



Annual Report
15/16

NSW

EDO

DEFENDING THE ENVIRONMENT
ADVANCING THE LAW

Cover image: Regent Honeyeater. © Birdlife Australia/Dean Ingwersen.

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EDO NSW

Annual Report

2015/16

About EDO NSW

Environmental Defenders Office 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.

We are the only legal centre in NSW that provides specialist advice about public interest environmental law matters. Since 1985, EDO NSW has pursued our 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 30 years' experience in environmental law, we have 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.

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FROM THE CHAIRPERSON

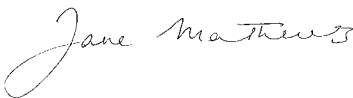
It has been another very busy and positive year for EDO NSW. As this report shows, the Office has been extremely active in a number of respects – involving very significant public interest litigation, policy and law reform work, and numerous outreach activities.

In April we held an extremely successful gala dinner at Doltone House. The speaker for the night was to have been the Hon. Michael Kirby AC, but at relatively short notice he was required to be in New York. We were extremely fortunate that Michael recorded his speech on DVD, which was played at the dinner. In addition, the eminent environmentalist Tim Flannery treated us to a fascinating talk about species extinction. The dinner was very well attended, and the enthusiasm of the attendees was palpable.

Our long-term Chief Executive Officer, Jeff Smith, left at the end of 2015. We were very sorry to see him go, and extremely grateful for the huge contributions he made to the EDO over the 14 years he worked with us. Following a thorough recruitment process, the position was offered to our Principal Solicitor, Sue Higginson, who took over the role at the beginning of this year. The transition has been a seamless one: Sue was thoroughly familiar with every aspect of the office's work, and she has proved to be a tireless and enthusiastic leader in every respect.

One of our significant discussions over recent times has related to the extent, if at all, to which there should be an amalgamation between the State and Territory EDOs. Various scenarios have been suggested, but as yet no resolution has been reached. Since federal funding has been discontinued for all EDOs, some have been reduced to very small offices. EDO NSW is by far the largest, and continues to give significant support to other offices. The discussions are continuing.

Yours Sincerely,



Jane Mathews
Chair

FROM THE CHIEF EXECUTIVE OFFICER

For EDO NSW it has been another brilliant year of public interest environmental lawyering.

EDO NSW was set up 31 years ago as an important addition to the architecture of environmental and planning laws. As a specialist community legal centre providing access to environmental justice for the community, we have pioneered a multidisciplinary approach to public interest environmental lawyering in Australia. It is this approach that makes EDO NSW such an effective and empowered legal service provider. We employ a range of tools – legal and technical advice, litigation, policy and law reform, and community legal education – to serve the community, protect the environment through law, and promote improvements in our environment and planning laws.

We started the year with our controversial win in the Federal Court of Australia for the Mackay Conservation Group against the approval for Adani's Carmichael coal mine in the Galilee Basin. Our client commenced proceedings to call out a clear error in the mine's approval. The Minister recognised his error and conceded the case. This was an example of public interest environmental litigation working well to reinforce our country's laws. At its heart, the case was about upholding the integrity of our national environmental laws, and holding to account those who administer the laws.

Shortly after this success, however, we faced accusations from some in the media and the Federal Government that our case was a form of *lawfare*, or *vigilante litigation*. These accusations were bizarre in light of the reality of the case – the Minister had made an error of law, and admitted as much during the legal proceedings. But the Government went further, proposing changes to national environmental laws to limit the already limited rights of the community to protect the environment through court action. As I write, those laws haven't passed, but they remain on the books. This is a reminder of how vulnerable our environmental protections can be.

It is important to reiterate that EDO NSW has rigorous guidelines about when we take court actions on public interest litigation matters. Those guidelines have been developed over many years, and work to improve the functioning of public interest environmental law in New South Wales and Australia.

Our success with our client Friends of Tumblebee in our Regent Honeyeater case also resonated far and wide. Central to this case was the survival of the Regent Honeyeater, a bird in grave peril, perched on the brink of extinction. Extinction is such a serious matter. The finality and irreversibility of extinction is an uncompromising reality that the law has to grapple with.

The finality of extinction was brought home this year when the NSW Government proposed significant changes to our biodiversity and native vegetation laws. Our current native vegetation laws ended decades of harmful broad-scale land

clearing – the laws banned clearing that could not be shown to at least maintain environmental outcomes. The laws were introduced on the basis of evidence showing how harmful broad-scale land clearing was – environmentally, socially and economically. While we have yet to see the proposed legislation introduced into Parliament, our analysis of the materials on public exhibition to date is that the reforms are likely to be a serious retrograde step for environmental laws in NSW. If implemented, we are likely to see an increase in land clearing across the landscape.

The stakes are high, with biodiversity loss continuing to increase, the natural environment and our natural resources facing increasing pressures to sustain and grow our material wealth, and the climate changing. At our gala dinner we were so fortunate to have the company of Professor Tim Flannery. Tim spoke authoritatively of the scientific importance of biological diversity and protecting species from extinction, but he also spoke about the moral obligation to avoid extinction. What right do we have as one species to be responsible for the extinction of another?

People are the heart of EDO NSW: our outstanding, deeply committed, staff; our supporters and donors who keep the wheels turning and advocate for us; our pro bono lawyers and scientists who so generously provide us their expertise; and our Board members, who believe in the organisation and give much of their life to be an essential part of it. We are all part of a special community, a hub of dedicated, optimistic people working together to protect places and values that Australians hold dear. I feel privileged to be part of this amazing community.

I trust you will find following pages informative and inspiring. There has never been a more important time to be engaged in environmental law.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Higginson', with a long horizontal flourish extending to the right.

Sue Higginson
Chief Executive Officer

WHAT WE DO

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
- legal outreach

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

In 2015/16 we operated an Aboriginal Engagement Program to deliver targeted legal services to Aboriginal clients, and an International Program through which we provided assistance and training to colleagues in PNG and the South Pacific.

We have an office in Sydney that services all of NSW. We also have an outreach office in Lismore, which services the Northern Rivers region and provides a closer rural and regional perspective to our work. 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.

Complaints and questions

Any questions or concerns about the content of this report should be addressed to the Chief Executive Officer at the address shown on the back cover of this report.

EDO NSW also has a formal process for handling complaints. Any complaints should be directed to the Chief Executive Officer on 02 9262 6989.

ACHIEVEMENTS 2015/16

We acted for community group Friends of Tumblebee to protect habitat for the critically endangered **Regent Honeyeater**.

We **reinvigorated our Aboriginal Engagement Program**. Our Aboriginal Advisory Committee was reconvened, and we pledged a statement of commitment to Aboriginal communities.

Acting for the Mackay Conservation Group, we successfully challenged the Federal Minister for the Environment's approval of **Adani's Carmichael coal mine** in central Queensland. The Minister re-approved the mine in December 2015.

Our case win for Humane Society International against whaling company Kyodo Senpaku Kaisha was the largest fine in any contempt proceedings in Australian history, and the **largest ever imposed in Court proceedings under national environmental law**.

Our extensive work on the proposed **NSW biodiversity law and policy reforms** was well-received. Community members said our workshops and materials helped them understand and engage in the reforms. Legal professionals and decision-makers commended us on the quality of our analysis.

We provided **front line legal services** to over 1,200 individuals and community groups.

Our reach grew substantially over last year – attendance at our community workshops was 40 percent higher, and website page views grew by 38 percent.

Donations income grew 13 percent on last year. This increase is critical to maintain our work helping communities protect the environment through law.

WHAT PEOPLE SAID

“You guys are my heroes.”

– Tim Flannery, EDO NSW Gala Dinner, April 2016.

“Thank you once again for taking the trouble to make the presentation easy to listen to and to understand. All in all, you were amazing.”

– Jean, Soldiers Point Community Group Inc., after an EDO NSW community workshop.

“Funding for community legal centres, of which EDO is one, is an important part of what I personally and the government supports. They do a really important job of representing interests which would not otherwise have a chance before the justice system.”

– Gabrielle Upton, NSW Attorney-General, reported in The Australian, 2 October 2015.

