

EDO NSW

# Annual Report

# 13/14

A large, semi-transparent graphic of the letters 'EDO' is overlaid on the lower half of the sunset lake scene. The 'E' is a simple block letter, while the 'D' and 'O' are more rounded and stylized. The background of the letters is a gradient from light grey to dark red, matching the sunset colors.

**NSW**

**EDO**

DEFENDING THE ENVIRONMENT  
ADVANCING THE LAW

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**EDO NSW**

# Annual Report

# 2013/14

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## **About EDO NSW**

EDO NSW is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. EDO NSW is the only legal centre in NSW that provides specialist advice about public interest environmental law matters. Since 1985, EDO NSW has pursued its mission of providing public interest legal services to groups and individuals to protect the built and natural environment.

EDO NSW is acknowledged as a crucial element in the functioning of environmental law in NSW and Australia. Our reputation is built on:

### **Successful environmental outcomes using the law**

With over 25 years' experience in environmental law, EDO NSW has a proven track record in achieving positive environmental outcomes for the community.

### **Broad environmental expertise**

EDO NSW is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

### **Independent and accessible services**

As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

This report was published on 20 October 2014.



This Annual Report has been printed on 100% recycled paper.

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# FROM THE CHAIR

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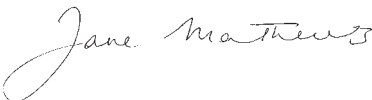
This is my first year as Chair of the Board of EDO NSW. Towards the end of last year I was asked if I would be prepared to stand for this position. I immediately accepted, and was honoured to be elected at the AGM last October.

Until that time I had had no personal contact with EDO NSW. I had heard a great deal about its work, and knew of the very high esteem in which the organisation was held. So it has been a very steep learning curve for me, and I can honestly say that it has been an incredibly rewarding experience. My already very high expectations of this organisation have been vastly exceeded by the professionalism and commitment of all those involved in it. EDO NSW has been through some very anxious times over the last couple of years, with serious threats to its major sources of funding, and difficult decisions having to be made about staffing and similar issues. Given this background, I was amazed at the high levels of morale and enthusiasm displayed by all those involved in the organisation, at every level. A great deal of the credit for this must go to our Executive Director, Jeff Smith, who has displayed inspirational leadership through these difficult times. We are now committed to looking ahead, and continuing the immensely valuable work of this fine organisation.

Speaking of which, I have been hugely impressed at the breadth of the work which EDO NSW undertakes, across a range of environmental issues. I had had no idea of the extent of this organisation's contribution to achieving a sustainable environment in our community....which must rate as one of the most difficult and significant issues facing us all today. All in all, it has been a great honour to be involved with this organisation.

I must, in conclusion, thank all other Board members for their commitment and their invaluable expertise over a wide range of areas. I was privileged to step into the huge shoes left by Murray Wilcox, who was Chair of the Board for the last six years, and steered the organisation through such difficult times.

Yours Sincerely,



**Jane Mathews**  
*Chair*

# EXECUTIVE DIRECTOR'S REPORT

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Three concepts, bound together, go a long way to defining the last 12 months and signalling our future: resilience, professionalism and passion.

Resilience speaks to the unstinting efforts of our staff to pick and stick, to hold together through the tough times and, importantly, emerge stronger, wiser and better for it. The Board has also continued to chart a course towards institutional resilience, forging new pathways while still holding to our reason for being. Such resilience has been necessary in light of ongoing cuts to our traditional funding base, including the announcement around Christmas that all Commonwealth Government funding would shortly end. I thank the staff and Board profusely for their dedication, resolve and focus during what has been, once again, a challenging year.

But we could not do this alone. Resilience is also something that has been given to us – gifted even – by the community. This support has been fundamental to the ongoing viability of the office, with the community both standing up for our efforts to protect the environment through law and getting behind us financially. Last year we benefitted from historically high levels of donations and fees income and community support continues to grow at a heartening and inspirational level.

This was the case even before the wonderful news in June 2014 that Sylvia Hale would be donating \$500,000 to us, a fantastic, inspiring and still somewhat unbelievable gift that has helped us to buttress the \$850,000 in funding cuts in the past year. We will be reinvesting this money back into our operations over the next three years.

Professionalism has, of course, been a constant over the life of the office. It is nothing more or less than an essential hallmark of our work. An unflinching professionalism makes it possible to represent communities against mining giants like Rio Tinto and twice emerge victorious, as evident in the Bulga matter. It also underscores why government agencies and bodies consistently seek us out for our legal expertise, and often fund innovative projects such as the “Have Your Say” online tool, helping communities to engage in environmental decision-making.

Perhaps more to the point, our professional outlook enables us to run a full practice alongside such major initiatives and achievements and explains why community demand for our services remains high. Over the last twelve months we ran 10 cases, provided over 200 legal advices, and conducted over 20 workshops. We also engaged in important policy processes, including the latest phase of the NSW planning reforms and the Federal handover of environmental

approval powers, producing over 40 submissions throughout the year.

Professionalism also requires a commitment to do things differently when the fundamentals change. In this respect, we have never shied away from trying new things. Emblematic of this is the employment of two new positions – one in communications and the other in fundraising; both relatively novel roles within a legal centre. Considerable effort has also gone into the expansion of our International Program, to ensure it is self-sustaining and to build the capacity of our Pacific neighbours to harness good environmental outcomes. The involvement of the Packard Foundation is a new and welcome development in this area. We hope that this partnership is long and, crucially, fruitful.

And then there is passion; the glue that holds us together. Passion is certainly not something I have dwelt on in all my years of heading up EDO NSW. But the last few years have shown its evident worth. Passion begets resilience and, harnessed to professionalism, it becomes a potent force. The protection of the environment through law is something that distinguishes us, and we are justifiably proud of the work we do. Passion for EDO NSW is also something that clearly resonates with the community, who have shown that they place considerable value in our services.

The wonderful work we do would also not be possible without the support of our institutional funders. Major funding through the Public Purpose Fund has, once again, been formative in allowing us to operate independently, and to provide communities across the State with high quality and accessible legal services. The Public Purpose Fund has been hit hard by the global financial crisis and reduced its allocations to recipients last year. Nevertheless, the Public Purpose Fund has supported our work for over 15 years now and continues to be a crucial part of our funding mix. We also received important grants from the NSW Government, the NSW Environmental Trust (through the LECG program) and the MacArthur and Packard Foundations (for international capacity-building). We are extremely grateful to all of our funders for their ongoing commitment to our work and the institution of EDO NSW.

I would also like to thank the many others who help us in our endeavours - volunteers, barristers, scientific experts, and our clients. Without their efforts, protecting the environment through law would be an eminently more difficult task.

I take great pleasure in welcoming the Honourable Justice Jane Mathews as the new Chair of EDO NSW. Jane has already begun to put her stamp on the role and we are delighted to have her on board. I would also like to again thank the outgoing Chair, the Honourable Murray Wilcox AO QC for the enormous contribution he has made to EDO NSW over the years. Murray has had a long and crucial association with EDO NSW, most recently as Chair since 2007, and his dedication and wise counsel cannot be gainsaid.

There has been some sad news this past year. Following a number of hits to our funding base in recent times, we were forced to wind back our Northern Rivers operations. This meant making two wonderful people in the office redundant - our longstanding Senior Solicitor, Ian Ratcliff and our Administrative Officer, Jo Groves. Both will be sorely missed. On behalf of the office, I wish them all the very best and thank them for many years of dedicated service. The Northern Rivers office is now co-located with our colleagues at the Northern Rivers Community Legal Centre and will remain open through our Outreach Solicitor, Nina Lucas.

In short, we have faced up to, withstood, and thrived through yet another difficult year. I am confident that, with continued resilience, professionalism and passion, we are well-equipped to meet the challenges that lie ahead.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Smith', with a stylized flourish at the end.

**Jeff Smith**  
*Executive Director*



# WHAT WE DO

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EDO NSW is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our core functions are:

- legal advice and litigation;
- policy and law reform; and
- legal outreach.

EDO NSW also operates an Indigenous Engagement Program to deliver targeted legal services to Indigenous clients, and an International Program through which EDO NSW provides assistance and training to colleagues in PNG and the South Pacific.

The work of the office is supported by a Scientific Advisory Service which provides expert scientific advice and guidance to EDO NSW staff and clients on a range of public interest environmental matters.

EDO NSW has an office based in Lismore to service the Northern Rivers area, and the Sydney office covers the remainder of the State. The offices are open Monday to Friday during business hours.

EDO NSW is part of a national network of similar community legal centres that help to protect the environment through law in their States and Territories.

Any questions or concerns about the content of this report should be addressed to the Executive Director. EDO NSW also has a process for handling complaints. Any complaints should be directed to the Executive Director on 02 9262 6989.

# ACHIEVEMENTS 2013/14

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We assisted 10 individuals and community groups to defend the environment before the courts. We helped residents of Bulga in their legal battle against a coal mine expansion that would result in the clearing of endangered ecological communities protected under threatened species laws.

We launched a new online tool called Have Your Say which provides the latest information about when and how to comment on State and Federal government decisions affecting the environment, including tips for effective engagement.

We provided free initial telephone advice on environment and planning law matters to over 1,000 community members from across NSW, and over 200 written legal advices to individuals and community groups.

We made over 40 policy and law reform submissions to the NSW and Australian governments on environmental planning law, natural resource management, climate change, Aboriginal cultural heritage, and access to justice.

We held 21 workshops and seminars throughout NSW on environmental planning law, native vegetation, mining and CSG, Aboriginal cultural heritage, and effective engagement in government decision-making processes.

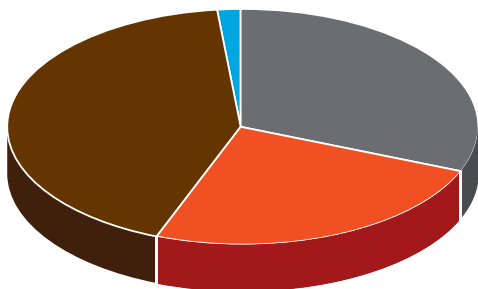
# LEGAL ADVICE AND LITIGATION

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Through legal advice and litigation, EDO NSW provides access to justice for individuals and community groups with public interest environmental problems.

