 60 farmers and landholders objecting to the expansion of the Acland Stage 3 mine. EDO Qld helped those farmers find expert scientists and barristers and represented those farmers for 84 days in Court.

This financial year has seen a restoration of some State Government funding for the EDO, with

\$100,000 or about 10% our annual budget now coming from the State for that year. The remainder has been raised through philanthropic support, crowd funding and regular monthly donations by wonderful members of the Queensland community who believe strongly in the value of the work done by the EDO.

We're very thankful to everyone who supports our work – both financially and through their own valuable volunteer time – and we look forward to another great year ahead, as we continue to work to use the law to support our beautiful environment.

Sincerely,



Dr Michelle Maloney  
Chair  
EDO Qld



# Highlights 2015-2016

## CARMICHAEL FEDERAL COURT

EDO Qld represented Australian Conservation Foundation (ACF) in their objection to the federal re-approval of the proposed Adani Carmichael coal mine project.



## OBJECTION RIGHTS RESTORED

EDO Qld advocated successfully alongside community groups, for the restoration of community rights to object to mines.



## ACLAND OBJECTION

EDO Qld represented farmers and landholders of the Oakey Coal Acland Alliance in the Land Court, in their objection to the proposed expansion of the New Acland Coal Mine.



## PLANNING LAW REFORM

EDO Qld conducted 11 public education events across Qld to explain the State Government's proposed new Planning Laws.

## SWIM FOR THE REEF

The 'owls' and our supporters dived in to swim laps and raise over \$30,000 for EDO Qld's work to protect the Great Barrier Reef.



# Climate Change, Mining & Reef Litigation

## *In these case reports:*

*EA = Environmental Authority, ML = Mining Lease.*

### **Adani Carmichael in Qld Courts**

EDO Qld represented Land Services of Coast and Country Inc in their Land Court objection to Adani's proposed Carmichael Coal Mine.

On 15 December 2015, the Court recommended that approvals be granted, subject to extra conditions to protect the Black-throated Finch.

In her judgment, Land Court President MacDonald drew the attention of state ministers - the ultimate decision-makers - to some crucial information:

"Overall, my conclusions about the financial and economic evidence are that the applicant has overstated certain elements of the benefit of the mine both in the EIS and in the evidence before this Court" [575];

"There will be serious or irreversible environmental damage to the continued survival of any Black-throated Finch in the mining lease area", because there will be a total loss of habitat in that area [407];

"Scope 1, 2 and 3 emissions from the mine would equal approximately 0.53%-0.56% of the carbon budget that remains after 2015" [434];

"Given the exceptional ecological significance of the Doongmabulla Springs Complex, I consider that the lack of direct investigation or modelling is concerning" [173].

Adani's application for costs against our client was refused on 23 March 2016.

The EA and ML for the proposed mine were granted by the Qld Government in February and April 2016 respectively.

On 27 April 2016, our client filed an application for judicial review in the Qld Supreme Court of the decision to grant Adani an EA.

Our client's case is that the decision by DEHP to issue an EA was not in compliance with the law - specifically, section 5 of the *Environmental Protection Act 1994 (Qld)* (the EP Act), which places a mandatory duty on decision makers to best achieve the ecologically sustainable development purpose of the Act.

*Update: This case was heard on 5 August 2016 and we are now awaiting a decision.*

### **Kevin's Corner Objection**

EDO Qld is representing Coast and Country Association of Queensland Inc (CCAQ) in their objection against the approval of the ML and EA for Hancock Galilee Pty Ltd.

The hearing took place in the Land Court of Queensland between 19 to 30 October 2015. Our client is awaiting a decision.

The Court heard from expert witnesses including groundwater expert Dr John Webb and economist Rod Campbell.

Local grazier Bruce Currie, also cross-examined witnesses from the project, a project that risks destroying his farm, his home and his livelihood.

At the end of the trial it is clear that uncertainties and risks remain if the Kevin's Corner project is allowed to proceed.

### **Acland Objection**

EDO Qld is representing the 60 member Oakey Coal Action Alliance Inc (OCAA) in objections to the approval of an EA and two ML applications for the proposed Stage 3 expansion of the New Acland Coal Mine, west of Toowoomba. The hearing commenced on 7 March and was still going at the end of the financial year.

Evidence in the hearing has exposed:

**Faulty and unreliable groundwater modelling,** potentially placing farmers' critical groundwater supplies at risk.

**Noise and dust risks and complaints.** Evidence showed there was a high risk of the project exceeding air quality limits unless controls were in place. The Court heard the community's complaints about coal dust and noise levels and requests for data have fallen effectively on deaf ears for the past decade, including more than 100 complaints to New Hope and 30 to the state environment department.

**Over-inflated job figures.** The project's original EIS stated the project would produce an average of 2,953 jobs per annum, yet in court this figure was reduced to 680 net jobs nationally.