“The [EDO NSW] presentations were a large draw card for participants... Landcare NSW acknowledges both your time and your skill in not only providing a professional presentation but by delivering considered and succinct answers in our panel discussions.”

– Robert Dulhunty, Chair, Landcare NSW, on our participation in Landcare’s community workshops on the NSW biodiversity reform package 2016.

“Thank you EDOs for fighting for a sustainable future and inspiring other[s] to join the cause.”

– Donor.

“The work you do is invaluable – thank you! The task we faced ... was huge. With much community effort and assistance of EDO we got the rightful outcome.”

– Christine Giuliano, Save Mackillop Drive Reserve Parkland Community.

LEGAL ADVICE AND LITIGATION

EDO NSW provides access to justice for individuals and community groups with public interest environmental problems.

We give free initial telephone advice on matters of environmental law and policy and, if appropriate, we provide written advice and ongoing assistance. If necessary, and if a matter is in the public interest and has a good chance of succeeding, we represent clients in court proceedings.

Summary of our legal work in 2015/16

Telephone advices



1,209

Detailed written legal advices



517

Public interest matters before the courts



15

Source: EDO NSW administrative records

This year, we managed 706 open casework files and closed 200 casework files. Much of this casework included significant input from our Scientific Advisory Service.

Environmental Law Line: 1800 626 239

Our toll-free Environmental Law Line is staffed by a duty solicitor during office hours, Monday to Friday.

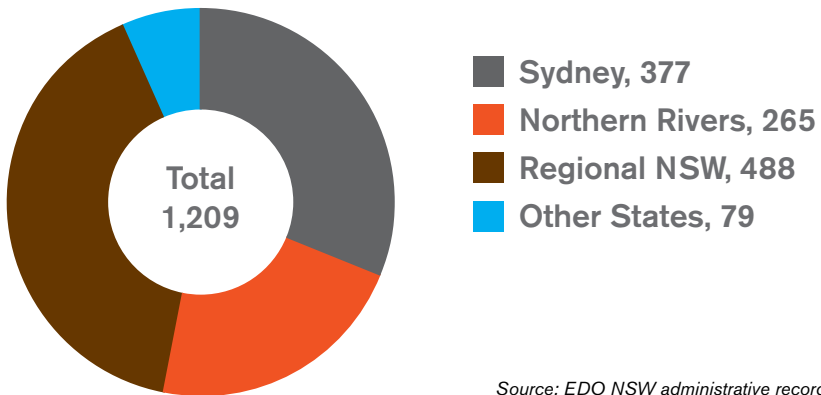
edonsw.org.au/advice

Legal Advice

In 2015/16 we provided 1,209 telephone advices, of which 62 percent were to clients in rural and regional NSW. Of these, we went on to provide 517 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 culture and heritage. We wrote 115 letters to Government Departments, Ministers, local councils and companies and made 89 applications for documents under access to information laws.

Telephone advices provided in 2015/16



Source: EDO NSW administrative records

Below are two examples from our legal advice work in 2015/16.

Working in partnership to protect and promote Aboriginal culture and heritage

This year we continued to build our relationship with Dharriwaa Elders Group, a vibrant Aboriginal-led grassroots organisation based in Walgett that supports local elders.

Since 2012 we have been representing the Group in its dealings with the NSW Government as it tries to protect culture and heritage from the impacts of opal mining. The Group has been fighting for the proper assessment of culture and heritage impacts whenever a new area is opened up for opal mining, and for proper protection and mitigation measures when opal mining is approved. The Group has found willing allies in local landholders who share their interest in protecting the environment and biodiversity values of their properties.

We have been working with elders from the Group as they conduct culture and heritage inspections of properties, and advising them on how to draft affidavits outlining the culture and heritage values identified. The aim is that, together, elders and landholders can use these affidavits to strengthen protection and mitigation conditions imposed on opal prospecting and mining on their lands.

A significant development in this valuable work occurred in 2015/16. For the first time in NSW, landholders have used the Dhariwaa Elders Group affidavits in the arbitration process for Access Management Plans. The outcome of this work will be an important gauge for expanding our work in this area.



Dhariwaa Elders Group member Aunty Virginia Robinson with EDO NSW solicitor Ross Mackay at Narran Lakes. Image: EDO NSW

Helping a farmer access justice

Ever since Maules Creek farmer Pat Murphy called our environmental advice line in September 2015, we've been helping him understand his legal rights.

Pat's farm is within 2km of the Maules Creek open cut coal mine near Boggabri in Northern NSW. Dust and noise from mine blasts funnel down the valley directly over Pat's property, affecting his family and his animals.

However, the mine's approval appears to have proceeded without proper consideration for Pat and his family. Although the mine is subject to noise and dust restrictions, these provisions do not apply to Pat's property – they relate only to other properties. This means that Pat himself has no legally enforceable protections, and he is reliant on other landowners holding the mine to account.

Pat and his family are in an extremely difficult position, caught between the public interest of seeking to hold the mine to account, and the private interest of seeking the best outcome for their family. We are providing ongoing advice and support to help Pat navigate the complex laws and regulations that govern mine approvals.



Pat and his neighbour Lochie Leitch with EDO NSW CEO Sue Higginson at Maules Creek Hall. Image: EDO NSW

Court Cases

In 2015/16 we acted in 15 public interest matters before the courts, representing a diverse range of individuals and community groups. A selection of cases is described in detail below. A summary of all our 2015/16 cases is at the end of this section.

Before taking on a court case, we must be satisfied that the issue is in the public interest – that it has significance beyond the material or financial interests of a particular individual or group – and that there is utility or value in commencing proceedings.

Case win

Species
protection

Friends of Tumblebee v ATB Morton & Cessnock City Council

edonsw.org.au/RegentHoneyeater

On behalf of Friends of Tumblebee, we successfully challenged Cessnock City Council's approval for the construction of a steel fabrication and distribution facility in an area of forest that is home to the Regent Honeyeater, a bird listed as 'critically endangered' under both NSW and Australian environmental laws.

Scientific research presented as evidence shows that the area contains one of the few remaining viable breeding sites for this extremely rare, once abundant honeyeater. It is estimated that there are just 350 to 400 of these beautiful birds left in the world.

The Land and Environment Court agreed with our argument that a species impact statement should have been undertaken before the development was approved. With the Council's approval deemed invalid by the Court, the development cannot proceed without a species impact statement being undertaken and made available for public comment.

This decision is an example of how environmental laws can provide a safety net for Australia's biodiversity. In the decision, Justice Rachel Pepper drew a moving parallel with the loss of the Tasmanian Tiger:

About our case work

EDO NSW represents individuals and community groups in public interest court action to protect the environment. Through our casework, we contribute to transparent, open and accountable decision-making and promote access to justice. Our strict guidelines ensure that court time is not wasted on frivolous cases.

edonsw.org.au/CurrentCases

“In a gloomily lit room in the Tasmanian Museum and Art Gallery patrons can watch silent black and white motion picture footage of the last known living thylacine, or Tasmanian Tiger, taken in 1933. The permanent exhibition ... is a poignant memorial to, and a powerful reminder of, how easily and quickly a species can, through human intervention, vanish forever.”

The Hon Justice Pepper, Land and Environment Court decision, Friends of Tumblebee Incorporated v ATB Morton Pty Limited, 11 March 2016.



Regent Honeyeater. © Birdlife Australia/Dean Ingwersen

Case win

Species
protection

Humane Society International v Kyodo Senpaku Kaisha Ltd

edonsw.org.au/Whales

On behalf of Humane Society International (HSI), we acted in Federal Court contempt proceedings, successfully proving contempt by Japanese whaling company, Kyodo Senpaku Kaisha Ltd (Kyodo).

The Court found that Kyodo was guilty of four counts of contempt of Court for breaching a 2008 order that the company stop whaling in the Australian Whale Sanctuary off the coast of Antarctica. That 2008 order was the result of an earlier case in which we represented HSI – for 11 years we've been helping HSI fight through the courts to prevent Kyodo from killing whales in Australian waters.

The Court accepted HSI's evidence that Kyodo had whaled in the Sanctuary in four separate whaling seasons since the 2008 order. The Court fined the company a total of \$1 million for those four breaches.