EDO NSW provides free initial telephone advice and, if appropriate, written advice and ongoing assistance on matters of environmental law and policy. Our toll-free Environmental Law Line is staffed by a duty solicitor Monday-Friday in Sydney and the Northern Rivers.

In 2013/14 EDO NSW provided 1029 telephone advices, of which 74 per cent were to clients in rural and regional NSW. Of these, EDO NSW went on to provide 205 detailed written legal advices. The subject matter of these advices is varied, with common issues including environmental planning, tree disputes, natural resource management, public and private land management, pollution, and Aboriginal cultural heritage. EDO NSW also wrote 61 letters to Government Departments, Ministers, councils and companies and made 10 applications for documents under the *Government Information (Public Access) Act 2009 (GIPA)*, previously referred to as freedom of information requests.



## 1,029 telephone advices provided during 2013/14

1 July 2013 – 30 June 2014

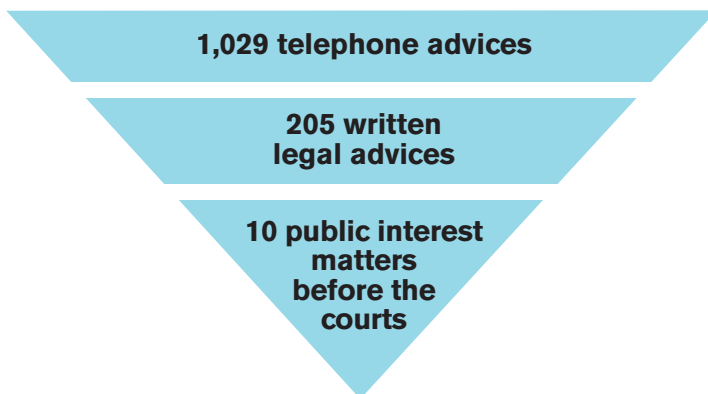
- Sydney, 255
- Northern Rivers, 320
- Regional NSW, 438
- Other States, 16

EDO NSW also represents individuals and community groups in public interest litigation to protect the environment. EDO NSW is selective about the matters that it takes on. Before taking on a matter, we must be satisfied that the issue has significance beyond the material or financial interests of a particular individual or group and that there is utility or value in commencing proceedings.

EDO NSW assisted 10 individuals and community groups in public interest matters before the courts in 2013/14.

Overall, there were 223 casework files opened in 2013/14 and 180 casework files were closed.

Much of this casework included significant input from EDO NSW's Scientific Advisory Service.



## Legal Advice

### Advising on CSG exploration

A community group contacted EDO NSW when it discovered the NSW Department of Trade and Investment had failed to make clear the area covered by an application to explore for coal seam gas around Lithgow, west of the Blue Mountains.

The location of the exploration area included the village of Cullen Bullen and its surrounds, in addition to an area to the east and south-east of Lithgow and Blackheath in the Blue Mountains. However, this area had been incorrectly described on the Department's website and in a local newspaper advertisement.

EDO NSW wrote to the NSW Government Department of Trade and Investment - Division of Resources and Energy alerting it to errors in the notification of the proposed exploration area.

As a result of EDO NSW's advice and action, the Department extended the public exhibition period for a further 28 days and placed the correct diagrams of the proposed exploration area on its website, which allowed members of the community group to make submissions to the Government about the proposal.

The petroleum exploration license for this area was later refused.

## Advising on protecting koalas on the NSW north coast

EDO NSW provided legal advice to local resident who was concerned about the impact on koala habitat of a residential development in the Coffs Harbour City Council area.

The Council refused the development application on the basis that it was inconsistent with the Council's Koala Plan of Management, and it would result in a significant loss of amenity to the neighbourhood.



*Sleeping Koala - iStock*

However, the developer argued that the Council should overturn the original refusal as it could not legally refuse the development on the grounds of inconsistency with the Koala Plan of Management. This is because the developer had obtained a biobanking statement, and the environmental reports submitted with the application argued that the development would be acceptable. Biobanking allows developers to offset the impact of their development by buying biodiversity credits from landholders who have established a biobank site and committed to enhancing and protecting the biodiversity values of that site.

The EDO NSW legal advice concluded that neither the *Threatened Species Conservation Act 1995* nor the *Environmental Planning and Assessment Act*

1979 prevent the Council from considering the Koala Plan of Management where a biobanking statement for a development had been obtained, and that koala issues were a discretionary matter for the Council's consideration.

The Council decided not to overturn its original refusal of the development application. However the developer has appealed the council's decision and EDO NSW is now acting for a local group on the matter.

## Court Cases

Through our casework, EDO NSW contributes to transparent, open and accountable decision-making processes and promotes access to justice. Our casework also contributes to the effective administration of justice by vetting cases, thereby helping to prevent court time being wasted.

In 2013/14, EDO NSW acted in 10 public interest matters before the Courts, representing a diverse range of individuals and community groups.

### Seeking to protect threatened species

#### *Friends of Tumblebee v ATB Morton & Cessnock City Council*

EDO NSW is acting for a local community group, Friends of Tumblebee, in a challenge to Cessnock City Council's approval of a steel fabrication and workshop facility to be constructed in an area of forest which is habitat to the critically endangered bird, the Regent Honeyeater.

The proposed development will clear 3.2 hectares of habitat critical to the survival of the Regent Honeyeater.

Friends of Tumblebee claim that the proposed development is likely to significantly impact the Regent Honeyeater, and therefore the development application should have been accompanied by a Species Impact Statement (SIS). The purpose of a SIS is to provide the Council with detailed information about how the proposed development will affect threatened species, and to assist the Council in deciding whether or not to approve the development. At the time Cessnock City Council approved the development, the application was not accompanied by a SIS.

The matter is yet to be heard by the Land and Environment Court.

## Ensuring planning instruments protect the environment

### *Michael Ryan v The Minister for Planning, Lismore City Council & others*

EDO NSW is acting for Michael Ryan, an Aboriginal elder, who is challenging the removal of proposed environmental protection zones from parts of the Lismore Local Environmental Plan (LEP) which allows a large urban expansion development on the North Lismore Plateau, in the Northern Rivers region.

The LEP Amendment, approved by the Department of Planning and Environment, removed the environmental protection zones which had originally been proposed to comprise 28.5 per cent of the 255 ha North Lismore Plateau site. It also rezoned 67% of the area as residential and the majority of the remaining land as primary production.

These environmental protection zones had been included in the original proposal for the LEP Amendment, as publicly exhibited by Lismore City Council. They were intended to protect Aboriginal cultural heritage sites and areas of environmental value, including regenerating lowland sub-tropical rainforest, which provide habitat for threatened fauna, such as koalas, the Rose-crowned Fruit-dove, and a threatened microbat species, as well as sites containing threatened flora; Thorny Pea and Hairy Jointgrass.



*The threatened Rose-crowned Fruit-dove © Anne Hoggett*

The environmental protection zoning was removed apparently due to the Department of Planning and Environment's ongoing review of the use of environmental zoning by councils in northern NSW.

Mr Ryan is objecting to the removal of the environmental protection zoning due to its potential impact on the cultural heritage and environment of the North Lismore Plateau. The basis of his objection relates primarily to the fact that the LEP Amendment was fundamentally different to the original proposal, as publicly exhibited.

The matter is likely to be listed for hearing later in the year in the Land and Environment Court.

## **Promoting access to justice through costs jurisprudence**

### ***Fullerton Cove Residents Action Group Inc. v Dart Energy Ltd.***

As previously reported, EDO NSW acted for the Fullerton Cove Residents Action Group (FCRAG) in a challenge to Dart Energy's proposal for the drilling of coal seam gas exploration wells at Fullerton Cove near Newcastle. The drilling was to be located on a floodplain zone, in a high water table area, near an internationally-listed RAMSAR wetland. Accordingly, FCRAG argued that the proposal was a high-impact development, and Dart should have prepared a full Environmental Impact Statement (EIS), and undertaken full public consultation.

The Court dismissed the case, and the NSW Department of Trade and Investment sought Court orders requiring FCRAG to pay its costs, claiming that the case was not brought in the public interest. Dart Energy did not pursue its costs.

FCRAG argued that no costs order should be made as the case was brought by it in the public interest.

The Court refused to award costs to the Department, saying that FCRAG's case 'epitomises the very concept of litigation properly brought in the public interest'. The Court also ordered the Department to pay FCRAG's legal costs in relation to the Department's cost application.

## **Representing the community in challenges to mining approvals**

### ***Warkworth Mining Ltd. v Bulga Milbrodale Progress Association Inc.***

As reported in last year's annual report, EDO NSW acted for the Bulga Milbrodale Progress Association in its challenge to the NSW Government's approval of an extension to the Warkworth Mine, owned by Rio Tinto, in the Hunter Valley.

In a landmark judgment, the Land and Environment Court rejected the mine expansion, finding that the economic benefits of the coal mine did not outweigh the significant impacts on Bulga residents and the destruction of rare forests



containing endangered plant and animal species. Significantly, the Land and Environment Court found Rio Tinto's economic modelling deficient in many ways, including its methodology that over-estimated the benefits of the mine.

Both Rio Tinto and the NSW Government appealed against the Land and Environment Court's decision in the NSW Court of Appeal.

EDO NSW again acted for the Bulga community in successfully defending the appeal. The NSW Court of Appeal unanimously dismissed, with costs, the appeal, finding no fault with the Land and Environment Court decision to reject the application.

As expected, these cases have had profound implications for the assessment of major projects in NSW, especially around the balancing of social, environmental and economic considerations. The NSW Government has responded to these judgments by amending the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* in an effort to require decision-makers to prioritise the economic significance of the resource over environmental and social considerations.