*Update: Closing submissions were heard on October 7 2016, making this possibly the longest-running environmental case in Australian history. We are now awaiting judgment.*



# Climate Change, Mining & Reef Litigation

## Alpha Mine Supreme Court and Court of Appeal cases

EDO Qld represented CCAQ, who sought judicial review in the Qld Supreme Court of the 2014 Land Court decision on the massive Alpha coal mine in central Qld. The Land Court's recommendations were that the Qld government either refuse the approvals for the project, or approve the project with additional groundwater conditions.

On 4 September 2015, the Supreme Court dismissed the applications.

The Supreme Court found that the Land Court considered the emissions from the burning of coal as part of the consideration of the public interest but gave no weight to those emissions due to the factual finding that the emissions of the product coal would be substituted by another project elsewhere if this mine did not proceed.

Our client then appealed to the Queensland Court of Appeal, the highest Court in Queensland, in respect of the findings of the Supreme Court on climate change.

This is the first time the Court of Appeal has considered the powers of the Land Court regarding climate change.

The case was heard on 7 June 2016.

*Update: On 27 September, the Court of Appeal dismissed the appeal, clarifying that emissions from the burning of coal are relevant in the assessment of coal mines in Queensland – an issue that had been hotly debated until now. It is now clear that each coal mine may be required to argue on the facts whether the mine will in fact increase global emissions. On 25 October, our client filed an Application for Special Leave to Appeal to the High Court.*



*Legal team and client in Alpha Court of Appeal case*

## Adani Carmichael Federal Court Case

As Australians reacted with shock and horror to images of widespread coral bleaching on the Northern Great Barrier Reef, EDO Qld was representing the Australian Conservation Foundation (ACF) in their objection to the federal re-approval of the proposed mine.



We argued for our client that the Federal Environment Minister's decision to approve the mine did not comply with the law, because the Minister failed to properly consider the impacts of the burning of coal from this mine on the Great Barrier Reef World Heritage Area. *The Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) states the Minister must not act inconsistently with Australia's responsibilities under the World Heritage Convention.

The case was heard on the 3 and 4 May 2016.

*Update: on 29 August, the Court dismissed our client's application. ACF has appealed this decision to the full Federal Court.*

## Abbot Point T0 Judicial Review

EDO Qld is representing Whitsunday Residents Against Dumping (WRAD) in an application to the Queensland Supreme Court for judicial review of the DEHP's decision to grant the EA for Adani's controversial Abbot Point Terminal Zero port expansion.

The case is about whether DEHP properly assessed the project, as required by law, before it granted a green light for this controversial billion-dollar project that would sit in the backyard of local residents and in the middle of the precious Great Barrier Reef coast.

*Update: This case was heard on 7 October 2016 and we are now awaiting a decision.*

# Law Reform

EDO Qld worked tirelessly in 2015-2016 to improve Qld and Commonwealth planning and environmental laws.

As well as providing advice to clients, we kept the public informed of opportunities to have their say, and provided them with our expert legal analysis of proposed legislation (including through free seminars) and submission templates to assist. We provided briefings and advocated for better environmental laws to politicians and public servants, we participated actively in stakeholder and working groups, we made submissions on important law reform opportunities and appeared before parliamentary committees.

At a state level, some but not all the legislation passed by the parliament was the Palaszczuk Government reversing changes made under the previous Newman State government. However, EDO Qld has also actively pushed for progressive legislative reform, particularly to protect our Reef and to improve environmental assessment processes, including around reforms to the Land Court powers in hearing mining objections.

Here are some of our key achievements and activities over the financial year.

## Community Objection Rights

EDO Qld welcomed the restoration of community objection rights for major projects with the passing of the *State Development and Public Works Organisation and Other Legislation Amendment Bill 2015* in July 2015. We had persistently advocated for this, alongside community groups such as Lock the Gate.

We continued to advocate for the restoration of objection rights on other projects with the *Mineral and Other Legislation Amendment Bill 2016* and our efforts were rewarded with the Bill's passing in April 2016.

## Planning Reforms

The saga of planning reforms commenced under the previous government, however this saga continued again under the current government upon them taking office. From the Directions Paper through to the exposure draft of the proposed new framework, the introduction of the draft legislation, the parliamentary enquiry into the legislation and oral submission on the proposed Bills, we were there - producing analysis such as our Planning Scorecard with QCC,



holding 11 LawJams across South-East Queensland and in Cairns, providing submission templates, providing advice and of course making our own submissions.

While the Bills as passed were clearly better for public participation, transparency and accountability than what the State opposition was proposing, and better on accountability, transparency and certainty than earlier forms of the legislation, disappointingly, they did not strengthen environmental protection, compared to what we had under Premier Anna Bligh.



The supporting instruments to the planning legislation are currently opening for comment and so our hard work continues and we are getting ready for further community education sessions and support in responding to these important documents. We continue to work hard for planning laws in Queensland that adequately protect the environment.