Although enforcing a fine in another country is difficult, the Court's decision sends a strong message to the Japanese Government and the international community – it reaffirms the Australian legal position in the ongoing international condemnation of Japan's 'scientific' whaling program. The case win also establishes a legal precedent for future biodiversity protection cases.



Minke whale and calf. © Adrian Baddeley/iStock

Mackay Conservation Group v Commonwealth of Australia and Adani Mining

edonsw.org.au/Adani

Case win

Species protection

On behalf of the Mackay Conservation Group, we successfully challenged the Federal Government's approval of the Carmichael coal mine in central Queensland.

We argued that, in granting approval for the mine, the Federal Environment Minister failed to properly consider the mine's environmental impacts.

The Federal Court set the approval aside in August 2015, as it was recognised that the Minister failed to have regard to conservation advices for two species listed as vulnerable under Australian environmental law, the Yakka Skink and the Ornamental Snake – conservation advices that were approved by the Minister himself earlier that year. By law, the Minister must consider such conservation advices so that he fully understands the impacts a decision will have on Matters of National Environmental Significance.

Although this was a significant win for the environment, the Minister re-approved the mine in December 2015.



Yakka Skink. © Eric Vanderduys

Case win

Defending
community
rights

Ashton Coal Operations Ltd v Hunter Environment Lobby & Minister for Planning

edonsw.org.au/Ashton

With our client Hunter Environment Lobby, we successfully defended Ashton Coal's appeal of a Court condition imposed on the expansion of its coal mine near Camberwell in the Hunter Valley.

In August 2014 the Land and Environment Court determined that the mine expansion could not start until Ashton purchased, leased or licenced the property of Mrs Wendy Bowman, who has lived and farmed in and around the Camberwell area for most of her life.

Ashton Coal appealed the decision in the NSW Court of Appeal, but the appeal was dismissed in November 2015.

Mrs Bowman's property, which would be totally consumed by the mine's expansion, is critical not just for the company to access the coal, but also to properly manage the mine's impacts to ground and surface water. Mrs Bowman has said that she does not intend to sell her property to the mining company.

Mrs Bowman has not taken this stand lightly. She has witnessed the coal industry expanding across prime farmland in the Hunter Valley, including sections of farms owned by her family. She is very concerned about the industry's impact on the Hunter environment.



Wendy Bowman with EDO NSW solicitor Belinda Rayment. © Dean Sewell

Summary of cases 2015/16

Our client	Opponents	Status at 30 June
Mackay Conservation Group	Commonwealth of Australia and Adani Mining	Determined
John Watts	Department of Planning and Environment	Determined
Hunter Environment Lobby	Office of Environment and Heritage	Determined
International Fund for Animal Welfare	NOPSEMA	Determined
Positive Change for Marine Life	Byron Bay Shire Council and Byron Preservation Association Inc	Determined
Headland Preservation Group Inc	Sydney Harbour Federation Trust & Others	Determined
Humane Society International	Kyodo Senpaku Kaisha Ltd	Determined
Upper Mooki Landcare	Shenhua Watermark Coal Pty Ltd and NSW Minister for Planning	Determined
Friends of Tumblebee	ATB Morton & Cessnock City Council	Determined
Hunter Environment Lobby Inc	Minister for Planning & Ashton Coal Operations Ltd	Determined
Bulga Milbrodale Progress Association	Warkworth Mining Limited and NSW Minister for Planning	Withdrawn
Peter Ashley	Richmond Valley Council	Determined
4nature	Centennial Springvale Pty Limited and Others	Pending
People for the Plains	Santos and Others	Pending
Western Downs Alliance	Minister for the Environment & Santos Limited	Pending

View our current cases at edonsw.org.au/CurrentCases.

POLICY AND LAW REFORM

In our policy and law reform work, we engage with governments, government departments, environment groups and communities on laws and policies that affect the environment.

We write submissions, publish reports, present at parliamentary inquiries and undertake consultancy work for government agencies and community groups.

In 2015/16, we made 40 submissions to State and Federal governments.

At the **national** level, we made important recommendations on issues such as water management and assessment, marine plastics pollution, motor vehicle standards, the public interest purpose of environmental law (Freedoms Inquiry), outcomes-based conditions for project approvals under the EPBC Act, regulation of agriculture, chemical assessment and management, and the regulation of mining and unconventional gas.

At the **State** level, we made recommendations on issues such as biodiversity law reform, fisheries and marine bioregional management, mining law and policy, planning, police powers regarding protestors, the role of agencies such as the Natural Resources Commission and Local Land Services, travelling stock routes and coastal management.

The examples below show just three ways our law reform team operates – from **engaging** with decision-makers and the community, to **responding** to government calls for comment, to **driving** the agenda by proactively identifying and drawing attention to reforms we believe are important.

Engaging
with key
communities

The NSW Government's biodiversity review

In 2014 the NSW Government initiated a review of the State's biodiversity legislation.

These reforms came to a head this year with the NSW Government proposing changes to key environmental laws such as the *Native Vegetation Act 2003*, the *Threatened*

Species Conservation Act 1995, the *Nature Conservation Trust Act 2001*, and parts of the *National Parks and Wildlife Act 1974*.

Working for better environmental laws

Our experience and unique expertise make us the go-to source for accurate information and constructive environmental law reform advice.

If we can improve the rigour of law-making, and promote better laws, we can reduce the need for litigation when the environment is threatened.

edonsw.org.au/LawReform

As reported last year, our policy team was engaged in preparations for the reform package, meeting with the Government’s review panel, and providing expert legal advice to government agencies and environmental groups.

With the public release of the proposed reforms, our work moved on to focus more on community engagement.

We published a number of plain English analyses on our website to help community members understand the reforms.

Through a series of workshops, seminars and forums, we spoke to local communities, Landcare members, Local Land Services officers, local councils, ecological consultants, private land conservation agreement holders, Aboriginal people, conservationists, wildlife carers, and private individuals through our advice line. Areas covered included: Hunter, Greater Sydney, North Coast, Northern Tablelands, South East and Central West. We discussed concerns with over 600 people.



*EDO NSW solicitor Nari Sahukar with biodiversity workshop participants in the Blue Mountains, 6 June.
© Vera Wong*

We also made three detailed submissions – on the Local Land Services Amendment Bill, the Biodiversity Conservation Bill 2016, and, with input from members of our Scientific Expert Register, on the Biodiversity Assessment Method and Mapping Method.

We continue to engage with the NSW Government on these reforms.

Mining law and policy submissions and inquiries

This year we responded to a number of calls for comment on issues relating to mining laws and policies.

At a national level, we appeared at two parliamentary inquiries into the mining sector: one on landholders’ rights to refuse coal and gas operations on their land; the other on oil and gas drilling in the Great Australian Bight.

Responding
to calls for
comment

In NSW, we met regularly with officials to provide expert and technical advice on mining issues for which the NSW Government was seeking comment. We made formal submissions on:

- The regulation of rail freight, including coal trains.
- Community consultation issues relating to State Significant Projects and the Draft Exploration Code of Practice.
- Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals.
- The Strategic Release Framework for coal and petroleum exploration.
- The Integrated Mining Policy.
- The Mining State Environmental Planning Policy Amendment 2015 (repealing prioritisation of resource significance).

These submissions are important for formally reinforcing the advice we provide on policy improvements in our regular and constructive meetings with government agencies.

Driving
policy &
law reform

Merits review in planning law and policy

In response to community concerns about the loss of their right to appeal approvals of large resource extraction projects, we produced the report Merits Review in Planning in NSW.

The report demonstrates that merits review is an essential part of a well-functioning planning system, and shows that there are clear benefits to allowing third party merits review for major projects in NSW.

We prepared another proactive report for release in July 2016, Planning for Climate Change: How the NSW Planning System Can Better Tackle Greenhouse Gas Emissions.



edonsw.org.au/Merits2016



edonsw.org.au/CC2016

OUTREACH PROGRAM

Our Outreach Program aims to help communities protect the environment through law. The program is focused on rural and regional NSW, which helps us stay abreast of the environmental issues facing rural and regional communities and ensures we can direct our services to where they are most needed.