*Bulga residents outside the NSW Court of Appeal after their legal victory*

## ***Northern Inland Council for the Environment Inc. v Minister for Environment***

The local community group, the Northern Inland Council for the Environment (NICE), challenged the Federal Government approvals for two coal mines in the Leard State Forest near Boggabri in north-western NSW.

The Maules Creek mine, owned by Whitehaven Coal, and the expansion of the existing Boggabri Mine, owned by Idemitsu, required Federal Government approval as both mines will have a significant impact on matters of national environmental significance.

The projects will result in the clearing of 626 hectares of the nationally critically endangered ecological community, the Box Gum Woodland, and 2315 ha of habitat for the endangered Swift Parrot, the endangered Regent Honeyeater, the vulnerable Greater Long-eared Bat, and the endangered climbing plant species *Tylophora linearis*.

NICE argued that, in approving the mines, the Federal Environment Minister took into account matters that he was not permitted by law to take into account. It argued that the Minister had taken into account the leaking of commercially sensitive information about the projects by the NSW State Government and that information materially impacted on his decision to approve the projects.

The two approvals relied heavily on offsets to compensate for significant impacts on endangered communities and threatened species. Offsets are areas of land, outside the project area, containing the same environmental values as those being destroyed. They are intended to compensate for the loss of the environmental values in the project area. In the period leading up to the approval of the Maules Creek mine, there was evidence before the Minister that the offset areas proposed by Whitehaven were in no way able to compensate for the loss of the critically endangered Box Gum Woodland on the mine site.

NICE therefore argued that by not requiring verification of the offsets before destruction of the woodland on the mine site occurred, the offset conditions were uncertain and therefore invalid.

NICE also argued that the Minister was required under the law to take into account the approved conservation advice for the listed threatened species *Tylophora linearis* and he did not do so.

The Federal Court found that there was no legal error in the decision-making process. The Court found that the Federal Environment Minister's decision was not materially impacted by taking into account the irrelevant material and that he had the power to approve the clearing of the Leard State Forest before the biodiversity offsets had been established and that he was not required in the circumstances to take into account the approved conservation advice. The judge noted "this would undoubtedly be undesirable from the perspective of environmental protection and preservation..." but was nevertheless permitted by the law.



*Wendy Bowman at her farm "Rosedale", near Camberwell, which is part of the proposed Ashton coal mine expansion. Her family have farmed in the area since the 1830s. © Dean Sewell*

### ***Hunter Environment Lobby Inc. v Minister for Planning & Ashton Coal Operations Ltd.***

EDO NSW represented the Hunter Environment Lobby (HEL) in an appeal against the NSW Planning Assessment Commission's (PAC) approval of Ashton Coal's South East Open Cut (SEOC) coal mine project at Camberwell in the Hunter Valley.

The PAC originally refused the SEOC mine in December 2011, finding that it would have unacceptable impacts on human health and water resources, including Glennies Creek and the Hunter River. The refusal followed submissions from the NSW Department of Health (including a report by the CSIRO) and the NSW Office of Water opposing the project.

After the PAC's refusal, the Land and Environment Court declared the PAC's decision to be invalid as the PAC had not considered an Addendum Report from the Department of Planning which was issued several hours after the PAC's refusal. The Addendum Report included a report from a groundwater expert commissioned and paid for by the Department. The PAC then approved the SEOC mine in October 2012.

The community group's appeal was heard over 13 days and involved expert witnesses. The Court heard evidence on impacts from the mine on human health

from dust emissions, agricultural productivity, Hunter River water resources, economics, Aboriginal heritage and the mining of the historic Camberwell Common. The Court has reserved its judgment.

### ***Southern Highlands Coal Action Group Pty Ltd. v Boral Cement Ltd.***

As previously reported, EDO NSW acted for the Southern Highlands Coal Action Group (SHCAG) in its successful challenge in the Land and Environment Court to the Planning Assessment Commission's approval of Boral Cement's expansion of the Berrima Colliery, in Sydney's drinking water catchment.

Commissioners of the Land and Environment Court overturned the Planning Assessment Commission's approval of the Berrima coal mine expansion on 27 February 2013. The Court applied the precautionary principle and refused the project, setting an important benchmark in environmental decision-making.

However, Boral and the NSW Government successfully appealed this decision to a Judge of the Land and Environment Court, who found there were a number of legal errors in the Commissioners' decision. The case was referred back to the Land and Environment Court for a complete rehearing.

However, prior to the rehearing, Boral announced that the Berrima (Medway) Colliery was to be placed in care and maintenance mode and then shortly after Boral announced that the mine would move to complete closure. With the parties consent, the Court ordered that the proposal to expand the colliery was refused and that the case was dismissed.

## **Protecting biodiversity threatened by mining operations**

### ***Maules Creek Community Council Inc. v Whitehaven Coal Ltd.***

Whitehaven Coal was forced to halt its winter clearing operations this year for its Maules Creek open cut coal mine in the Leard State Forest following legal action by the Maules Creek Community Council (MCCC).

EDO NSW, on behalf of the MCCC, sought an injunction in the NSW Land and Environment Court to stop Whitehaven Coal from clearing the high conservation value Leard forest during winter, when animals are hibernating, and during spring, when threatened bird and bat species are breeding.

Whitehaven Coal's Biodiversity Management Plan (BMP) stated that any clearing of the forest for mining ought to be done outside of the winter and spring months to give threatened species a fighting chance to survive the clearing of their habitat.

The mine will clear 1664 hectares of forest which provides habitat for threatened species, including bats, birds, koalas and reptiles. An area of 544 ha of this forest is the nationally listed critically endangered ecological community, Box Gum Woodland, which is facing an extremely high risk of extinction in the wild in the



*Farmer, and member of the Maules Creek Community Council, Rick Laird talks to EDO NSW solicitor Belinda Rayment on his property near Narrabri. © – Dean Sewell*

immediate future.

Whitehaven Coal sought to amend its BMP to allow for winter clearing because it was behind in its mining development plans. The Department of Planning allowed Whitehaven's amendment. MCCC is arguing that the amendment is invalid.

Following the hearing of the injunction application and shortly before a judgment was due, Whitehaven gave an undertaking to the Court that it would halt its clearing operations until a full hearing on the legality of the BMP is complete and judgment delivered. The case is set down for a full hearing later in the year.

## **Helping farmers to protect groundwater from contamination**

### ***Mullaley Gas and Pipeline Accord Inc. v Santos Ltd.***

A local farming group, Mullaley Gas and Pipeline Accord (MGPA), represented by EDO NSW, has applied to the Land and Environment Court for a preliminary discovery order requiring Santos to provide any data, documentation or other information that it holds that is relevant to potential groundwater contamination in and around the Pilliga forest near Narrabri.

The case follows the contamination of a freshwater bore on the property of a farmer whose land adjoins a site used by Santos for exploratory CSG drilling. The farmer was advised by Santos in 2012 that the bore water was unfit for drinking

and domestic use. Another bore, closer to the CSG site, has also shown effects of possible contamination.

While Santos deny any responsibility for the contamination, the MGPA has water testing data and expert scientific advice that identifies CSG activities as a possible source.

As Santos is a corporation it is not subject to the freedom of information laws of NSW. MGPA therefore is not able to access the information held by the CSG company that it needs to determine whether it has a cause of action for ground water pollution caused by the CSG activities.

Any relevant information held by Santos may assist the MGPA to decide whether to launch civil enforcement proceedings against the company for water pollution under the *Protection of the Environment Operations Act 1997* (NSW).

## **POLICY AND LAW REFORM**

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EDO NSW actively engages in environmental policy and law reform in NSW and nationally, as well as internationally. EDO NSW's policy and law reform work reflects our status as an independent, specialist legal centre. We put forward policy proposals suggesting ways that the law can be improved in NSW and nationally.

In 2013/14, EDO NSW's legal and regulatory reform expertise was directly sought by bodies such as the Productivity Commission and the COAG Taskforce on Regulatory Reform, as well as government environment, planning and natural resource management departments in NSW and nationally. We also provided detailed law reform advice to a range of environment and community groups.

In 2013/14 EDO NSW drafted over 40 submissions to State and Federal governments. These addressed law reform issues relating to the handover of Federal environmental approval powers to the States (the so-called "one stop shop policy"), threatened species, mining and coal seam gas regulatory changes, access to justice, Federal energy policy and the renewable energy target review. EDO NSW also made submissions to the State Government on regulatory changes governing approval of mining projects, Aboriginal cultural heritage reforms, coastal planning, land clearing and native vegetation, threatened species priorities, public forestry, building sustainability standards (BASIX), the Hunter River Salinity Scheme Review, Crown lands management, and changes to NSW regulations for biodiversity offsets.

## Federal Handover of Environmental Approval Powers to the States

On behalf of the EDO Australia network (known as ANEDO), EDO NSW made submissions on the Federal Government's handover of environmental assessment and approval powers to the States and Territories. This included submissions on why NSW planning laws for major project assessments, such as the former 'Part 3A', should not be Federally accredited. However, an Assessment Bilateral Agreement was signed by both governments in December 2013.

The Federal Environment Minister Greg Hunt has also negotiated draft Approval Bilateral Agreements with NSW and Queensland, and set a deadline of September 2014 for agreements to be in place with all States and Territories. These agreements will accredit the State or Territory to undertake environmental assessments and approvals on behalf of the Federal Government.

Once Approval Bilateral Agreements are in place, the States and Territories will be responsible for Matters of National Environmental Significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). They will assess and approve mines, coal seam gas and other development projects which impact World Heritage Areas, the Great Barrier Reef, wetlands of international significance, migratory species, threatened species and water resources. The States will also be responsible for approving uranium mines.



*The Great Barrier Reef, Queensland*

EDO NSW has consistently raised a number of concerns about the inadequacies of State laws to address nationally important issues, and the importance of the Federal Government's role in protecting Australia's environment. EDO NSW produced a range of submissions, discussion papers, briefing notes and articles on the proposed policy, and gave evidence before both Senate and House of Representatives Inquiries into the reforms.

