


**Annual Report
2018 – 2019**

Environmental Defenders Office NSW





We recognise the traditional owners and custodians of the land, seas and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander elders past and present and aspire to learn from traditional knowledge and customs so that together we can protect our environment and cultural heritage through law.

Environmental Defenders Office NSW

EDO is the leading public interest environmental law organisation in Australia; a non-government community legal centre with a formidable track record of successful Court outcomes and in driving systemic change through our policy and law reform expertise.

We provide vital legal services to people from all walks of life who want to protect our natural and built environment and the plants and animals that share it. We deliver expert, independent analysis of laws and regulations, legal education and support to communities across Australia and the Pacific and we pursue litigation in the public interest.

Our vision is of a sustainable environment protected by law.

NSW



DEFENDING THE ENVIRONMENT
ADVANCING THE LAW

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Year at a glance 2018 - 2019



We gave

741

pieces of

legal advice

Advice provided in

47%

of NSW postcodes



33
litigation
matters

before the courts.

72,000

views

**of Have Your
Say online**

– a 90% increase



50% increase

in income from

philanthropists





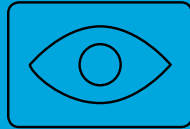
137%
increase
in total
**donations and
grants income**



Hosted

60
volunteers

492,120
web page views
– a 116% increase



Hosted

8

**International
delegations**
in our office

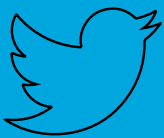
Worked with

**South Pacific
partners**

on

18

**litigation and
policy matters**



586.8k
**Twitter
impressions**

@EDONSW, a 150% increase

26%
increase

in income from

**Friends of the EDO
regular givers**



Lectured

on environmental and planning law in

6 universities



35% increase
in followers

Letter from the CEO & the Chair of EDO NSW Board

Writing this piece provides an opportunity to reflect on a truly remarkable year in the history of the Environmental Defenders Office NSW. Our focus on protecting the natural environment by empowering communities to seek access to justice in environmental matters through the provision of our legal services and community legal education has really made a difference. Our legal interventions, on behalf of clients, and our advocacy for law and policy reform have had wide ranging impacts within NSW but also much further afield. Looking back, we find ourselves astonished at the breadth of the EDO's work, the diversity of our clients and the extraordinary efforts of our staff.

This was a year in which our work had impacts that truly transcended domestic boundaries. Among many highlights, two particular matters stand out to us.

Firstly, in February, the Chief Judge of the Land and Environment Court handed down the seminal Australian climate change judgment in the matter of *Gloucester Resources v the Minister and Groundswell Gloucester* – the Rocky Hill Coal Mine case. The impact of that judgment, a world-first in terms of a greenfield coal mine being refused in part because of its contribution to climate change, has rippled across the world. The judgment has been a catalyst, changing the way fossil fuel projects are thought about in NSW and elsewhere. It is significant not only for how it has changed the conversation around climate change, but also for what it says about the social, environmental and cultural impacts of projects. You can read more about the case on pages 6–8.

Secondly, and less well known, in March the Solomon Islands Environment Advisory Committee handed down its first ever decision, refusing development consent for a bauxite mine on Wagina Island in Solomon Islands. The mine would have had grave consequences for both the people and the environment of Wagina, taking up 60% of the island. This case optimised the value and impact of our International Program, which seeks to assist with the capacity-building of like organisations in the Pacific. In this instance, EDO supported the Solomon Islands Landowners Advocacy and Legal Support Unit (LALSU) in their representation of Mr Tebukewa Mereki on behalf of the people of Wagina. The resulting judgment is a source of enormous pride for us all.

These two wins have had profound effects, both in terms of environmental protection and also in respect of community empowerment. It is immensely satisfying to look back on the efforts of the Office and see the tangible differences we have made.

Along with enormous success there have been losses. We don't want to gloss over those - in utilising the law to assist communities we are not always successful - but in every instance the cases run have raised important matters of law and principle and were in the public interest.