Early engagement is vital to achieving successful outcomes for the environment. Timely information and expert assistance delivered through our Outreach Program helps communities take a more proactive approach to the environmental issues they face.

Community Legal Education

In 2015/16 we delivered 26 community legal education workshops across 6 regions – the Central Tablelands, Greater Sydney, Hunter, North Coast, North West, and South East. In all, 960 people attended our workshops – a 40 percent increase on last year.

We worked with local community and State-wide environment groups, Landcare, and local councils to deliver workshops on a range of topics, including development assessment and compliance and enforcement processes for specific developments, environmental planning and land use zoning, and mining. We also delivered a number of workshops on the proposed changes to NSW biodiversity laws and coastal management laws, explaining the proposals, encouraging people to engage in the reforms, and giving them tips on how to engage effectively.

Professional Development

Our staff contributed their expertise to a number of professional development initiatives throughout the year. We addressed several forums and conferences on a range of topics, including water law, environmental litigation, and private conservation. We also made a number of presentations to professional delegations from China, explaining how pollution and land clearing are regulated in NSW, and spoke with a group of academics and students from the United States about public interest environmental law in Australia.

Helping communities – EDO NSW outreach

- **Community workshops** help people participate in environmental decisions.
- **Seminars** and **presentations** build the capacity of environmental decision-makers.
- **Lectures** at universities build the capacity of the environmental law fraternity.
- **Plain English materials** explain complex environmental laws and policies.

edonsw.org.au/Outreach

Lectures

We taught units on planning law and environmental dispute resolution at a number of Sydney-based universities, and delivered guest lectures on topics including public interest environmental law, Aboriginal culture and heritage, and environmental impact assessment.



Soldiers Point community members with EDO NSW solicitor Emily Ryan at a legal workshop. Image: EDO NSW

Publications

GUIDES TO THE LAW

edonsw.org.au/Publications

Plain-English legal guides are an important feature of our community engagement and education work, helping us provide in-depth information on topical issues to a broad audience. Publications cover a wide range of subjects and come in various formats. Our publications are available free to the community online.

FACT SHEETS

edonsw.org.au/FactSheets

We have over 50 detailed fact sheets on State and Federal environmental law, covering issues such as planning and development, pollution, natural resource management, native plants and animals, heritage, and government accountability. Our fact sheets are designed to help build the capacity of the community to engage in environmental issues. We began counting fact sheet downloads in November 2015. Since then, there have been on average nearly 700 fact sheet downloads every month.

IMPACT!

edonsw.org.au/Impact

IMPACT! is a contemporary and topical national journal of environmental law that focuses on the Australian legal context, with reference to the international situation where appropriate. IMPACT! is a bi-annual journal which is produced with support from the Environment and Planning Law Association NSW.

Digital Outreach

This year we have worked on steadily building our digital capacity. In particular, we made a number of technical improvements to enhance our website's usability and to integrate it better with social media.

WEBSITE

Our website is the online hub for all our work. The website received over 215,000 page views this financial year, a 38 percent increase on last year. The top three pages – apart from the home page – were our fact sheets on planning, development and heritage, our media release on the Adani court case win for the Mackay Conservation Group, and our legal guides page.

The Have Your Say pages on our website also receive a lot of views. These pages help community members engage in environmental decision-making by providing up-to-date information about opportunities to comment on government decisions that have the potential to impact on the environment. They also explain the framework for environmental decision-making and offer tips on how to engage effectively with decision-makers.

Our Have Your Say pages received over 19,000 page views through the year – on average more than 1,600 views every month.

SOCIAL MEDIA

Social media continues to grow in importance for us as a way of reaching out to a broad audience and giving our supporters an opportunity to help spread the word about how the environment can be protected through law. Over the year our Facebook following grew by 80 percent, and we now have over 4,000 followers.

EMAIL UPDATES

Our 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 Have Your Say alerts for opportunities to comment on environmental matters. Over 2015/16, our eBulletin subscriber list grew by 12 percent. Improvements made to the bulletin resulted in a 25 percent increase in subscriber engagement.

EDO NSW communications

Blog edonsw.org.au/blog

Media edonsw.org.au/media_releases

Facebook facebook.com/edonsw

Twitter [@EDONSW](https://twitter.com/EDONSW)

Weekly eBulletin edonsw.org.au/ebulletin

ABORIGINAL ENGAGEMENT PROGRAM

In 2015/16, we continued to respond to requests for advice and representation on issues of importance to Aboriginal clients. For example:

- We helped the Dharrivaa Elders Group collaborate with landowners in the arbitration process for Access Management Plans – read more about this under the legal advice section of this report.
- We helped the Sugarloaf and District Action Group enforce consent conditions and improve protection around the Butterfly Cave, a culturally significant site for Awabakal women and a declared Aboriginal place that is under threat from a residential subdivision.
- We continued working with Bundjalung Elder Michael Ryan in his attempts to ensure that the proposed North Lismore Plateau Local Environmental Plan (LEP) properly protects Aboriginal and environmental values. As described in last year's Annual Report, we helped Mr Ryan successfully challenge a decision by Lismore Council and the NSW Department of Planning to remove environment protection zones, including Aboriginal heritage sites, from the LEP.
- We advised Murray Lower Darling Rivers Indigenous Nations (MILDRN) on the accreditation of water resource plans in the Murray Darling Basin, and proposed amendments to water management legislation to incorporate cultural flows and improve engagement with Aboriginal communities.

We held a workshop in Lismore to talk about issues of importance to the Aboriginal community. Many of our other workshops across the State were attended by Aboriginal community members and addressed issues specific to Aboriginal communities.

This year we also reinvigorated our Aboriginal Engagement Program by reconvening the Aboriginal Advisory Committee and developing a Statement of Commitment to Aboriginal communities.

Through our Aboriginal Engagement Program we:

- provide legal advice and community education, tailored and appropriate for Aboriginal communities, on public interest environmental law matters, including culture and heritage protection, environmental protection, and planning law;
- reach out to Aboriginal communities to provide these services; and
- ensure that EDO NSW operates in a way that is culturally appropriate & respectful.

edonsw.org.au/AboriginalEngagement

Aboriginal Advisory Committee

Our Aboriginal Advisory Committee helps drive our Aboriginal Engagement Program. The Committee had met regularly from 2007-2011, but fell dormant as we waited for developments in the NSW Government's culture and heritage reforms. With no recent developments on the reforms, we took the decision to revive the Committee. The reconstituted Committee met in April 2016. The Committee will continue to meet annually and provide assistance to us as required.

We are very grateful to the members of the Committee for their commitment and guidance.



The EDO NSW Aboriginal Advisory Committee at its April 2016 meeting. Left to right: Jason Behrendt, Constance Chatfield, Natalie Rotumah, Zachary Armytage and Darren Perry. Not pictured: Tony McAvoy SC. Image: EDO NSW

Statement of Commitment

At its April meeting, the Aboriginal Advisory Committee suggested we develop a Statement of Commitment to acknowledge the Aboriginal communities we work with, clarify our commitment to those communities, and help ensure continuity of this commitment for the future.

After consulting with all our staff and the Aboriginal Advisory Committee, we developed the following Statement of Commitment. This encapsulates not only the passion we have for working with our Aboriginal clients and with Aboriginal communities, but also emphasises the values we aspire to in the conduct of that work.

We will use our expertise, professionalism and deep commitment to assist and stand with our Aboriginal clients as they protect and promote their Country, culture and heritage through law.

INTERNATIONAL PROGRAM

In 2015/16 our international work was targeted to organisations in Fiji, Solomon Islands, Papua New Guinea (PNG), Vanuatu and Samoa. Issues covered included fisheries management, marine protected areas, planning and development, forestry and mining.

As a partner with Australian Volunteers for International Development, we supported three strategic volunteer placements in Fiji, Samoa and Vanuatu. The placements were in the areas of public interest environmental law, environmental impact assessment, and natural resource management. Roles ranged from legal support to environmental management positions.

We continue to engage in a range of international networks, particularly the Environmental Law Alliance Worldwide, an online network of public interest environmental lawyers and scientists, and the International Union for the Conservation of Nature (IUCN), a network of more than 1,000 government agencies and NGOs and over 11,000 lawyers, scientists and other experts.