A Productivity Commission report into major project approvals in November 2013 came down in favour of approval bilateral agreements, but recommended they be rolled out in limited form while additional protections were ensured at a State level. The Productivity Commission report cited ANEDO submissions and analysis on more than 30 occasions, including reasons why bilateral agreements should not be hastened, and why public transparency and access to justice remain essential.

## **Biodiversity Offsets**

The NSW Government released a new draft policy for biodiversity offsets for major projects. The new policy fails to identify 'no go' areas, allowing developers and mining companies to destroy the habitat of an endangered species even if this could cause a species to go extinct.

Biodiversity offsets are a form of land swap which allow developers, as part of their development approval, to compensate for the destruction of areas containing threatened species or their habitat, by buying and managing another area of land containing the same species or habitat. Offsets were originally intended as a last resort, but have become standard practice in the development approval process.

EDO NSW, in its submission, said the policy also proposed to weaken the principle of 'like for like' by allowing a range of offset options rather than requiring the same species of plants and animals to be offset. EDO NSW also raised concerns about the proposal to allow the wide use of 'indirect offsets' (such as research payments) where an appropriate offset cannot be found, and for offset requirements to be 'discounted' for social or economic reasons.

Overall, EDO NSW has been critical of the draft policy, and the science underpinning it, and recommended that it should not be accredited as meeting national standards under the proposed NSW Approval Bilateral Agreement. EDO NSW has consistently proposed that an independent scientific review should be conducted into offsetting across Australia.

## **Assessments of Mines**

A NSW Government policy change on how mining projects are assessed is widely seen as a response to industry pressure after the Bulga community, represented by EDO NSW, won a court case against the expansion of the Warkworth Mine into a biodiversity offset area adjacent to Bulga village.





Swift Parrot © Birdlife Australia Chris Tzaros

Following the policy change, the economic benefits of a mining project are now the 'principal consideration' for decision-makers, such as the NSW Planning Assessment Commission, when they assess new mining developments and expansions under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP). These changes were introduced by the NSW Government in November 2013.

The Mining SEPP now seeks to prioritise the economic significance of the mineral resource over environmental and social considerations such as dust and noise pollution, threatened species and biodiversity, minimising greenhouse emissions and protection of water resources. Consideration of these matters is to be 'proportionate' to the significance of the mineral resource, based on advice from the State Mining Department.

EDO NSW gave detailed comments on the draft amendments and suggested a more balanced approach to considering impacts. We stated that the Mining SEPP should promote the ecologically sustainable development of significant mineral resources, rather than preferencing economic considerations and dictating unsustainable outcomes.

# OUTREACH PROGRAM

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The key objective of EDO NSW's Outreach Program is to empower the community to protect the environment through law. This is achieved through a range of educational tools.

- Community workshops to enable practical participation in environmental decisions;
- Seminars on key issues to promote law reform and the implementation of new laws; and
- Plain English educational materials in a range of formats, explaining environmental law and policy.

The Outreach Program is focused on rural and regional NSW. This allows EDO NSW to stay abreast of the environmental issues facing rural and regional communities and to ensure its services are directed to areas where they are most needed.

The program promotes early engagement in issues, which is vital to achieving successful outcomes. Timely information and expert assistance from the outset helps communities to take a more proactive approach to the environmental issues they face.

In 2013/14, EDO NSW provided 21 environmental law workshops and seminars across 7 catchment areas - the Northern Rivers, Central West, Murrumbidgee,



*EDO NSW workshop in Orange*

Hunter, Greater Sydney, North West and Riverina catchments. Over 600 people attended an EDO NSW workshop or seminar in 2013/14.

Mining and coal seam gas continued to dominate the workshop schedule for 2013/2014. Other key issues addressed in workshops included the Aboriginal Cultural Heritage reforms and biodiversity protection.

### **Soldiers Point community protects local endangered species**

The EDO NSW Outreach Program has been helping communities protect their environment for almost 30 years. For many people, it provides the connection between wanting to act and knowing how to take action. The Soldiers Point Community Group is just one example of a community that has benefitted from the Outreach Program.

Soldiers Point lies on the southern shores of Port Stephens, a popular tourist destination north of Newcastle, which is home to a small close knit community. For over two years, a development application to expand the Soldiers Point Marina by over 50 berths, and to clear local parkland for additional car parking spaces, had been with the local Council for assessment.

Directly across from the marina lies Dowardee Island, home to an important population of Beach Stone-curlews - a wading bird easily disturbed by human activity and listed as Critically Endangered in NSW.

Despite the known presence of the Beach Stone-curlews nearby, the marina expansion proposal did not properly look at its impact on this threatened species.

In February 2014, at the request of local residents, EDO NSW presented a free community workshop to help the local residents untangle the complexities of



*Soldiers Point – photo by Colin Howard*

planning laws and effectively engage in the local government decision making process.

Following the workshop, 260 members of the local community made new submissions to Port Stephens Council opposing the marina development application. Many of these submissions highlighted the need for a Species Impact Statement to assess the project's impact on the Beach Stone-curlews.

In June, a Joint Regional Planning Panel refused the application, citing the lack of a Species Impact Statement as a main concern.

Colin Howard, President of the Soldiers Point Community Group, said:

“Without the assistance of EDO NSW we believe that the outcome of the development application would have been very different.

“No matter how passionate community groups like ours feel, we need help with strong, focussed and professional advice and EDO NSW, in the end, was our only hope.

“Thanks to EDO NSW, the Beach Stone-curlews remain protected in our beautiful estuary.”

## **Have Your Say**

EDO NSW launched a new online educational resource called Have Your Say in November 2013. Have Your Say is an online tool designed to work with EDO NSW's free weekly e-bulletin to help the community stay abreast of current opportunities to engage in environmental decision-making processes. The Have Your Say website lists all the opportunities the community has to comment on State and Federal decisions affecting the environment – from major project applications through to draft plans of management for national parks. The site also provides guidance on how to engage effectively in the decision-making process, with tips from decision-makers themselves as well as community members who have achieved positive outcomes in the past.

Since it was launched the site has been visited over 6,000 times.

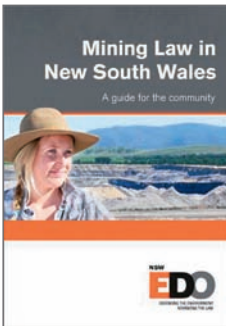
The online resource was complemented by 8 Have Your Say workshops that demonstrated how the online tool can be used to identify opportunities to comment and the resources available to support the community to engage effectively in decision-making processes. Each workshop was tailored to the specific issues and concerns of the target community.

Have Your Say was developed with the assistance of the NSW Government through its Environmental Trust. EDO NSW is extremely grateful for this support.

## Publications

### GUIDES TO THE LAW

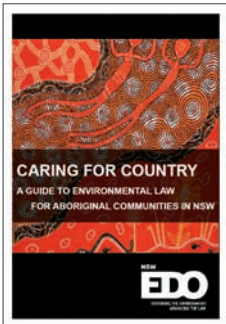
Plain-English publications are an important feature of EDO NSW's community engagement and education work, and help us to provide in-depth information on topical issues to a broad audience. Publications cover a wide range of subjects and come in various formats, all of which are available free to the community, either as hard copies or online.



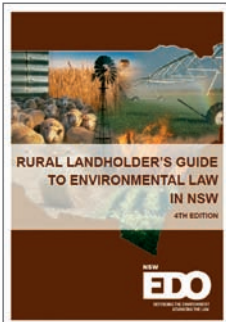
***Mining Law in New South Wales: A guide for the community*** is a plain-English guide to the law on mining and coal seam gas (CSG) in NSW. It was released in December 2012.

The publication is aimed at mining and CSG affected communities. It is designed to help the people of NSW to understand their rights and obligations under mining and CSG law, and to use the law to the fullest extent possible to protect their interests and those of the environment.

This publication was produced with the financial support of the NSW Government through its Environmental Trust.

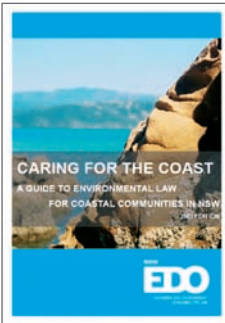


***Caring for Country: A guide to environmental law for Aboriginal communities in NSW*** is part of EDO NSW's Indigenous Engagement Program. The purpose of this guide is to assist Aboriginal people to understand their legal rights and obligations under environmental and natural resource management law. This guide is written specifically for Aboriginal communities living in NSW, recognising that environmental issues don't affect everyone in the same way.



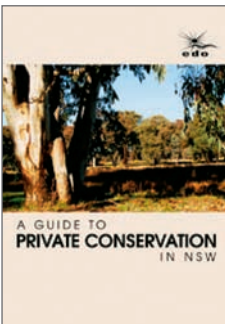
***The Rural Landholder's Guide to Environmental Law in NSW*** is designed to help landholders to understand their legal rights and obligations, and to assist them to manage their land in accordance with environmental and natural resource management law.

This publication was produced with the financial support of the NSW Government through its Environmental Trust.



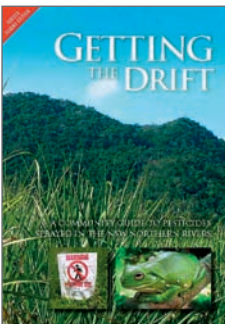
***Caring for the Coast: A guide to environmental law for coastal communities in NSW*** is a guide to the various laws that address coastal environmental and planning issues in NSW. It aims to assist coastal communities to engage in decisions that affect coastal environments.

This publication was produced with the financial support of the Australian Government's Caring for our Country program.



***A Guide to Private Conservation in NSW*** is designed to help landholders to understand the different private conservation options available and help them decide which option would be most suitable for their property and circumstances.

This publication was produced with the financial support of the NSW Government through its Environmental Trust.



***Getting the Drift*** is designed to assist people in the NSW Northern Rivers region to find out which pesticides could be sprayed in their neighbourhood, and what they can do about it.



***Campaigning and the Law in NSW: A guide to your rights and responsibilities*** is a comprehensive publication covering defamation, summary offences, rights and responsibilities in particular areas, arrest, bail and other relevant areas of law.