## Commonwealth Reforms

In 2015, after legal action by a community group saw the Federal approval of Adani's Carmichael coal mine overturned, Attorney-General George Brandis tried to strip public standing rights from community and conservation groups by repealing section 487 of the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act). There was also an inquiry into the Register of Environmental Groups who hold Tax Deductible Gift Recipient Status.

EDO Qld with others actively opposed loss of standing rights and loss of tax deductible status for environmental groups. Neither change has occurred, however this is still a live issue we are closely monitoring.

## New Ports Bill

EDO Qld worked closely with the Qld Government on the *Sustainable Ports Development Bill 2015* to assist in its passing in the strongest possible form to ensure the Act would help provide protection for our



Reef.

We welcomed the passing of the Act by Parliament on 12 November 2015. The Act provides strong restrictions on sea-dumping and port expansion in the Great Barrier Reef World Heritage Area and better port development planning.

## Water

Since the inception of the previous government's *Water Reform and Other Legislation Amendment Act 2014* (WROLAA), we have advocated strongly for the repeal of some of this Act. While the WROLAA was regrettably not repealed by the current government, we have successfully advocated for some of the worst elements to be repealed.

In November 2016 we saw the reintroduction of principles of ecologically sustainable development (ESD) into the Water Act as the overarching purpose for assessing water licence and allocations, as well as the repeal of the guaranteed right to water for large water users prior to assessment, and the deregulation of declared watercourses.

While the statutory right to associated water required to access a resource was not repealed, we did succeed in ensuring that those mines which are mid-assessment still require an associated water licence for take or interference with groundwater; this will apply to New Acland Stage 3, Carmichael, Alpha and Kevin's Corner coal mines. We are disappointed that the government included an exemption specifically for Adani's Carmichael coal mine that their associated water licence does not require public notification nor an ability for third party appeal. We did succeed in generally achieving strengthened groundwater impact assessment under the environmental authority assessment. These elements were not on the table by government and took significant work to achieve.

## Nature Conservation and Other Legislation Amendment Bill 2015

EDO Qld supported the reinstatement of the conservation of nature as the sole object of the *Nature Conservation Act* and the other proposed amendments that take measures to restore the protection previously afforded in the legislation for protected areas. We recommended that the principles of ecologically sustainable development be properly reflected in the NC Act and sported amendments to improve public participation in the management of our protected areas. We recommended further amendments, including amendments to fully restore the cardinal principle to the NC Act and effectuate it through the appropriate management of Queensland's National Park estate. The NCOLA Bill was passed on 25 May 2016. More

work is needed on the NC Act to ensure that the cardinal principle is fully reinstated.

## Mine Rehabilitation

In January 2016, Queensland Nickel, the company which owned and operated Clive Palmer's Yabulu refinery, went into voluntary administration. This put the issue of mine rehabilitation and who should pay for it squarely in the public consciousness, since no financial assurance from Queensland Nickel at all had been required by the Queensland Government to secure the clean-up if the company went into liquidation.

EDO Qld has been consistently urging the Queensland Government to revise laws and policies on financial assurances or bonds to ensure that all major projects are required to have adequate financial assurances to protect our environment and to safeguard the public purse.

We welcomed the passing of the *Environmental Protection (Chain of Responsibility) Amendment Bill 2016* on 22 April and we have been participating actively in working group meetings to guide the development of guidelines which assist in the operation of these amendments to ensure they don't weaken their operation. This work was supported by the engagement of expert financial analyst Tim Buckley; we are grateful for his assistance in attending meetings and feeding into our commentary on this matter to support our work.

Our task has not stopped there, however. EDO Qld is working closely with the Queensland Treasury Corporation and other government departments, along with other stakeholders, in a current review of the financial assurance framework and look forward to leveraging off this for greatly improved protections of our environment and communities from abandoned and existing mines.

## Land Clearing

Broadscale vegetation clearing causes extensive loss of wildlife habitat, damages soils, pollutes the Great Barrier Reef, and leads to greenhouse gas emissions.

On 17 March 2016, the Palaszczuk Government - fulfilling a pre-election promise to reinstate the tree clearing laws weakened under Premier Newman - introduced the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* into the Queensland Parliament.

EDO Qld's Law Reform Solicitor Revel Pointon gave evidence at the public committee hearing on 3 June supporting passage of the Bill.

The Committee tabled their Report on 30 June. Regrettably, they were not able to reach consensus to

# Advice Line

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This financial year, EDO Qld provided more than individual 70 legal advices to individuals and community groups through our weekly evening Advice Line, which is conducted by volunteer solicitors and student researchers, under the supervision of an EDO Qld Solicitor. Advice was given on a wide range of public interest environmental matters, including pollution and toxic runoff, wetland and waterway protection, preservation of bird and koala habitat, protection of threatened species, and making submissions on inappropriate development. To our Advice Line volunteers – thank you!