As part of our work with IUCN in Oceania, we supported the establishment of the Pacific Network for Environmental Law (PaNEL) in July 2015. PaNEL is a network of organisations and individuals with an interest in protecting the environment by strengthening environmental law systems, institutions, organisations and individuals in the Pacific region. EDO NSW is currently the secretariat for PaNEL.

We have been providing legal assistance and training to organisations in the South Pacific since 1991.

Our International Program helps build the knowledge and skills of environmental lawyers in the Pacific through much-needed training and technical support in our key areas of operation (litigation, policy, outreach and scientific advisory).

edonsw.org.au/International



EDO NSW and regional partners at IUCN Oceania offices in Suva, Fiji. From left to right: BJ Kim, Molu Bulu, Tamalis Akus, Nicholas Barnes, Maria-Goreti Muavesi, Luisa Tagicakibau, Senoveva Mauli, and Colin Leo. Image: EDO NSW

Funding for the International Program

We are grateful for the support of the Packard Foundation, which helps us provide assistance on coastal marine issues to partner organisations in Fiji and PNG. We also express our gratitude to the Critical Ecosystems Partnership Fund, which provides support for our capacity building work with partners in Solomon Islands, PNG and Vanuatu.

Compliance and Evaluation

We use formal evaluations and informal feedback to continuously develop and improve our international capacity building programs. For example, stakeholder feedback and internal reviews indicated the need for us to establish communication protocols to help us maintain more regular contact with key partners. We implemented protocols from late 2015.

EDO NSW has been a full member of the Australian Council for International Development (ACFID) since 2013. ACFID maintains the ACFID Code of Conduct, which is a voluntary, self-regulatory sector code of good practice for organisations working in aid and development. EDO NSW is committed to full adherence with the Code, conducting our work with transparency, accountability and integrity.

For further information about the Code, please refer to the ACFID website: www.acfid.asn.au. This site also includes information about how to make a complaint in relation to any breach of the Code.

SCIENTIFIC ADVISORY SERVICE

In 2015/16, 72 experts advised EDO NSW and our clients on 40 key policy, litigation and outreach matters. This included providing expert advice at Planning Assessment Commission public hearings and determination meetings, acting as expert witnesses in litigation, informing EDO NSW's solicitors on policy matters, and supporting our International Program.

Below are two case studies from this important aspect of our work.

Providing important information to decision-makers

Our client, Illawarra Residents for Responsible Mining, was concerned about the environmental and social impacts of the Russell Vale Colliery Underground Expansion Project in the Wollongong area. The project proposed to expand longwall mining operations at the colliery, extracting 4.7 million tonnes of coal over 5 years.

Under our Scientific Advisory Service, we identified and briefed key experts in flora and fauna, upland swamps, groundwater, noise and economics. The experts provided advice on the project's Environmental Impact Statement and outlined key environmental issues that could be presented by the residents group at two public hearings before the approving body, the Planning Assessment Commission (PAC).

After the first public hearing, the PAC identified significant concerns with the project proposal, and asked for further information before making its decision.

It noted explicitly that this request was consistent with submissions and input received from experts.

Our Scientific Advisory Service provides independent, objective scientific advice to our staff and clients. The Service includes:

- 'In-house' advice from our Scientific Director.
- A Technical Advisory Panel, which is made up of academic experts who provide pro bono strategic advice on specific issues.
- An Expert Register of over 150 scientific experts in a range of fields who assist EDO NSW on a pro bono basis.

edonsw.org.au/Science

After the second hearing, the PAC outlined its ongoing concerns about the project, including many of the issues raised by our experts, such as risk of water loss, risk to upland swamps, noise impacts and potential loss of ecosystem functions. The PAC concluded that the social and economic benefits of the project as proposed were most likely outweighed by the project's environmental costs. At the time of going to print, a final decision on the project had not yet been made.

This is a good example of both how our scientific advice and engaging early with the community can provide critical environmental information to help decision-making bodies such as the PAC make more informed decisions.

Providing important information to the courts

As described in the cases section of this Annual Report, we successfully acted for Humane Society International (HSI) in Federal Court contempt proceedings against Japanese whaling company, Kyodo Senpaku Kaisha Ltd (Kyodo)

HSI believed that Kyodo breached an injunction restraining it from whaling in the Australian Whale Sanctuary in the Australian Antarctic Territory. But they needed concrete proof. We engaged an expert in spatial information science to map the locations where whales were killed and compare those locations with the boundaries of the Australian Whale Sanctuary.

Mapping demonstrated clearly that whales had been killed within the Sanctuary's boundaries during four whaling seasons since the 2008 injunction. The Court ruled that Kyodo was in contempt of Court, and fined the company \$1 million.

The scientific information presented to the Court was essential to our success in this case.

We believe that science plays an important role in developing good environmental laws and policies.

FUNDRAISING

We have stepped up our fundraising and supporter communications efforts over the past financial year, and these efforts have paid off.

929 groups and individuals made donations throughout the year. This includes regular donors whose monthly ongoing contributions form a crucial base to our funding and help us plan ahead.

In April we held our 2016 Gala Dinner. The purpose of the evening was to raise funds and to create an event that allowed our supporters to connect and have a great time. Professor Tim Flannery and The Hon Michael Kirby AC CMG both presented on the importance of our work in the face of current environmental issues, including climate change and increasing rates of extinction. We are so grateful to everyone who supported the event, particularly our sponsors, speakers, and donors.

Each donation to EDO NSW makes a real difference. We are grateful for the ongoing support of the community and the financial contributions that make our work possible. Please see the acknowledgments section for a detailed list of major sponsors, supporters and donors in 2015/16.



Our Chairperson Jane Matthews and her guests, 2016 Gala Dinner. Image: EDO NSW

As a non-profit organisation, we rely on community support to help fund our programs and services.

edonsw.org.au/support

LEADERSHIP AND INFLUENCE

We have 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, participation in key bodies such as the International Union for the Conservation of Nature, the Australian Panel of Experts on Environmental Law, the Environment and Planning Law Association, NSW Young Lawyers, the Law Society of New South Wales, and the Australian Centre for Climate and Environmental Law.

EDO NSW featured in around 200 media items in 2015/16. Highlights include:

- Our case for Mackay Conservation Group that challenged the approval of Adani's Carmichael coal mine featured in at least 23 media items. On the day of the court decision, our website received as many page views as it would normally receive in a whole month.
- During the public consultation phase of the NSW Government's proposed biodiversity reform package, our web pages on the reforms received over 10,000 page views, and 180 new subscribers signed up to our eBulletin. Our analysis and commentary on the reforms was well-received and referenced widely.

Other media highlights:

- Our client Pat Murphy featured on the ABC's Australian Story, 27 July 2016.
- Our CEO/Principal Solicitor Sue Higginson was profiled in Extinction Busters, an article by Julie McCrossin in the Law Society Journal, issue 22, May 2016.
- The Saturday Paper, 18 June 2016, contained an article on our CEO/Principal Solicitor Sue Higginson and an editorial on EDO funding.
- Our former Executive Director Jeff Smith appeared on ABC Lateline, 9 August 2015, to debate plans to prevent environmental groups mounting legal challenges to Federal approvals.

EDOS OF AUSTRALIA

EDO NSW is one of eight independent EDO offices located across Australia that formally operate together as a network called EDOs of Australia.

The different offices work together where possible, sharing information and resources, and collaborating on joint submissions on Federal environmental policy. EDO NSW, being the largest of the offices, also assists other offices with litigation on Federal cases.

Notwithstanding the complete withdrawal of all Federal Government funding to all EDOs in late 2013, all offices have remained open. In 2015/16 EDOs of Australia, with the help of donor support, has begun an extensive look at the future of the national network. The results so far indicate exciting possibilities for the continuation of EDOs of Australia as the leaders and experts in the delivery of public interest environmental legal services to all Australians.