## **PERIODICALS**

EDO NSW's free weekly eBulletin provides an overview of up-to-the-minute environmental law matters such as developments in environmental law and policy as well as alerts for opportunities to comment on a range of environmental matters such as reviews, development applications and plans of management. The eBulletin is fully integrated with the online Have Your Say resource which lists all current opportunities to influence environmental decision-making and guidance on effective engagement.

Impact! is a twice yearly journal on national environmental law that targets professionals and students. It provides in-depth legal information and analysis on matters relating to public interest environmental law.

## **FACT SHEETS**

EDO NSW has over 40 Fact Sheets on State and national environmental law, including planning and development, pollution law, natural resource management, native plants and animals, heritage, and government accountability. Fact Sheets can help to build the capacity of the community to engage in environmental issues.

## **PRESENTATIONS**

EDO NSW has long played an active role in promoting and furthering law reform and legal education in NSW through presentations, policy submissions, publishing papers in academic journals, participating in key bodies such as the Environment and Planning Law Association, NSW Young Lawyers, the Australian Centre for Climate and Environmental Law and publishing resources for legal practitioners such as case notes, the eBulletin and the journal *Impact!*

In 2013/14, EDO NSW staff gave presentations at external conferences, symposiums and universities covering areas such as biodiversity, environmental assessment, planning, pollution, and public interest environmental law.

# INDIGENOUS ENGAGEMENT PROGRAM

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EDO NSW's Aboriginal Solicitor Mark Holden leads the Indigenous Engagement Program which delivers the full range of EDO NSW's legal services to Aboriginal people and communities. The Indigenous Engagement Program strengthens EDO NSW's relationship with existing Indigenous clients and helps to establish new relationships by promoting EDO NSW's services to Indigenous communities throughout NSW.

In 2013/14, EDO NSW has continued to respond to requests for advice and representation in matters affecting Indigenous clients, including:

- Holding Aboriginal heritage workshops and consultations in the Aboriginal communities of Moree, Walgett, Inverell, Northern Beaches, Lismore, Byron Bay, Grafton and Tumut to further develop our relationships;
- Assisting the Dharriwaa Elders Group by advising on how to protect cultural heritage from the impacts of opal mining, and how to prevent a traditional trail to their sacred Barwon River from being acquired by private interests;
- Advising on provisions for cultural heritage protection within the Department of Planning and Infrastructure's proposed reforms to the planning system; and
- Representing the interests of a number of Wonnarua stakeholders for the protection of a culturally significant landscape from the impacts of open-cut mining.



*EDO NSW workshop in Lismore on the NSW government's cultural heritage reforms*



Mark has also been an active participant at a number of meetings on Indigenous issues. In the reporting period, this has involved:

- Providing advice to the NSW Law Society as a member of its Indigenous Legal Issues Committee; and
- Participating in quarterly meetings as part of the Indigenous Peoples Organisations Network, hosted by the Australian Human Rights Commission.

EDO NSW also enjoyed the continuing success of the 'Caring for Country' publication. This booklet provides a snapshot of Indigenous rights with regards to land and cultural heritage and information on how Aboriginal communities can use the law to pursue their rights. EDO NSW continues to explore opportunities to provide further targeted legal education to Indigenous communities.

## **Reforms to Aboriginal Cultural Heritage**

In late 2013, the NSW Government released a model for stand-alone Aboriginal cultural heritage legislation. Consultation then took place on the proposed legislation as outlined in a discussion paper. The discussion paper proposed that Aboriginal cultural heritage should be identified and managed through Plans of Management overseen by Local Aboriginal Heritage Committees, made up of Aboriginal people from the local area. The Committees would be able to directly negotiate with developers about potential impacts to registered sites. While this gives local Aboriginal communities a greater role as custodians of their culture and heritage rather than the Government, there are a number of concerns regarding the functions of these Local Committees, such as how they will remain transparent, accountable, and appropriate for their local area.

The history of dispossession of Aboriginal people in NSW has resulted in the fracturing of traditional groups. Problems arise when some individuals claim to speak for a part of country and others dispute their authority to do so.

EDO NSW, in its submission on the proposed reforms, recommended that the actions and outcomes of Local Committees and the Office of Environment and Heritage should be overseen by a new Independent Commission. Clear rules must also be laid down for Committee processes, especially for resolving ethical issues or disputes.

Now that the public comment period on the discussion paper has ended, the NSW Government will finalise its recommendations. A draft Bill is expected to be presented to the public for further comment by either late 2014 or early 2015. EDO NSW looks forward to further engagement in this process.

# INTERNATIONAL PROGRAM

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EDO NSW has provided legal assistance to organisations in the South Pacific since 1991, and since 1999 has received funding from the MacArthur Foundation to conduct capacity-building work in the region. With the support of the MacArthur Foundation, in October 2013, EDO NSW entered into a new partnership with the Packard Foundation to provide legal assistance and capacity building in Fiji and PNG, on coastal marine issues. Our partnership with the MacArthur Foundation will end in September 2014 as it transitions away from the Pacific in accordance with its revised strategic plan.

Led by our International Programs Coordinator, BJ Kim, EDO NSW has helped to build the knowledge and skills of environmental lawyers in the Pacific and provided much needed technical support. This has included legal, scientific and policy advice, technical skills training, and assistance with legal outreach to organisations in PNG, the Solomon Islands, Fiji, Vanuatu, Kiribati, Samoa and the Republic of the Marshall Islands, particularly on forestry and mining issues.

As an Australian Partner Organisation for the Australian Volunteers for International Development (AVID) program, EDO NSW supported 10 AusAID-funded volunteer placements across the Pacific in 2013/14. The assignments were in the areas of climate change, biodiversity, environmental impact assessment, natural resource management, landowner advocacy and environmental management. Roles ranged from legal advisory roles, through to policy, education and advocacy positions. Host countries included PNG, Samoa, Solomon Islands, Vanuatu, and Kiribati.



*EDO NSW Scientific Director, Megan Kessler, during a science and law seminar with Centre for Environmental Law and Community Rights staff in Port Moresby.*

As part of our Scientific Advisory Service, a number of experts supported the International Program by providing advice on pollution matters and protected areas management.

EDO NSW also promoted regional collaboration through supporting the attendance of PNG and Solomon Islands lawyers at EDO Northern Territory's inaugural Environmental Law Conference.

In 2013/2014, EDO NSW was also engaged in a number of consultancies. This work included the development of a publication on community protocols with the United Nations Environment Programme, a publication promoting environmental awareness in the Republic of the Marshall Islands with the Secretariat of the Pacific Environment Programme, and a protected areas toolkit with non-government organisation, West Fataleka Foundation (WFF) in the Solomon Islands.

EDO NSW and its staff continued to participate in a range of networks, particularly the Environmental Law Alliance Worldwide (E-Law), an online international network of public interest environmental lawyers and scientists; and the International Union for the Conservation of Nature (IUCN), an international network of over 1,000 governments and NGOs and over 11,000 scientists, legal and other experts.

In November 2013, EDO NSW was awarded Full Membership to the Australian Council for International Development (ACFID). ACFID maintains the ACFID Code of Conduct (Code) which is a voluntary, self-regulatory sector code of good practice. EDO NSW is committed to full adherence with the Code, conducting our work with transparency, accountability and integrity. For further information on the Code please refer to the ACFID website: [www.acfid.asn.au](http://www.acfid.asn.au). This site also includes information about how to make a complaint in relation to any breach of the Code. EDO NSW evaluates its capacity building programs both formally, through evaluation forms, and through informal feedback. EDO NSW uses these processes to continuously develop and improve its capacity building programs.

## SCIENTIFIC ADVISORY SERVICE

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The role of EDO NSW's Scientific Advisory Service is to provide objective scientific advice to EDO NSW and our clients on public interest environmental law matters. This advice contributes to the range of work undertaken by EDO NSW.

The Scientific Advisory Service comprises:

- In-house scientific advice;
- A Technical Advisory Panel, which is made up of academic experts who provide strategic advice to EDO NSW on specific issues on a pro bono basis; and
- An Expert Register, which is made up of over 140 scientific experts in a range of fields who assist EDO NSW on a pro bono basis.

In 2013/14, over 50 experts, usually including both members of the Expert Register and external experts, assisted EDO NSW and our clients in 25 key policy, litigation and outreach matters. This expert advice included: advising on deficiencies in various environmental impact assessments, acting as expert witnesses in litigation, informing EDO NSW's position on policy matters, and supporting the Legal Outreach Program by contributing to a number of new technical fact sheets.

## COMMUNICATIONS AND MEDIA

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EDO NSW has implemented innovative ways to communicate with people, including social media channels such as Facebook, Twitter, the weekly ebulletin and the new Have Your Say website which provides the latest information on State and Federal government policy and decision-making processes. EDO NSW has doubled its followers on Twitter and Facebook to about 1,200 and 1,500 respectively during the reporting period.

EDO NSW has been mentioned widely in the news and current affairs media with senior staff appearing on ABC TV's news bulletins, the 7.30 Report, Lateline and on the ABC's national radio programs such as AM and The World Today. EDO NSW's leading policy work and legal cases have also been widely covered in print and online media with articles in the Sydney Morning Herald, the Australian, the Guardian, The Saturday Paper, the Age, Crikey, and regional and specialist publications such as the Newcastle Herald, The Land, RenewEconomy, the NSW Law Society Journal and Reuter's Environmental Manager.

An opinion article by Executive Director Jeff Smith was published in leading online publication, The Conversation, about the handover of Federal environmental approval powers to the States. The Conversation also published an opinion article

by EDO SA Chair Christine Trenorden about the Federal Government ending all funding for EDOs around Australia in December 2013. These funding cuts have put the future of many smaller EDOs such as Tasmania, South Australia, the Northern Territory and the A.C.T. in doubt. Another opinion article by Principal Solicitor Sue Higginson was published in the Newcastle Herald about the loss of community rights with the winding back of merits appeals by the NSW Government. An article on the same topic by Sue Higginson was published in the NSW Law Society Journal.