## Advice Line - SOLICITORS

Catherine Browning  
Susan Cleary  
Andrew Dunn  
Amaya Fernandez  
Sam Kay  
Eva Coggins  
Jessica Guertin

## Advice Line - STUDENTS & GRADUATES

Lauren Ash  
Christy Englezakis  
Paul Perovic  
Tamara Savage  
Bianca Shaw

# Talks, presentations, professional attendances

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EDO Qld solicitors gave talks and presentations on public interest environmental law matters at a wide variety of public events in 2015-2016. From students Here are some of this year's highlights:

- UQ Justice and The Law Society's *Social Justice Forum #4: Climate of Litigation*
- Australian Earth Laws Conference
- QUT's *Climate Litigation: A Symposium*
- *Reimagine South Brisbane* Community Conference
- Australian Conservation Foundations's *Carmichael and Community Power*
- Guest lecturing on planning at UQ
- Land clearing forums in Cairns and Mareeba hosted by EDO NQ, ACF and CAFNEC
- Sunshine Coast Environment Council's World Environment Day festival
- Queensland Environmental Lawyers Association seminar on SEQ regional plan, *Where to for SEQ?*



# LawJams & events

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EDO Qld organised a record 19 public events this financial year, including

- A public forum featuring Marjan Minnesma, Director of Urgenda, winner of the landmark Dutch climate change case (July 2015)
- Two LawJams on koala legal protections in Brisbane and the Sunshine Coast (August, September)
- 11 LawJams on Queensland's planning reforms, most of them in partnership with the Department of Planning, in Brisbane, Toowoomba, Cairns, on the Sunshine Coast and on the Gold Coast
- A seminar on public standing, chaired by retired Supreme Court Justice Alan Wilson QC, and featuring prominent barristers Stephen Keim SC and Damian Clothier QC (October)
- A workshop on environmental law in Atherton (November)
- A LawJam on economics and environmental law, with guest speakers The Australia Institute's Rod Campbell and economist Cameron Murray (November)
- Two LawJams on the proposed land clearing legislation (April)

EDO Qld also partnered with the Queensland Government to host an event aimed at inspiring community discussion around the new SEQ Regional Plan, as part of the Shaping SEQ community conversation program.

**In addition to those mentioned above, we would like to thank the following people who chaired or spoke at one of our LawJams:**

Carolyn Beaton  
Warren Bunker  
Rod Campbell  
Jim Cavaye  
James Coutts  
Malcolm Eadie  
Brian Feeney  
Andrew Foley  
Professor Philip Follent  
Dr Jon Hanger  
A/Professor Phil Heywood  
Sue Higginson  
Nicky Hungerford  
Laurel Johnson  
Keryn Jones

Dr Robert Lamont  
Renee Lees  
Narelle McCarthy  
Paul McDonald  
Dr Cameron Murray  
Garth Nolan  
Julie O'Connor  
Professor Hugh Possingham  
Dr Jonathan Rhodes  
Lois Levy OAM  
Peter Marquis-Kyle  
Brynn Mathews  
Lynn Roberts  
Karen Robinson  
Dr Tim Seelig

John Standley  
Dr Martin Taylor  
Nick Tucker  
Gene Tunny  
Amanda Tzannes



*Retired Supreme Court Justice, the Hon Alan Wilson QC, Stephen Keim SC, and Jo-Anne Bragg at "Litigating the Environment" an EDO Public Event in October 2015.*



# Volunteer Students & Graduates

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Volunteering for EDO Qld offers students an opportunity to gain experience in public interest environment law. Volunteers make an invaluable contribution to our work and increase our capacity to provide legal advice to individuals and the community seeking to use the law to protect the environment. As well as students who apply to us directly, we welcome graduates on placement for PLT, and have good relationships with partner universities offering formal volunteer programs :

- Manning Street Project: students conduct law reform research for EDO Qld each week at a clinic held at Caxton Legal Centre.
- UQ ProBono Clinic – 3 students each semester spend one day a week volunteering at EDO Qld to gain practical experience in law
- QUT CELL (Community Engaged Learning Lab) project. Students engage in a semester-long project for EDO Qld.

**Thank you to this year's student and graduate volunteers:**

Manasa Addepalli  
Emily Ahrens  
Tessa Boardman  
Julia Bolam  
Jesse Bond  
Anna Brasnett  
Meagan Brown  
Natasha Del Piero  
Michael Fitzgerald  
Caitlin Fitzgerald  
Alexandra Gifford  
Sean Goodwin  
Pauline Klippmark  
Alex Ladd

Jemma Lanyon  
Jeremy Levien  
Caitlin Lloyd  
Otto Lu  
Ruby Mackenzie-Harris  
Raul Madden  
Jordan Mathas-Carleton  
Ingrid McCabe  
Gabrielle Minards  
Roisin O'Connor  
Nikki Pettersson  
Bogart Phillips  
Nini Reyneke  
Javed Riaz

Sharon Richardson  
Alison Rose  
Alamela Rowan  
Rebecca Rutland  
Anna Simpson  
Tanya Sinha  
Andrea Stein  
Caitlin Steuart  
Erin Tanner  
Daniel Tweedale  
Hannah Watson  
Charley Xu  
Lauren Bayliss

## Barristers and Experts

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EDO Qld extends thanks to the barristers and experts who have given their time either pro bono, or for reduced fees, to enable our clients to bring their important cases to court. We also appreciate the voluntary contribution of experts who have worked with EDO Qld on law reform issues.