OUR PEOPLE



Some of the EDO NSW legal team in 2015/16. Image: EDO NSW

Staff

EDO NSW is very fortunate to have a dedicated team of professional staff. At 30 June 2016, the team consisted of:

Chief Executive Officer and Principal Solicitor

Sue Higginson

Policy & Law Reform Director

Rachel Walmsley

Outreach Director

Emily Ryan

Jemilah Hallinan (on parental leave)

Scientific Director

Megan Kessler

Operations Manager

Blake Powell

Senior Solicitors

Elaine Johnson (on parental leave)

Rana Koroglu

Senior Policy & Law Reform Solicitor

Nari Sahukar

Solicitors

Alec Bombell

Brendan Dobbie

Stacey Ella

Kira Levin

Emily Long

Ross Mackay

Sarah Roebuck

Belinda Rayment (on parental leave)

Policy & Law Reform Solicitor

Emma Carmody

Outreach Solicitor

Nina Lucas (Northern Rivers)

International Programs Coordinator

BJ Kim

Project Officer

Jessica Harwood

Fundraising Coordinator

Jerry Lloyd

Communications Officer

Christopher Madden

Administrative Officers

Ana Carolina Napoli Carneiro

Kirsty Jordan

Meg Goodwin

Staffing changes

2015/16 saw some major changes in staffing.

Jeff Smith, our Executive Director, moved on after 14 years with EDO NSW.

Sue Higginson was subsequently appointed to our new Chief Executive Officer position while continuing to fulfil her duties as Principal Solicitor.

Meredith MacDonald, our long-standing Operations Manager, retired, and Fundraising Coordinator Maria Williams returned home to WA. Blake Powell joined the organisation as the new Operations Manager.

The Litigation team was boosted by the return of Sarah Roebuck from extended leave, and the arrival of new solicitors Brendan Dobbie, Ross Mackay and Emily Long. Senior solicitor Elaine Johnson went on parental leave.

Outreach Director Jemilah Hallinan went on parental leave. Communications coordinator Jon Walter also left to take up an overseas position.

Board of Management

EDO NSW is a non-profit company limited by guarantee. Our volunteer Board provides strategic direction and governance to the organisation, and is elected at each Annual General Meeting. Board members attend meetings at six-weekly intervals, and take part as required in planning days and committees. They make a major contribution to EDO NSW, guiding the organisation's development and devoting considerable time and expertise to our work. More information on the Board is included in the Directors' Report for the year ended 30 June 2016.

EDO NSW Patron during 2015/16 was Hal Wootten AC QC.



EDO NSW Board members (l to r): Andrew Burke, Jane Mathews (Chairperson), John Connor, David Robinson, Ronnie Harding, Kevin Rozzoli, Jane Wilder. Not pictured: Paul Brown, Bronwyn Darlington, Verna Simpson, Kate Smillie, Helen Gillam (ceased October 2015), Frank Hubbard (ceased September 2015). Image: EDO NSW

EDO NSW: A GREEN OFFICE

We continue our commitment to operating in an environmentally sustainable way. We measure our carbon footprint using the greenhouse gas calculator, and offset emissions by purchasing Climate Friendly certified Gold Standard and Verified Carbon Standard carbon offsets. This year, we purchased 57 tonnes of carbon dioxide equivalent (CO₂e) offsets.

In calculating our carbon footprint, 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 our publications.
- Emissions associated with waste disposal and recycling.

Last financial year our emissions were 60 tonnes CO₂e, so we have achieved a five percent reduction in our emissions, due largely to a reduction in travel expenses, including international travel and car rental, and by reducing our printing.

EDO NSW relies on car and plane travel to deliver outreach workshops and represent clients in rural areas.



EDO NSW Administrative Officer Kirsty Jordan shows off some of our recycling bins. Image: EDO NSW

We have a number of ways that staff and volunteers contribute to our Green Office. Along with paper and co-mingled recycling bins, we have collection points for used batteries, mobile phones, eWaste, soft plastics and used pens. A key aspect of our Green Office is our Bokashi bin, which composts office food scraps. Staff members take the scraps home for their gardens.

We thank our staff and volunteers for the many ways they help reduce waste – from minimising their printing, to taking reusable cups when they go out to get their daily coffee.

We also continue to support Australia's renewable energy by purchasing 100 percent GreenPower for our office.

ACKNOWLEDGEMENTS

Donors and Fundraisers

We extend our warm thanks to the donors and supporters who made a contribution to our work this financial year: your vital support allows us to continue helping individuals and communities protect the environment through law.

Sponsors, speakers, and donors

Derek Anderson	Humane Society International	NSW Environment and Planning Law Association
ArtBank		
Stephen Campbell	Sue Jacobs	The Orgill Family Foundation
Clarence Environment Centre	The Hon. Michael Kirby AC CMG	The Pace Foundation
Diversicon Environmental Foundation	Karl Kruszelnicki	David Pocock
Colin & Pam Brown	George Lewin	Purple Pear Farms
Tim Flannery	Julie McCrossin	Susan Robertson
Jackie French	John and Sue McKinnon	David Robinson
Glow Worm Bicycles	Andrew Marlon – First Dog on the Moon	Signorelli Gastronomica
The Graeme Wood Foundation	Jane Mathews	Kyah Simon
Ronnie Harding	Nigel Milsom	Jeff Smith
Anna-Wili Highfield	John Mulquiney	Lucy Vader
Hill Family Conservation Foundation	Jack Munday	Max Watts
Colin Hindmarsh	Naomi Hamilton Photography	

We continue to benefit from the generosity of Sylvia Hale, whose substantial donation in 2014 has been key in sustaining us.

Invaluable support has also been provided by Humane Society International, who has made a generous three-year financial commitment to help support the continued provision of environmental legal services.

We are also incredibly grateful to the community groups who held events this financial year to raise funds that will allow us to continue our work, including Friends of Ku-Ring-gai Environment and Knitting Nanas Against Gas.

Volunteers

Volunteers greatly enhance our ability to provide accurate and timely services to our clients and the community. Most volunteers help with the provision of our legal advice and casework services, though this year we also enjoyed volunteer support for our outreach, communications and administration.

We would like to thank our 2015/16 volunteers for their commitment and hard work:

Alexi Abel	James Johnson	Alex Read
Christine Ai	Trishna Kashyap	Emilija Rupsys
Tim Allen	Olivia Kilponen	Beau Ryan
Nick Anderson	Elizabeth King	James Ryan
Kirsten Ayre	Amanda Kunafi	Peta Smith
Nicholas Balzer	Susan Lane	Emily Strachan
Craig Berry	Manon Lapierre	Clairssa Sukkar
Thomas Blissenden	Anne-Sophie Le Gall	Gabrielle Sulfaro
Tim Blum	Emily Long	Christiane Swain
Kate Bombell	Ross Mackay	Mujtaba Tanseer
Jasmin Briggs	Alison Mackey	Robyn Theissen
Ellie Chapman	Jim Marshman	Brad Torgan
Joey Chen	Kate McCallum	Jessica Vandenberg
Vincci Cheng	Joseph McDonald	Emma Vlatko
Shipra Chordia	Caitlin McJannett	Minoshi Weerasinghe
Peter Clarke	Rachel McNally	Peter Youll
Robecca Cunningham	Edwin Montoya Zorrilla	Minna Zhang
Rachel Daniel	Katie Mortimer	
Jane Dillon	Stuart Newell	
Josephine Dooley	Max Newman	
Emilee Freeman	Frances O'Brien	
Nina Giblinwright	Tristan Orgill	
Hannah Hargrave	Francine Pavkovic	
Naama Hasson	Emiko Phillips	
Kate Huxley	Amy Putt	

Pro Bono Assistance

LEGAL ASSISTANCE

Barristers

Ed Anderson	Geoffrey Kennett SC	Andrew Pickles SC
Sophie Anderson	Nicolas Kirby	Sarah Pritchard SC
Ken Averre	Jeremy Kirk SC	Tom Quilter
Fenja Berglund	Richard Lancaster SC	Fleur Ramsay
Simon Chapple	Patrick Larkin SC	Jacinta Reid
Ian Coleman SC	Jason Lazarus	Mark Seymour
Alexander H Edwards	Craig Leggat SC	Ashley Stafford
Catherine Gleeson	Georgia Lewer	Jennifer Stuckey-Clarke
Natasha Hammond	Brendan Lim	Desmond Sweeney
Ian Hemmings SC	Peter McEwen SC	Elisa Tringali
Tom Howard SC	Chris McGrath	Peter Tomasetti SC
James Hutton	Christine Melis	Josie Walker
James Johnson	Scott Nash	Robert White
Nicholas Kelly	Gregory Nell SC	

Chambers and Law Firms

Addisons	Chalk & Fitzgerald Lawyers & Consultants	McCabes Lawyers
Baker & McKenzie		Martin Place Chambers
Beatty Legal	DLA Piper	Rural Law with Peter Long
Bolt Findlay Solicitors	Maurice Blackburn Lawyers	Woolf Associates

TECHNICAL ADVISORY PANEL

We thank our Technical Advisory Panel, who provide pro bono strategic advice to EDO NSW. The Panel members and their specialties are:

- Prof Chris Dickman, Professor of Terrestrial Ecology, School of Biological Sciences, University of Sydney – terrestrial ecology.
- Assoc Prof Nicole Gurrán, Faculty of Architecture, Design and Planning, University of Sydney – urban planning and policy analysis.