Overall, EDO NSW was mentioned in 110 reports in broadcast, print and online media. The most widely covered issue was the Federal Attorney-General's decision to end all funding for EDOs, which was announced shortly before Christmas 2013.

EDO NSW launched its new website late in 2013. The new website has improved navigation features and is designed around client needs while still containing an extensive range of information about our work and core functions. Key features include current court cases, latest policy developments, plain-English fact sheets and guides as well as information on up-coming workshops and seminars

## AUSTRALIAN NETWORK OF EDOS

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EDO NSW is one of eight independent EDO offices located across Australia that formally operate together through the Australian Network of Environmental Defenders Offices (ANEDO).

The different offices share information, resources and make joint submissions on Federal environmental policy.

However some of these offices may face closure during the next 12 months after the Federal Attorney-General announced an end to all Federal funding for EDOs, the week before Christmas, 2013.

After the withdrawal of Federal funding, EDO Victoria decided to leave the national EDO network.

# EDO NSW PEOPLE

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*The EDO NSW legal team: Jemilah Hallinan, Nari Sahukar, Jeff Smith, Sarah Roebuck, Brendan Dobbie, Sue Higginson, Belinda Rayment, Emily Ryan and BJ Kim. Absent: Rachel Walmsley, Mark Holden, Nina Lucas (Lismore office) Elaine Johnson and Emma Carmody (both on parental leave). © Dean Sewell.*

## Current Staff

EDO NSW is very fortunate to have a dedicated team of professional staff. At 30 June 2014, the team consisted of:

### **Executive Director**

Jeff Smith

### **Principal Solicitor**

Sue Higginson

### **Senior Solicitor**

Elaine Johnson (currently on parental leave)

### **Solicitors**

Mark Holden (Aboriginal Solicitor)

Belinda Rayment

Sarah Roebuck

Brendan Dobbie (Locum)

**Policy & Law Reform Director**

Rachel Walmsley

**Policy & Law Reform Solicitors**

Nari Sahukar

Dr Emma Carmody (currently on parental leave)

**Outreach Director**

Jemilah Hallinan

**Outreach Solicitors**

Emily Ryan

Nina Lucas (Northern Rivers)

**Scientific Director**

Megan Kessler

**International Programs Officer**

BJ Kim

**Operations Manager**

Meredith MacDonald

**Administrative Officers**

Ana Carolina Napoli Carneiro

Roslyn Blake

Kirsty Jordan

**Communications Officer**

Jon Walter

**Fundraising Coordinator**

Maria Williams

**Staff Changes**

Although EDO NSW has benefited from a high level of stability in its staff, inevitably there were a few changes during the year.

The Outreach team has returned to its previous staffing level with Jemilah Hallinan's return from parental leave and the recruitment of Nina Lucas to fill the Northern Rivers Outreach Solicitor position which had been left vacant for some time due to funding uncertainty. In addition, Jon Walter was employed in the new role of Communications Officer given the increasing need for this role and the reliance on our website to provide legal information to the community.

Josie Walker left the Litigation team and was replaced by Sarah Roebuck. Brendan Dobbie joined the Team as a locum while Elaine Johnson and Dr Emma Carmody are on parental leave.

Sadly, at the end of the year, EDO NSW had to restructure due to the reduction in core funding. This affected the Northern Rivers office, losing Ian Ratcliff as Senior Solicitor and Jo Groves as Administrative Officer. It was deeply disappointing to lose such valued team members.

The changed funding environment in which EDO NSW operates is further reflected in the engagement of Maria Williams in the new position of Fundraising Coordinator. EDO NSW is grateful to the Purves Environment Fund for the gift to fund this position.

## Board of Management



*The EDO NSW Board: Barbara Adams, Verna Simpson, Kevin Rozzoli, Jane Mathews, John Connor, Ronnie Harding, Andrew Burke, Helen Gillam and Bronwyn Darlington. Absent: Frank Hubbard, Kate Smillie.  
© Dean Sewell*

EDO NSW is a non-profit company limited by guarantee and its volunteer Board provides strategic direction and governance to the organisation. The Board is elected at each annual general meeting. Board members attend six-weekly meetings, planning days and committees. They make a major contribution to the work of EDO NSW, guiding its development and devoting considerable time and expertise to the work. Formal information on the Board is included in the Directors' Report for the year ended 30 June 2014.

EDO NSW's Patron during 2013/14 was Hal Wootten AC QC.



# EDO NSW: A GREEN OFFICE

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EDO NSW continues its commitment to operating in an environmentally sustainable way. As in previous years, EDO NSW measured its carbon footprint using the greenhouse gas calculator and offset emissions using Climate Friendly certified Gold Standard carbon offsets. This amounted to 70 tonnes of carbon dioxide equivalent offsets. In calculating the carbon footprint of the offices, we include:

- All work-related travel (excluding travel to and from work) by EDO NSW employees, but not by contractors;
- Emissions associated with office paper use and disposal, and paper used in EDO NSW publications; and
- Emissions associated with waste disposal and recycling.

Our emissions in 2013/14 were higher than the previous year (39 tonnes). This was due to increased travel between our Lismore and Sydney offices, as well as significantly increased travel and the production of a large number of publications under our International Program (see the International Program section of our annual report for more information). Areas where we reduced our carbon footprint in 2013/14 included a reduction in car travel and reduced energy use, while continuing to purchase 100% GreenPower for both Sydney and Lismore offices.

## ACKNOWLEDGEMENTS

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### Donors

As a non-profit organisation, EDO NSW relies on community support to help fund our programs and services.

The Board and staff would like to extend their warm thanks to the 322 groups and individuals who made donations to the organisation in the 2013/14 financial year. Their commitment to environmental justice and their crucial financial support is greatly appreciated.

EDO NSW was delighted to receive an extraordinarily timely gift of \$500,000 from Sylvia Hale, whose generosity has allowed EDO NSW to maintain its services at a

critical time for the organisation.

EDO NSW has also been the beneficiary of a generous bequest from Marian Wheatley, a legacy gift for which we are most grateful.

Invaluable support has also been provided by Humane Society International Australia who has made a generous financial commitment over 3 years to help support the continued provision of environmental legal services.

Each donation makes a real difference. In particular, EDO NSW would like to acknowledge the following individuals and organisations for their generous contributions:

Alistair Bowman	Pace Foundation	The Earth Welfare Foundation
Hindmarsh Investments Pty Ltd	Nancy and Rob Pallin	William Wilson
McKinnon Family Foundation	Purves Environmental Fund	
	Anne Reeves	

The following companies have also generously provided discounts or pro bono services to EDO NSW during the year:

Cabenet Accounting Software  
Joe Pien, Chartered Accountant  
Matthew George Design

## Volunteers

The Sydney office has capacity for up to ten volunteers per day and the Northern Rivers office has one to two volunteers a day. Volunteers assisted across all functions of EDO NSW, but primarily with the provision of legal advice and casework services.

Volunteers greatly enhance the capacity of the organisation to provide accurate and timely assistance to clients. EDO NSW would like to thank the following volunteers from 2013/14 for their commitment and hard work:

Caitlin Adcock	Jane Dillon	Adam David Johnston
Priyanka Ashraf	Paul Govind	Nick Krastev
Jasmin Briggs	Joanna Greenlees	Meg Lamb
Chiara Cociani	Jessica Harwood	Shane Lamond
Amy Cullen	Madeleine Hartley	Maryan Lee
Rachel Ann Daniel	Nidhaa Hassan	Melissa Lee
Nathan Dashan Nadeson	Adam Ingle	Peiwen Lin
Angus Dawson	Roshni James	Bronya Lipski

Juliana Liskov	Melinda Norquay	Madeleine Sharp
Madi Maclean	Sophie Norris	Jenny Singleton
Dominique Maingot	Kirsten Norvilas	Simi Sugathan
Gareth Martin	Dylan Orsborn	Kate Tierney
Millicent McCreath	Ashfia Osman	Jaime Varghese
Ryan McPherson-Fehn	Raul Ramirez	Clarissa (Kate) Watson
Matt Meir	Lesley Richard	Jessica Wilson
Nadica Mirceska	Antonia Ross	Nicole Woods
Jack Morgan	James Ryan	Samantha Yeung
Ronny Mounarath	Russell Schmidt	

## Pro Bono Assistance

The legal community, scientific and other experts also lend invaluable support to the work of EDO NSW, providing services for a reduced fee or, in many cases, for no charge. EDO NSW is deeply grateful for their ongoing commitment to the provision of legal assistance in environmental matters.