### **Barristers**

Saul Holt QC  
Stephen Keim SC  
Elizabeth Wilson QC  
Dr Chris McGrath  
Emrys Nekvapil  
David Fahl  
Robert Quirk  
Andrew Skoein

### **Experts**

Lindsey Agnew  
Rod Campbell  
Dr Matthew Currell  
Dr Peter Dart  
Ernest Dunwoody  
Dr Rod Fensham  
Professor John Quiggin  
John Savery

Dr John Standley  
Dr John Taylor  
Dr John Webb  
Professor Adrian Werner  
Ian Whan  
Tim Buckley  
Trevor Berrill  
Gerald Arends  
Rod Campbell

# Fundraising

Once again, we are extremely grateful for the overwhelming public support of our successful fundraising events and appeals in 2015-16.

This year we ran our first annual Swim for the Reef event, where people came together to swim and raise funds to support the magnificent Great Barrier Reef. Over 150 costumed and enthusiastic lap swimmers, volunteers and donors helped us raise over \$30K. We look forward to even more fun at our second Swim for the Reef event, 21 January 2017, which will see even more swimmers taking part at more swimming pools.

We were very thankful for public support for our fundraising appeals: standing up for Aussie farmers battling the Acland coal mine expansion, and helping EDO Qld to fight climate change in court.

Everyone at EDO Qld would also like to express our thanks and gratitude to our monthly donors (both old and new), who are essential to our successful work.

Whether you give \$10 or \$10,000, every donation to EDO Qld helps us continue using the law to protect our environment.

THANK YOU!



# Communications & media

The fierce public debate over export coal and the controversy created by Court challenges to export coal meant that in-house EDO Qld communications and media capacity has been essential to our public interest legal work and getting our work out there. We have worked very hard to build our presence in the media. Our recent success in this area can be seen by the increase in positive media coverage and the remarkable increase in donors and subscribers.

Our Media Adviser uses local and national media to communicate our work. Our Communications Officer has played an important role in improving strategic communications, strengthening capacity and procedures, and communicating with our supporters.

**Here are some figures to show you how far we've come in the last 12 months:**

EDO Qld	1 July 2015	29 June 2016
Facebook (likes)	3,076	6,000
Twitter (followers)	590	1,222
Email list (subscribers)	2,550	6,467

# Treasurers Report 2015-2016

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EDO Qld continues to grow in financial sustainability, thanks to an investment of time and money in organisational planning, communications and fundraising.

In 2015-16, EDO Qld received 2530 individual donations, almost twice as many as last year, for a total of \$804,125.

The management committee and staff of EDO Qld are conscious that we are responsible for using these gifts wisely. We report to the Register of Environmental Organisations with the Department of the Environment, the Australian Charities and Non-Profits Commission, and the Office of Fair Trading in Queensland. EDO Qld holds all necessary insurances, including Public Liability and Professional Indemnity Insurance.

Our Swim for the Reef event in January put the fun into fundraising – netting over \$30K. We looking forward to it growing as an annual fundraiser for EDO Qld’s work to protect the Great Barrier Reef.

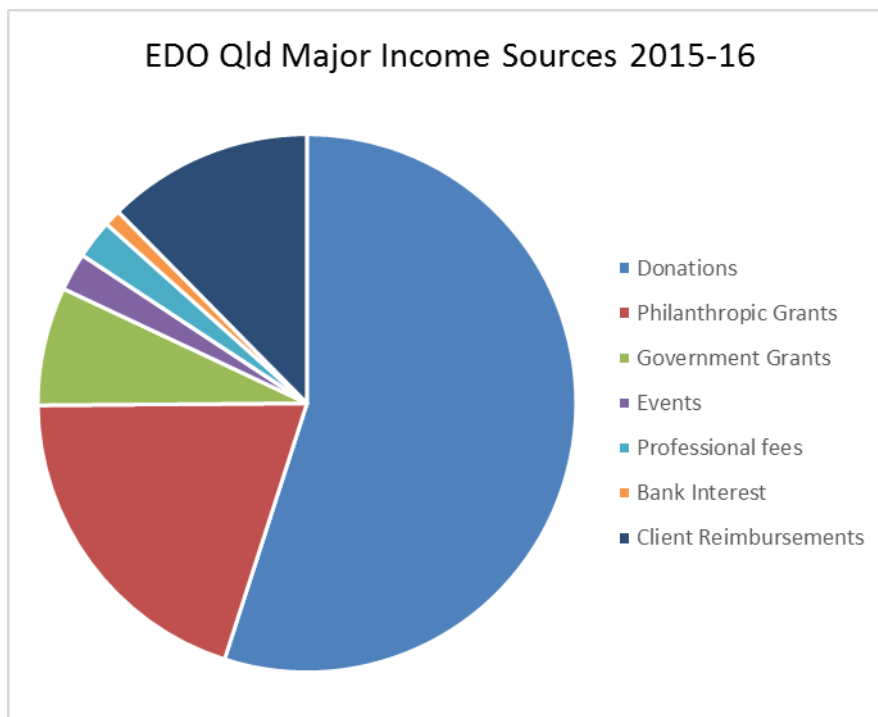
Special thanks to those who have chosen to give regular gifts; our monthly donors program now brings in more than \$120,000 each year. This is of great benefit to our forward financial planning. If you have not already done so, I encourage you to become a monthly donor. You can sign up at [www.givenow.com.au/edo](http://www.givenow.com.au/edo). Donations are tax deductible.