- Prof Richard Kingsford, Professor of Environmental Science, University of NSW – wetland and river ecology and water resources.
- Dr Iain MacGill, Senior Lecturer, University of NSW – energy policy and technology.
- Prof John Quiggin, Risk and Sustainable Management Group, University of Queensland – economics and economic policy.

SCIENTIFIC AND TECHNICAL ASSISTANCE

We thank the following experts, who provided advice during 2015/16, and all those who provided advice anonymously:

Stephen Ambrose	Stephen Gauld	Barry Noller
Renata Bali	Warwick Giblin	Doug Nowachek
Natrishia Barnett	Alana Grech	Emmett O'Loughlin
John Bassett	David Hadley	Don Osbourne
Stephen Bell	Chris Hallam	Craig O'Sullivan
Melanie Bishop	Nick Higginbotham	Philip Pells
Karl Bossard	Eleanor Hobley	Steven Pells
Andrea Broughton	Andrew Hopkins	Neil Perry
Tim Buckley	Narelle Irvine	Steve Phillips
Marion Burgess	Richard Kingsford	Andy Pitman
Ian Campbell	Tristan Knowles	Graham Pyke
Rod Campbell	Robert Kooyman	Greg Stone
Rob Clemens	Sam Lake	Gerry Swan
Maria Cotter	Josh Larsen	Rod Weiss
Peter Cowell	Doug Lord	Arthur White
Neil Davis	Andrew Marr	David Williams
Claire de Lacey	Maria Matthes	Vanessa Wong
Martin Denny	Damian McCann	Ian Wright
Ben Ewald	David Milledge	OzArk Environmental & Heritage Management
Max Finalyson	William Milne-Home	

ABORIGINAL ADVISORY COMMITTEE

- Zachary Armytage, Community Legal Centres NSW
- Jason Behrendt, Chalk & Fitzgerald Lawyers
- Constance Chatfield, Local Government NSW
- Tony McAvoy SC
- Darren Perry, Murray Lower Darling Rivers - Indigenous Nations
- Natalie Rotumah, NTSCORP Limited

FUNDING AND FINANCIAL REPORT

Financial Performance

In 2015/16, EDO NSW ended the year with a deficit of \$123,158. This was a positive outcome, being 10 percent less than the Board's budget for the year. As flagged in the 2013/14 Annual Report, it was the Board's intention to use part of the surplus achieved that year, which included the substantial donation received from Sylvia Hale in June 2014, to continue to provide EDO NSW services into the future and to undertake work that is in the public interest and strategically important, but cannot be done within the terms of funding contracts.

Funding from Grants

Historically, EDO NSW has been overwhelmingly dependent on grants to provide its environmental legal services to the community. However, as can be seen in the chart at the end of this section, the proportion of income which EDO NSW receives from grants has decreased over the past four years. During this time there has been an increase in the number of grants received, but many of these are smaller grants committed to specific programs and projects.

The major source of funding for the core operations of EDO NSW remains the Public Purpose Fund (PPF). In the past, this was triennial funding and composed about 70 percent of our total funding, reaching \$1,642,127 in 2011/12. However, this source of funding has declined significantly and in 2015/16 EDO NSW received \$750,000 from the PPF, and will receive a similar amount in 2016/17.

Funding was received from Legal Aid NSW through the Community Legal Services Program (CLSP). CLSP funds from the NSW government accounted for \$216,191 of EDO NSW income in 2015/16. NSW CLSP funding will continue in 2016/17. EDO NSW and the other EDOs around Australia no longer receive any CLSP funding from the Australian Government. This was terminated in June 2014, and while other community legal centres have had their Australian Government funding restored, EDOs have not.

In addition to CLSP funding, EDO NSW has continued work on the Environmental Law for Environmental Decision-makers workshop series, funded by the NSW Government through its Environmental Trust at the end of 2014/15. The project was developed and implemented this year with workshops running into 2016/17.

For our International Program, we largely rely on grants from overseas foundations. The David and Lucile Packard Foundation grant and the Conservation International Foundation's Critical Ecosystem Partnership Fund grant continued through 2015/16. Both will conclude in 2016/17. Donations income has been used to supplement grant income to meet the cost of the International Program.

EDO NSW receives a number of other grants, including an annual research fellowship grant from the Environment and Planning Law Association (NSW) Inc.

Community Support

EDO NSW received the extraordinary amount of \$683,065 from donations, gifts and memberships in 2015/16, compared with \$603,105 last year: this represents a 13 percent increase in donations. EDO NSW now relies heavily on donations from the community to maintain its services.

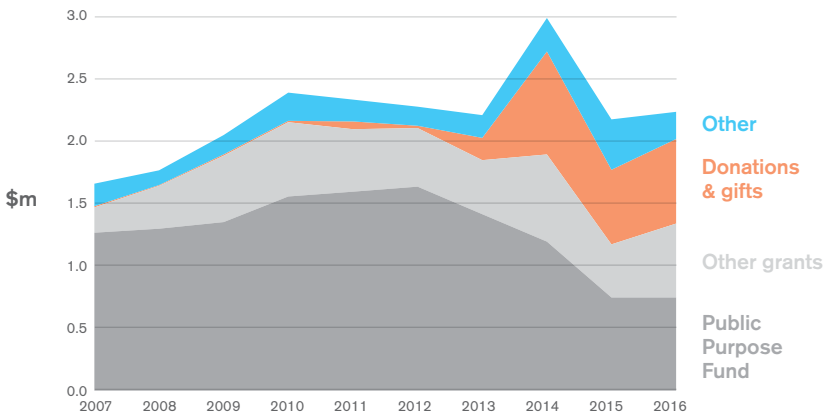
Income Generation

EDO NSW generates income from fees charged for its professional services and receives income from bank interest. In 2015/16, EDO NSW generated professional fees totaling \$137,116, compared with \$323,363 the previous year. This income source is highly variable due to the type of services requested and the outcome of litigation cases. Income from bank interest also fluctuates due to changes in interest rates.

Income Sources Over Time

Over the last four years EDO NSW has undergone a substantial restructuring of income sources, with Public Purpose Fund funding declining and donations increasing. The changing structure of our income sources is illustrated in the graph below. The graph also clearly shows how important the substantial donation from Sylvia Hale in June 2014 has been for sustaining our organisation through this challenging time.

EDO NSW income by source, 2007 to 2016



Source: EDO NSW audited accounts

DIRECTORS' REPORT FOR THE YEAR ENDED 30 JUNE 2016

The Directors present this report on the company for the financial year ended 30th June 2016.