## LEGAL ASSISTANCE

EDO NSW would like to thank the following barristers, solicitors and firms who provided their time and assistance with EDO litigation and other matters in 2013/14:

### Barristers

Phillip Clay SC	Neil Williams SC	Chris McGrath
Ian Coleman SC	Fenja Berglund	Verity McWilliams
Ian Hemmings SC	Louise Byrne	Anna Mitchelmore
Tom Howard SC	Simon Chapple	Corrina Novak
Geoffrey Kennett SC	Nick Eastman	Fleur Ramsay
Jeremy Kirk SC	Stephen Free	Ashley Stafford
Patrick Larkin SC	Natasha Hammond-Deakin	Brenda Tronson
Craig Leggat SC	James Hutton	Josie Walker
Stephen Lloyd SC	Cameron Jackson	Robert White
Peter McEwen SC	James Johnson	
Jane Needham SC	Ingrid King	
Sarah Pritchard SC	Jason Lazarus	
Tim Robertson SC	Craig Lenehan	
John Robson SC		

## **Law Firms**

Bolt Findlay Lawyers and Mediators

Beatty Legal

DLA Piper

Henry Davis York

Maurice Blackburn Lawyers

Merten & Co Lawyers

O'Brien Solicitors

Rural Law with Peter Long

Shine Lawyers

Slater and Gordon

Woolf Associates

## **TECHNICAL ADVISORY PANEL**

EDO NSW would like to thank our Technical Advisory Panel, which is made up of academic experts who provide strategic advice to EDO NSW on specific issues on a pro bono basis:

- Prof Chris Dickman, Professor in Ecology, Faculty of Science, University of Sydney
- Assoc Prof Nicole Gurran, Faculty of Architecture, Design and Planning, University of Sydney - urban planner and policy analyst
- Prof Richard Kingsford, Director for the Centre of Ecosystem Science, University of NSW - freshwater ecology and environmental management.
- Associate Prof Iain MacGill, School of Electrical Engineering and Telecommunications, University of NSW - energy policy and technology.
- Prof John Quiggin, Risk and Sustainable Management Group, University of Queensland - research economist and economic policy

## **SCIENTIFIC AND TECHNICAL ASSISTANCE**

EDO NSW would like to thank the following experts, both on and off the Expert Register, who provided advice during 2013/14, and all those who provided assistance anonymously:

Mali Abdollahian

Renata Bali

Howard Bridgman

Ian Campbell

Rod Campbell

Robert Clemens

Nicholas Coleman

Maria Cotter

Mathew Crowther

Mathew Currell

Claire de Lacey

Richard Dennis

Steven Douglas

Benjamin Ewald

Stephen Fityus  
Stephen Gauld  
Warwick Giblin  
Shane Harris  
Nick Higginbotham  
Garry Hunt  
John Jamieson  
Nicole Jones  
Roselyne Joyeux  
Steve Kennelly  
Nasser Khalili

John Lee  
Remko Leijts  
Guy Marks  
Martine Maron  
Andrew Marr  
Robert McLaughlan  
David Milledge  
William Milne-Home  
Robert Payne  
Benjamin Pitcher  
Andrew Pitman

Graham Pyke  
William Robbins  
Peter Serov  
Paul Smith  
Gerry Swan  
Mauricio Taulis  
Christopher Turbill  
Willem Vervoort  
Colin Ward  
Scott Wilson  
Ian Wright

# FUNDING AND FINANCIAL REPORT

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## Financial Performance

In 2013/14, EDO NSW achieved a surplus of \$835,249. This is an exceptionally high surplus for the organisation and is largely a consequence of a significant boost in revenue which was received in June 2014, including more than \$605,000 in donations. Funding from recurrent grants for core operations has declined significantly over the past two years and the organisation has had to seek funding from other sources. Given EDO NSW has been informed of reductions in grants for core operations from the Public Purpose Fund and the Australian Government of about \$850,000 in the past year (outlined below), this surplus will be critical in enabling the organisation to continue to provide its services to protect the environment into the future. This money will also enable EDO NSW to undertake work which is in the public interest and strategically important but which cannot be done within the terms of funding contracts.

## Funding from Grants

EDO NSW has been overwhelmingly dependent on grants to provide environmental legal services to the community. The major source of funding for the organisation is the Public Purpose Fund (PPF). In the past, this has been triennial funding and comprised about 70% of total funding, reaching \$1,642,127

in 2011/12. However, in 2012/13, this grant was only awarded for short periods and EDO NSW received \$1,421,064 that year. In 2013/14, PPF funding reduced again to \$1,200,000 and in 2014/15 EDO NSW will only receive \$750,000 from this source. The PPF has advised that the amount of money available to the fund to allocate for public purposes has decreased significantly since the global financial crisis.

Funding was received from both the Federal Attorney-General's Department and Legal Aid NSW through the Community Legal Services Program (CLSP). CLSP funds from the NSW Government accounted for \$221,885 of EDO NSW's income in 2013/14; Australian Government funding amounted to \$115,072. EDO NSW received notice in December 2013 that CLSP funding from the Australian Government would cease at the end of the financial year. NSW CLSP funding will continue for another year.

During 2013/14, EDO NSW also had a contract with the Australian Government to provide \$300,000 per annum for four years for the provision of environmental legal services. However, as a result of changing Government policy, this contract was cancelled in December 2013 with two weeks' notice.

EDO NSW has relied on grants from overseas foundations to fund its International Program. The John D. and Catherine T. MacArthur Foundation provided funding of \$48,392 this year for legal capacity building work in Papua New Guinea and the Pacific. There is a small amount of this grant remaining and the grant will not be renewed due to a change in the Foundation's priorities. However, EDO NSW was fortunate to secure a new grant for work in the Pacific from the David and Lucile Packard Foundation of \$US90,000 which will continue into next year. In addition, from July 2014, it has a grant of \$US100,000 from the Conservation International Foundation.

In addition to the grants outlined above, EDO NSW received a number of smaller grants allocated for specific purposes during 2013/14. These were:

- The NSW Government through its Environmental Trust under the Lead Environmental Community Groups Grants Program which contributes to the organisation's administrative costs
- The NSW Government through its Environmental Trust for Influencing Environmental Outcomes: A Guide to Having Your Say, an online resource
- The Environment and Planning Law Association (NSW) Inc. for an annual research fellowship grant
- The Australian Government through the Department of the Environment Grants for Voluntary Environment, Sustainability and Heritage Organisations which contributes to the organisation's administrative costs.

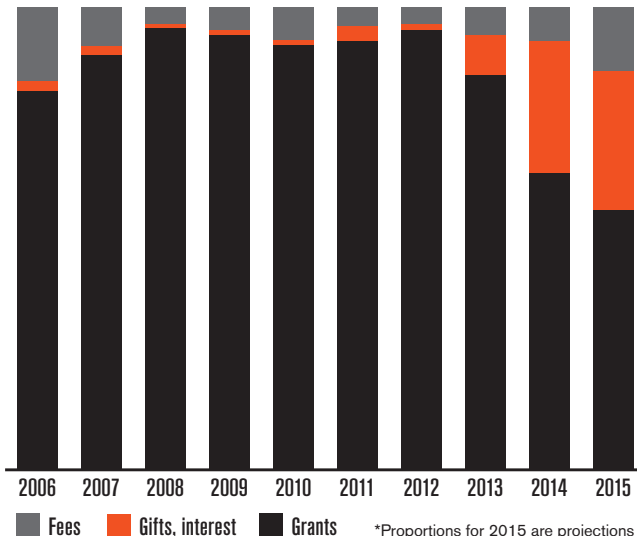
## Community Support

EDO NSW received an extraordinary amount of \$830,490 from donations, gifts and memberships, an increase from \$181,248 in the previous year. In the next and future years, EDO NSW will depend on a high level of donations from the community to maintain its services. In 2014/15 we will need to secure 30% of our income from donations as well as using a portion of our reserves acquired through donations received in 2013/14.

## Income Generation

In addition to the income received from grants, EDO NSW generated other income from fees charged for its professional services, and bank interest. In 2013/14, EDO NSW received professional fees of \$219,159 compared with \$128,754 the previous year. The majority of this income was for international consultancy projects.

**Proportion of income from main sources\***



# DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2014

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The Directors present this report on the company for the financial year ended 30th June 2014.

## Directors

The following persons held office of director during the year and up to report date:

### **The Hon. Murray Wilcox AO QC, Chairperson**

Appointed 24/10/2007, ceased 23/10/2013

Retired Judge

Attended 3 of 3 meetings

### **The Hon. Jane Mathews AO, Chairperson**

Appointed 23/10/2013

Acting Judge, Supreme Court of NSW

Attended 4 of 5 meetings

### **Ms Barbara Adams, PSM, Vice-Chair**

Appointed 29/10/2002

Retired Senior Public Servant

Attended 6 of 8 meetings

### **Mr Andrew Burke, Secretary**

Appointed 23/6/2010

Solicitor

Attended 7 of 8 meetings

### **Ms Helen Gillam, Treasurer**

Appointed 28/10/2008

Accountant

Attended 5 of 8 meetings

### **Mr John Connor**

Appointed 1/12/2010

Chief Executive Officer, The Climate Institute

Attended 7 of 8 meetings



**Ms Bronwyn Darlington**

Appointed 23/10/2013  
Researcher/Lecturer  
Attended 3 of 5 meetings

**Dr Ronnie Harding**

Appointed 21/10/2009  
Retired Academic (Environmental Studies, University of NSW)  
Attended 5 of 8 meetings

**Mr Frank Hubbard**

Appointed 30/01/1996  
Principal, Worthwhile Projects Pty Ltd  
Attended 4 of 8 meetings

**The Hon. Kevin Rozzoli AM**

Appointed 2 May 2012  
Consultant  
Attended 7 of 8 meetings

**Ms Verna Simpson**

Appointed 5/12/2013  
Director, Humane Society International (Australia)  
Attended 4 of 5 meetings

**Ms Kate Smillie**

Appointed 2/12/2009  
Manager Revolving Funds, Nature Conservation Trust of NSW  
Attended 7 of 8 meetings

**Net Surplus After Income Tax**

The net surplus of the company for the financial year was \$835,249 (2013 – \$81,579).

**Review of Operations**

A review of the company operations during the financial year and the results of those operations are as follows:

The company's operations during the year performed as expected in the opinion of the directors. The exception was a boost to donations which included a single donation of \$500,000 received in June 2014.

**Significant Changes in State of Affairs**

There have been no significant changes in the state of the company's affairs during the financial year.

## Principal Activities

The principal activities of the company during the course of the year were:

- Provision of Environmental Law Services

There have been no significant changes in the nature of these activities during the year.

## Short-term and Long-term Objectives

The company's long-term objective is to contribute to a sustainable environment protected through the rule of law.

The short-term objectives are:

- Effective legal protection of the environment
- Empowered community
- Leadership & influence
- Dynamic sustainable organisation

## Strategies

The company's strategies are:

- Public interest lawyering
- Policy and law reform
- Community legal education
- Multi-disciplinary approach supported by sound science
- Communications and media

## Key Performance Measures

The company measures its performance through the use of both qualitative and quantitative indicators which are identified in the Strategic and Operational Plans of the organisation. These are approved and monitored through written reports to the Board of Directors. Copies of the Plans are available to members on request.

## After Balance Date Events

No known matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the company's operations, the results of those operations or the state of affairs of the company in subsequent financial years.