We also appreciate the generous support of philanthropic groups, including The Thomas Foundation, who have contributed towards our Reef work for several years, and the Melliadora fund and The Vilde Family Fund, both of which supported the Acland case, in which EDO Qld represented farmers and landholders in the Qld Land Court.

Lastly, but by no means least, EDO Qld is grateful for the restoration of State Government funding in 2015-16, of \$100,000 p.a. We appreciate this formal recognition of the importance of public interest environmental law. This reliable funding helps us leverage funding from other sources, and deliver efficient services.

The audited financial reports are attached.

Anne-Maree Elliott  
Treasurer





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

**FINANCIAL REPORT  
FOR THE YEAR ENDED  
30 JUNE 2016**

**ENVIRONMENTAL DEFENDERS OFFICE (OLD) INC.**  
**INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2016**

**CLIMATE LITIGATION**

	<b><u>2016</u></b>	<b><u>2015</u></b>
<b><u>INCOME</u></b>		
Donations Received	544,848	261,216
Contributions Received	280,000	250,000
Professional Fees	16,933	-
Client Reimbursements	171,870	383,853
	<hr/> 1,013,651	<hr/> 895,069
<b><u>EXPENDITURE</u></b>		
Audit Fee	650	650
Client Outlays	189,895	369,362
Computer Expenses	5,225	6,177
Conferences/Seminars	1,091	4,208
Electricity	2,788	3,202
Fundraising Expenses	182	-
Insurance	824	1,470
Library Expenses	1,697	1,695
Membership Fees	495	802
Practicing Certificate	2,490	3,017
Printing, Postage & Stationery	7,109	8,939
Promotional Expenses	7,554	-
Rent & Rates	11,984	11,807
Repairs & Maintenance	1,382	1,230
Staff Amenities	252	542
Sundry Expenses	1,037	101
Superannuation	35,690	38,129
Telephone & Internet	7,204	7,483
Travel	5,188	2,371
Wages & Salaries	377,429	404,308
Workers Compensation	836	1,000
	<hr/> 661,002	<hr/> 866,493
<b><u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u></b>	<hr/> \$352,649	<hr/> \$28,576

The accompanying notes form part of these financial statements.

## 2.

**ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.**  
**INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2016**

<b><u>ASSOCIATION FUNDS</u></b>		
	<b><u>2016</u></b>	<b><u>2015</u></b>
<b><u>INCOME</u></b>		
Interest Received	14,142	14,969
Donations Received	259,278	326,627
Membership Fees	3,005	3,032
Professional Fees	10,000	20,930
Fundraising Income	907	3,600
Sundry Income	4,738	474
Contributions Received	6,000	7,740
Handbook-Income	1,981	4,300
Client Reimbursements	2,250	11,156
	<b>302,301</b>	<b>392,828</b>
<b><u>EXPENDITURE</u></b>		
Audit Fees	2,150	1,950
Bank Charges	2,045	1,824
Client Outlays	-	11,549
Computer Expenses	3,370	3,024
Conferences/Seminars	1,992	3,773
Consultant Fees	13,250	30,210
Depreciation	1,018	1,015
Electricity	674	374
Fundraising Expenses	2,276	1,056
Handbook Expenses	300	3,893
Insurance	2,146	1,470
Library	110	357
Membership Fees	5,724	12,167
Minor Equipment	2,274	4,849
Practising Certificate	960	1,471
Printing, Postage & Stationery	3,739	1,355
Promotional Expenses	21,119	16,789
Rent & Rates	12,562	23,612
Repairs & Maintenance	709	1,283
Staff Amenities	585	610
Staff Recruitment	-	370
Sundry Expenses	357	663
Superannuation	27,868	30,322
Telephone & Internet	1,833	2,766
Travel	7,613	3,412
Wages & Salaries	428,065	362,485
Workers Compensation	836	256
Workshop Expenses	756	-
	<b>544,331</b>	<b>522,905</b>
<b><u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u></b>	<b><u>\$(242,030)</u></b>	<b><u>\$(130,077)</u></b>

The accompanying notes form part of these financial statements.