Directors

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

The Hon. Jane Mathews AO, Chairperson

Appointed 23/10/2013
Acting Judge, Supreme Court of NSW
Attended 6 of 8 meetings

Mr Andrew Burke, Secretary

Appointed 23/6/2010
Solicitor
Attended 4 of 8 meetings

Mr Paul Brown, Treasurer

Appointed 16/02/2016
Senior Lecturer, University of Technology Sydney
Attended 4 of 4 meetings

Ms Helen Gillam

Appointed 28/10/2008, ceased 20/10/2015
Accountant
Attended 3 of 3 meetings

Mr John Connor

Appointed 1/12/2010
Chief Executive Officer, The Climate Institute
Attended 6 of 8 meetings

Ms Bronwyn Darlington

Appointed 23/10/2013
Researcher/Lecturer, University of Sydney Business School
Attended 6 of 8 meetings

Dr Ronnie Harding

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

Mr Frank Hubbard

Appointed 30/01/1996, ceased 08/09/2015
Principal, Worthwhile Projects Pty Ltd
Attended 2 of 2 meetings

The Hon. Kevin Rozzoli AM

Appointed 2/05/2012
Consultant
Attended 8 of 8 meetings

Ms Verna Simpson

Appointed 5/12/2013
Director, Humane Society International (Australia)
Attended 4 of 8 meetings

Ms Kate Smillie

Appointed 2/12/2009
Manager Revolving Funds, Nature Conservation Trust of NSW
Attended 5 of 8 meetings

Ms Jane Wilder

Appointed 1/12/2015
Solicitor
Attended 5 of 5 meetings

Mr David Robinson

Appointed 1/12/2015
Solicitor
Attended 5 of 5 meetings

Net Deficit After Income Tax

The net deficit of the company for the financial year was \$123,158 (2015 – \$112,677 deficit).

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.

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 from the Public Purpose Fund and from the Commonwealth Government has decreased since 2012, a range of alternative grants have been secured for its activities until 30 June 2016. At the same time, EDO NSW is increasing the proportion of its income from alternative independent sources such as donations and fees; it has significant contributions secured for 2016-2017.

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 2016, the total amount that members of the company are liable to contribute if the company winds up is \$550.00.

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 and on behalf of the directors by:

Directors

Jane Matthews

Kevin Rozzoli

Dated this 13th day of September 2016

AUDITOR'S INDEPENDENCE DECLARATION

I declare that to the best of my knowledge and belief, during the year ended 30th June 2016, there have been:

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- (ii) 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 15th day of September 2016

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2016

ASSETS	2016 \$	2015 \$
CURRENT ASSETS		
Cash on Hand	1,693,603	1,771,271
Accounts Receivable and Other Debtors	100,960	128,687
Other Current Assets	119,900	116,201
TOTAL CURRENT ASSETS	1,914,463	2,016,159
NON CURRENT ASSETS		
Property Plant & Equipment	19,269	34,996
TOTAL NON CURRENT ASSETS	19,269	34,996
TOTAL ASSETS	1,933,732	2,051,155
 LIABILITIES		
CURRENT LIABILITIES		
Accounts Payable and Other Payables	410,900	416,089
Employee Provisions	182,229	167,352
TOTAL CURRENT LIABILITIES	593,129	583,441
NON CURRENT LIABILITIES		
Employee Provisions	47,484	51,438
TOTAL NON CURRENT LIABILITIES	47,484	51,438
TOTAL LIABILITIES	640,613	634,879
NET ASSETS	1,293,119	1,416,276
EQUITY		
Retained Surplus	1,293,119	1,416,276
TOTAL EQUITY	1,293,119	1,416,276

INTERNATIONAL AID AND DEVELOPMENT INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2016

	Note	2016 \$	2015 \$
REVENUE			
Donations and gifts			
Monetary	1	4,575	25,748
Non-monetary	2	49,260	39,696
Grants - AusAid		-	-
- Overseas		138,205	112,817
Other income	3	2,582	1,461
		194,621	179,722
TOTAL REVENUE			
EXPENDITURE			
International Programs			
Monetary		130,802	127,769
Non-monetary		49,260	39,696
Community Education		-	-
Fundraising Costs	4	-	-
Accountability and Administration		14,559	12,257
		194,621	179,722
TOTAL EXPENSES			
(SHORTFALL) OF REVENUE OVER EXPENDITURE		0	0

Notes

- 1 Funds allocated from unrestricted donations to the Environmental Defence Fund operated by EDO NSW.
- 2 This includes volunteers' services valued at \$17,760 and pro bono services valued at \$31,500.
- 3 Balance of funding for International Program taken from investment income of EDO NSW.
- 4 EDO NSW incurred fundraising expenses of \$67,890 during the 2015-16 year. Most of these expenses related to direct mail appeals to the public and to a fundraising event. None of these was directed to funding the international program. Consequently, it was determined that there were no materially significant fundraising expenses related to the international program and therefore no fundraising costs are reported on the International Aid and Development Income Statement.

CASH MOVEMENTS FOR DESIGNATED PURPOSES FOR THE YEAR ENDED 30 JUNE 2016

	Cash available at beginning of financial year	Cash raised during financial year	Cash disbursed during financial year	Cash available at end of financial year
Packard Foundation grant	84,750	137,728	(111,620)	110,858
Conservation International grant	2,944	19,883	(29,166)	(6,339)
Total for other non-designated purposes	1,683,577	2,139,843	(2,234,336)	1,589,084
TOTAL	1,771,271	2,297,454	(2,375,122)	1,693,603

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.

DIRECTORS' DECLARATION FOR THE YEAR ENDED 30 JUNE 2016

The directors of the entity declare that:

1. The financial statements and notes, as set out on pages 6 to 34, 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 2016 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 Matthews
Chairperson

Kevin Rozzoli
Director

Dated this 13th day of September 2016

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

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 2016, 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.

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 13 September 2016, 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 Ltd. 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 2016 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.

Joseph Pien

Chartered Accountant

Dated in Sydney this 15th day of September 2016

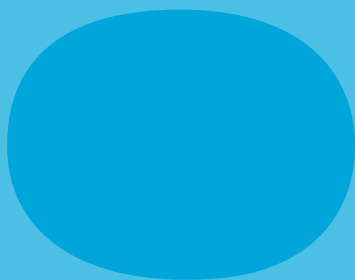
PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2016

	2016	2015
INCOME	\$	\$
Public Purpose Fund Grant	750,000	750,000
Lead Environment Community Grant	75,000	0
NSW CLSP Grant	216,191	208,797
NSW Environmental Trust Grants	22,500	13,905
Other Project Grants	165,166	101,667
EPLA Research Grant	5,000	5,000
Commonwealth GVESHO Grant	0	0
MacArthur Foundation Grant	0	17,923
Packard Foundation Grant	111,632	80,173
Donations, Memberships & Fundraising	683,065	603,105
Programs Income	29,571	17,995
Professional Fees	137,116	323,363
Interest Received	44,250	57,847
Miscellaneous Income	35,478	23,092
	2,274,969	2,202,867
 EXPENDITURE		
Auditor's Remuneration - Financial Statements	10,645	8,365
Accountancy & Bookkeeping	38,220	35,720
Bad Debts Written Off	1,400	148
Bank & Government Charges	3,800	3,189
Board Costs	2,594	3,040
CEPF Expenses	1,255	3,331
Conferences, Publications & Workshops	6,765	8,941
Consultants Fees	13,292	32,744
Depreciation	15,727	18,802
Disbursements - non recoverable	925	661
Doubtful Debts	1,643	1,600

Employees Entitlement Provision	10,924	31,467
Employee Expenses	7,281	5,304
Fundraising Expenses	67,976	80,414
Information Technology Expenses	29,372	29,593
Insurance	11,565	10,731
Light & Power	6,028	8,176
Loss on Disposal - Fixed Assets	0	1,183
MacArthur Expenses	0	17,980
Office Costs	9,496	11,700
Organisational Development	15,348	31,259
Packard Foundation Expenses	9,009	20,157
Postage & Couriers	3,377	4,092
Printing & Stationery	21,457	13,363
Rent - Office	185,406	199,504
Repairs & Maintenance	0	1,536
Salaries & Wages	1,685,818	1,504,315
Staff Training & Welfare	9,052	12,478
Staff Amenities	6,274	6,277
Staff Recruitment	16,540	878
Subscriptions	10,142	10,130
Superannuation Contributions	153,169	136,976
Telephone & Internet	13,196	16,247
Travelling Expenses	30,431	45,243
	2,398,127	2,315,544
OPERATING PROFIT BEFORE INCOME TAX	(123,158)	(112,677)

Abridged report

This is an abridged copy of the Financial Report for the year ended 30 June 2016. For a full copy of the Report, please see our website edonsw.org.au/AnnualReport or contact the offices of EDO NSW.



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