## Future Developments

The company expects to maintain the present status and a similar level of operations. EDO NSW has been largely dependent on grants as its major source of income. Although the level of income from grants has decreased since 2012, a range of grants have been secured for its activities until 30 June 2015. At the same time, EDO NSW is increasing the proportion of its income from alternative independent sources such as donations and fees and has significant contributions secured for 2014-2015. If any of its grants are not secured beyond 30 June 2015, and the shortfall is not offset from independent sources of income, it will continue to operate but will reduce the level of staff, outgoings and service provision to meet the available income if necessary.

## Environmental Issues

The company's operations are not regulated by any significant environmental regulation under a law of the Commonwealth or of a State or Territory.

## Dividends

The Memorandum of Association of the company prohibits the company from paying dividends and, accordingly, no dividends have been declared or paid during the financial year.

## Options

No options over issued shares or interests in the company were granted during or since the end of the financial year. Furthermore, there were no options outstanding at the date of this report.

## Liability of Members

The company is incorporated under the Corporations Act 2011 and is a company limited by guarantee. If the company is wound up, the Articles state that each member may be required to contribute a maximum of \$10.00 towards meeting any obligations of the company. At 30th June 2014, the total amount that members of the company are liable to contribute if the company winds up is \$560.00.

## Indemnities Granted

There have been no indemnities granted or insurance premiums paid, during or since the end of the financial year, for any person who is or has been an officer or auditor of the company.

## **Actions**

No person has applied for leave of Court to bring proceedings on behalf of the company or intervene in any proceedings to which the company is a party for the purpose of taking responsibility on behalf of the company for all or any part of these proceedings.

The company was not a party to such proceedings during the year.

A copy of the auditor's independence declaration as required under Section 307C of the Corporations Act 2001 is set out on the next page.

This statement is made in accordance with a resolution of the Board of Directors and is signed for an on behalf of the directors by:

### **Directors**

Jane Mathews

Kevin Rozzoli

Dated this 16th day of September 2014

## **AUDITOR'S INDEPENDENCE DECLARATION**

I declare that to the best of my knowledge and belief, during the year ended 30th June 2014, there have been:

- no contraventions of the auditor independence requirements as set out in the *Corporations Act 2001* in relation to the audit; and
- no contravention of any applicable code of professional conduct in relation to the audit.

### **Joseph Pien**

Chartered Accountant

J. Pien CA

Registered Company Auditor

Sydney, 18 September 2014

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2014

	2014	2013
<b>ASSETS</b>	\$	\$
<b>Current Assets</b>		
Cash on Hand	1,789,888	987,983
Accounts Receivable and Other Debtors	22,926	47,620
Other Current Assets	106,980	68,394
<b>Total Current Assets</b>	1,919,794	1,103,997
<b>Non Current Assets</b>		
Property Plant & Equipment	43,722	54,042
<b>Total Non Current Assets</b>	43,722	54,042
<b>Total Assets</b>	<b>1,963,516</b>	<b>1,158,039</b>
<b>LIABILITIES</b>		
<b>Current Liabilities</b>		
Accounts Payable and Other Payables	247,240	274,225
Employee Provisions	187,323	190,110
<b>Total Current Liabilities</b>	434,563	464,335
<b>Total Liabilities</b>	<b>434,563</b>	<b>464,335</b>
<b>Net Assets</b>	1,528,953	693,704
<b>Equity</b>		
Retained Surplus	1,528,953	693,704
<b>TOTAL EQUITY</b>	<b>1,528,953</b>	<b>693,704</b>

## INTERNATIONAL AID AND DEVELOPMENT INCOME STATEMENT

	Note	2014	2013
		\$	\$
<b>REVENUE</b>			
Donations and gifts			
Monetary	1	30,000	30,000
Non-monetary	2	37,555	111,614
Grants – AusAid		0	25,439
– Overseas		109,148	22,049
Other income	3	20	2,782
<b>TOTAL REVENUE</b>		176,723	191,884
<b>EXPENDITURE</b>			
International Programs			
Monetary		139,168	80,271
Non-monetary		37,555	111,614
Community Education		-	-
Fundraising Costs		-	-
Accountability and Administration		-	-
<b>TOTAL EXPENSES</b>		176,723	191,884
<b>(SHORTFALL) OF REVENUE OVER EXPENDITURE</b>		0	0

### Notes

- 1 Funds allocated from unrestricted donations to the Environmental Defender's Fund operated by EDO NSW
- 2 This includes volunteers services valued at \$11,055 and pro bono services valued at \$26,500
- 3 Balance of funding for International Program taken from investment income of EDO NSW

### Declaration

This International Aid & Development Income Statement has been prepared in accordance with the requirements set out in the ACFID Code of Conduct. For further information on the Code, please refer to the ACFID Code of Conduct Implementation Guidance available [www.acfid.asn.au](http://www.acfid.asn.au).

## **DIRECTORS DECLARATION FOR THE YEAR ENDED 30 JUNE 2014**

The directors of the entity declare that:-

1. The financial statements and notes, as set out on pages 6 to 30, are in accordance with the *Corporations Act 2001*:
  - a. comply with Australian Accounting Standards; and
  - b. give a true and fair view of the financial position as at 30 June 2013 and of the performance for the year ended on that date of the entity.
2. In the directors' opinion there are reasonable grounds to believe that the entity will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

**Jane Mathews**

Director

**Kevin Rozzoli**

Director

Dated this 16th day of September 2014

# INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF ENVIRONMENTAL DEFENDERS OFFICE LIMITED

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## Report on the Financial Report

I have audited the accompanying financial report of the Environmental Defenders Office Ltd., which comprises the statement of financial position as at 30 June 2014, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies, other explanatory information, International Aid & Development Income Statement and the directors' declaration.

## Directors' Responsibility for the Financial Report

The directors of the Environmental Defenders Office Ltd. are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Corporations Act 2001*, and for such internal control as the directors determine is necessary to enable the preparation of a financial report which gives a true and fair view, and is free from material misstatement, whether due to fraud or error.

In Note 1, the directors also state, in accordance with Accounting Standard AASB 101 *Presentation of Financial Statements*, that the financial statements comply with International Financial Reporting Standards.

## Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements, and that I 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 of the financial report which gives a true and fair view, 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 directors, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

## Independence

In conducting my audit, I have complied with the independence requirements of the *Corporations Act 2001*. I confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of Environmental Defenders Office Ltd. on 16 September 2014, would be in the same terms if given to the directors as at the time of this auditor's report.

## Auditor's Opinion

In my opinion:

- a. the financial report of Environmental Defenders Office Limited is in accordance with the *Corporations Act 2001*, including:
  - i. giving a true and fair view of the company's financial position as at 30 June 2014 and of its performance for the year ended on that date; and
  - ii. complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Corporations Regulations 2001*; and
- b. the financial report also complies with International Financial Reporting Standards as disclosed in Note 1.

## Emphasis of Matter

I draw attention to Note 14 to the financial statements, Future Developments, which describes the uncertainty relating to future Public Purpose Fund grants for the company beyond 30 June 2015. My opinion is not modified in respect of this matter.

## Joseph Pien

Chartered Accountant

Dated in Sydney on 18 September 2014

## PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2014

	2014	2013
	\$	\$
<b>INCOME</b>		
Public Purpose Fund Grant	1,200,000	1,421,064
Commonwealth CLSP Grant	265,072	87,813
NSW CLSP Grant	221,885	174,945
NSW Environmental Trust Grants	97,844	119,327
AusAid Grants	-	24,545
EPLA Research Grant	5,000	5,000
Commonwealth GVESHO Grant	3,500	1,500
MacArthur Foundation Grant	48,392	22,049
Packard Foundation Grant	60,756	-
Donations, Memberships & Fundraising	830,490	181,248
Conferences, Publications & Workshops	-	1,750
Professional Fees	219,159	128,754
Interest Received	44,953	43,325
Miscellaneous Income	3,954	7,424
	<b>3,001,005</b>	<b>2,218,744</b>
<b>EXPENDITURE</b>		
Auditor's Remuneration - Financial Statements	8,550	12,895
Accountancy and Bookkeeping	35,553	35,162
Bad Debts Written Off	-	-
Bank and Government Charges	3,059	3,320
Board Costs	3,519	2,146
Casual Staff	-	-
Conferences, Publications & Workshops	7,317	50,205
Consultants Fees	47,158	45,798
Depreciation	20,235	22,902
Disbursements - non recoverable	398	1,445

Doubtful Debts	-	(1,339)
Employees Entitlement Provision	(2,787)	41,623
Employee Expenses	5,268	5,701
Fundraising	32,566	20,758
Information Technology Expenses	48,538	36,651
Insurance	11,497	13,009
Light & Power	10,744	12,014
Loss on Disposal - Fixed Assets	2,716	1,819
MacArthur Expenses	42,392	22,604
Office Costs	19,423	18,915
Organisational Development	46,620	48,559
Packard Foundation Expenses	23,591	-
Postage & Couriers	6,369	3,407
Printing & Stationery	28,995	14,161
Rent - Office	172,753	172,038
Repairs & Maintenance - General Repairs & Maintenance	18	1,522
Salaries & Wages	1,386,322	1,373,435
Staff Training & Welfare	13,537	7,952
Staff Amenities	4,673	4,114
Staff Recruitment	1,748	362
Subscriptions	20,897	15,386
Superannuation Contributions	119,788	118,533
Telephone & Internet	17,781	17,990
Travelling Expenses	26,517	14,078
	<b>2,165,755</b>	<b>2,137,165</b>
<b>OPERATING PROFIT BEFORE INCOME TAX</b>	<b>835,249</b>	<b>81,579</b>

### Abridged report

This is an abridged copy of the Financial Report for the year ended 30 June 2014. For a full copy of the Report, please see our website: [www.edonsw.org.au/annual\\_report](http://www.edonsw.org.au/annual_report) or contact the offices of EDO NSW.



**NSW**



**DEFENDING THE ENVIRONMENT  
ADVANCING THE LAW**

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