3.

**ENVIRONMENTAL DEFENDERS OFFICE (OLD) INC.**  
**INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2016**

**CLSP**

	<b><u>2016</u></b>	<b><u>2015</u></b>
<b><u>INCOME</u></b>		
Legal Aid Queensland	100,000	-
	<hr/> 100,000	<hr/> -
<b><u>EXPENDITURE</u></b>		
Membership Fees	3,495	-
Practising Certificate	508	-
Printing, Postage & Stationery	216	-
Rent & Rates	11,725	-
Repairs & Maintenance	302	-
Superannuation	6,964	-
Telephone & Internet	2,167	-
Travel	121	-
Wages & Salaries	74,502	-
	<hr/> 100,000	<hr/> -
<b><u>NET SURPLUS/(DEFICIT) FOR YEAR</u></b>	<hr/> \$NIL	<hr/> -

The accompanying notes form part of these financial statements.

## 4.

**ENVIRONMENTAL DEFENDERS OFFICE (OLD) INC.**  
**ASSETS AND LIABILITIES STATEMENT**  
**AS AT 30 JUNE 2016**

	<b><u>NOTE</u></b>	<b><u>2016</u></b>	<b><u>2015</u></b>
<b><u>ASSETS</u></b>			
<b><u>CURRENT ASSETS</u></b>			
Cash on Hand		300	300
Cash at Bank	2	1,028,700	782,658
Debtors		118,024	169,273
<b><u>TOTAL CURRENT ASSETS</u></b>		<u>1,147,024</u>	<u>952,231</u>
<b><u>FIXED ASSETS</u></b>	3	<u>7,966</u>	<u>8,984</u>
<b><u>TOTAL ASSETS</u></b>		<u>\$1,154,990</u>	<u>\$961,215</u>
<b><u>LIABILITIES</u></b>			
<b><u>CURRENT LIABILITIES</u></b>			
Creditors & Accruals	4	45,149	32,550
Provisions	5	153,932	83,375
<b><u>TOTAL CURRENT LIABILITIES</u></b>		<u>199,081</u>	<u>115,925</u>
<b><u>TOTAL LIABILITIES</u></b>		<u>199,081</u>	<u>115,925</u>
<b><u>NET ASSETS</u></b>		<u>\$955,909</u>	<u>\$845,290</u>
<b><u>MEMBERS FUNDS</u></b>			
Balance at 1 July 2015		845,290	946,791
Net Surplus/(Deficit) for the year - Climate Litigation		352,649	28,576
Net Surplus/(Deficit) for the year - Association Fund		(242,030)	(130,077)
Net Surplus/(Deficit) for the year - CLSP		-	-
<b><u>TOTAL MEMBERS FUNDS</u></b>		<u>\$955,909</u>	<u>\$845,290</u>

The accompanying notes form part of these financial statements.

## 5.

**ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.**  
**CASH FLOW STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2016**

	<b><u>2016</u></b>	<b><u>2015</u></b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<b>Receipts</b>		
Legal Aid Queensland	100,000	-
Interest	14,142	14,969
Other Income	1,353,059	1,256,456
<b>Payments</b>		
Wages & Salaries - Other	(1,221,159)	(1,376,850)
<b>Net cash provided by (used in) operating activities</b>	<b><u>\$246,042</u></b>	<b><u>\$(105,425)</u></b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Payment for purchase of plant & equipment	-	-
<b>Net cash provided by (used in) investing activities</b>	<b><u>\$NIL</u></b>	<b><u>\$NIL</u></b>
<b>CASH FLOWS FROM FINANCIAL ACTIVITIES</b>		
Net increase (decrease) in cash held	246,042	(105,425)
Cash at beginning of the reporting period	782,958	888,383
<b>Cash at end of the reporting period</b>	<b><u>\$1,029,000</u></b>	<b><u>\$782,958</u></b>
<b>Reconciliation of Net Surplus/Deficit to Net Cash Provided by (Used in) Operating Activities</b>		
Operating Result	\$110,619	\$(101,501)
- Depreciation	1,018	1,015
- Increase/(Decrease) in Payables	12,599	(11,237)
- (Increase)/Decrease in Receivables	51,249	(9,505)
- Increase/(Decrease) in Provisions	70,557	15,803
<b>Net cash provided by (used in) operating activities</b>	<b><u>\$246,042</u></b>	<b><u>\$(105,425)</u></b>

The accompanying notes form part of these financial statements.



**ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2016**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirement of the Associations Incorporated Act (Qld). The committee has determined that the association is not a reporting entity.

The report is also prepared on an accruals basis and is based on historical costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

**(a) Fixed Assets - Depreciation**

Depreciation is charged on all Fixed Assets on the Diminishing Value Method and is brought to account over the estimated economic lives of all Assets.  
Lease Hold improvements are included at cost.

**(b) Comparative Figures**

Comparative figures, where necessary, have been reclassified in order to comply with the presentation adopted in the figures reported for the current financial year.

**(c) Employee Entitlements**

Liabilities for Wages & Salaries and Annual Leave are recognised and are measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date. Other employee entitlements payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those entitlements.

Contributions are made by the association to an employee superannuation fund and are charged as expenses when incurred.

**(d) Income Tax**

The Association is exempted from tax under section 50-10 of the Income Tax Assessment Act 1997.

**ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2016**

	<b><u>2016</u></b>	<b><u>2015</u></b>
<b>2. CASH AT BANK</b>		
Cheque Account	48,770	6,613
Grants Account	64	64
Tax Deductible Account	217,895	489,519
Term Deposit	10,395	10,293
Community Access Account	520,239	54,510
Visa Debit	5,784	2,137
Term Deposit	225,553	219,522
	<hr/> \$1,028,700	<hr/> \$782,658
<b>3. FIXED ASSETS</b>		
Leasehold Improvements	6,656	6,656
Computer Equipment	5,075	5,075
Less Accumulated Depreciation	3,765	2,747
	<hr/> 1,310	<hr/> 2,328
	<hr/> \$7,966	<hr/> \$8,984

8.

**ENVIRONMENTAL DEFENDERS OFFICE (OLD) INC.**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2016**

	<b><u>2016</u></b>	<b><u>2015</u></b>
<b>4. CREDITORS &amp; ACCRUALS</b>		
Creditors	10,194	7,875
Superannuation Payable	10,021	-
PAYG Payable	23,381	11,704
GST	1,553	12,971
	<u>\$45,149</u>	<u>\$32,550</u>
<b>5. PROVISIONS</b>		
Provision for Annual Leave	94,026	55,928
Provision for Long Service Leave	59,906	27,447
	<u>\$153,932</u>	<u>\$83,375</u>

**6. AUDITOR'S REMUNERATION**

Apart from the information disclosed, the auditor's received no other benefits.

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

**STATEMENT BY MEMBERS OF THE COMMITTEE**

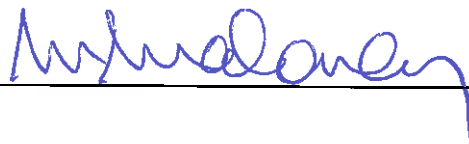
The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 1 to 8:

1. Presents a true and fair view of the financial position of Environmental Defenders Office (QLD) Inc. as at 30 June 2016 and its performance for the year ended of that date.
2. At the date of this statement, there are reasonable grounds to believe that Environmental Defenders Office (QLD) Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President



Treasurer



Dated this 14<sup>th</sup> October 2016



10.

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF**  
**ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.**

**Report on the Financial Report**

We have audited the accompanying financial report, being a special purpose financial report, of Environmental Defenders Office (QLD) Inc. which comprises the assets and liabilities statement as at 30 June 2016, and the income and expenditure statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

*Committee's Responsibility for the Financial Report*

The committee of the association is responsible for the preparation and fair presentation of the financial report and has determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are consistent with the financial reporting requirements of the Associations Incorporation Act (Qld) and are appropriate to meet the needs of the members. The committee's responsibilities also include such internal control as the committee determines is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing 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 judgment, 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 and fair presentation of the financial report 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, as well as evaluating the overall presentation of the financial report.

**11.**

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

*Opinion*

In our opinion, the financial report of Environmental Defenders Office (QLD) Inc. presents fairly, in all material respects the financial position of Environmental Defenders Office (QLD) Inc. as of 30 June 2016 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the requirements of the associations incorporation ACT (QLD).

*Basis of Accounting and Restriction on Distribution*

Without modifying our opinion, we draw attention to Note 1 to the Financial Statements, which describe the basis of Accounting. The Financial Report has been prepared to assist Environmental Defenders Office (QLD) Inc. to meet the requirements of the Associations Incorporation Act (Qld). As a result, the Financial Report may not be suitable for another purpose.



HAYWARDS CHARTERED ACCOUNTANTS



PETER GESCH – PARTNER

14 OCTOBER 2016  
BRISBANE

12.

**ENVIRONMENTAL DEFENDERS OFFICE (OLD) INC.**  
**SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2016**

**CLSP**

**2016**

**INCOME**

Grants Recurrent	
- Qld Legal Aid Office - State Funding	100,000

**LESS EXPENDITURE**

Salaries and Wages	81,466
Other Operating Expenditure	18,534

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100,000

**NET SURPLUS/(DEFICIT) FOR THE YEAR**

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\$NIL

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