This year has been tinged with sadness. The organisation has had to farewell some significant contributors. We particularly note the passing of one of the EDO's great champions and former Chair, the late Honourable Murray Wilcox AO QC. We are grateful to Murray for his contribution to the environment, to the law and to the EDO, the place where those two things converge in the public interest. We also note the contribution of the wonderful Jane Mathews AO, our Chair for much of this year until her stepping back because of illness in March. She has been a dedicated, thoughtful and energetic leader and we've been incredibly grateful for her leadership and support.

There are so many other wonderful achievements of the Office during this period, featured in these pages. The organisation remains in excellent financial health and is ready to take its next step into an exciting future. We hope you enjoy this report.

David Morris, Chief Executive Officer
Dr Bronwyn Darlington, Chair



Climate



In the past year, public support for strong action on climate change has grown exponentially. Scientists are urging the world to limit global heating to no more than 1.5 degrees Celsius above pre-industrial levels. The United Nations Secretary General demands a rapid phase-out of fossil fuels. And Pacific Island countries fume over Australia's plans to actively expand our coal and gas industries in the face of all the evidence that rising emissions are threatening their very survival.

With increasing urgency and determination, the EDO seeks to advance an effective legal framework for tackling this immense challenge.

Climate change in Court

On 20 August 2018, 15-year-old Greta Thunberg sat alone outside the Swedish Parliament to protest government inaction on climate change. Her solitary action would spark a global movement. On the same day, on the other side of the world, EDO NSW entered a Sydney courtroom to begin the second week of a hearing into an application for a new open-cut coal mine. The case would give rise to a landmark judgment on climate change in Australia.

In February 2019, Chief Justice Preston delivered judgment in *Gloucester Resources Ltd v Minister & Groundswell Gloucester Inc.* In that case, EDO NSW was acting for the local community group, Groundswell Gloucester, seeking refusal of a greenfield coal mine proposed for the Gloucester Valley in NSW. The Court found in our client's favour.

In a lengthy judgment, the Court concluded that the Rocky Hill Coal Mine was in the "wrong place at the wrong time". The wrong place, because of the mine's unacceptable impacts on Gloucester Valley, and the wrong time because it would increase greenhouse gas emissions at a time when "what is now urgently needed, in order to meet generally agreed climate targets, is a rapid and deep decrease in GHG emissions."

The significance of the Rocky Hill litigation cannot be overstated. This was the first time a Court of superior jurisdiction heard and decided expert evidence on the need to stay within a finite global carbon budget. For the first time in Australia, greenhouse gas emissions arising from coal mined in Australia and burned

overseas were cited by the Court as reasons for rejection of a mine.

Significantly, the Court recognised a causal link between the mining of coal in Australia, climate change and its impacts. This finding has broad implications for a range of climate cases that may now be brought in Australia, where issues such as causation have previously been seen as substantial legal hurdles. The Court also rejected arguments traditionally relied on by industry to justify continued mining of coal at a time when global emissions are continuing to rise. This includes, importantly, the "substitution defence" (or "drug dealers defence") which, put simply, says "if this mine doesn't go ahead, another one somewhere else will take its place." The Court found that there was simply no evidence to support that argument.

Relying on the judgment, on behalf of our clients, EDO NSW has been able to put detailed legal submissions and expert evidence before the Independent Planning Commission on the need to address global emissions from domestic coal projects. We are now observing that decisions on coal projects coming from the Commission "post-Rocky Hill" are substantially different to "pre-Rocky Hill" determinations, including, in some cases, refusals of mines.

There is no doubt that the Rocky Hill case has changed the legal landscape on coal and climate. In 2019–2020, we are continuing to build on those outcomes with our clients, in pursuit of climate justice for current and future generations.

PERSPECTIVE

We are actively exploring new ways to use the law to address the urgent issue of climate change as a core aspect of our litigation work.

Elaine Johnson -
Principal Solicitor



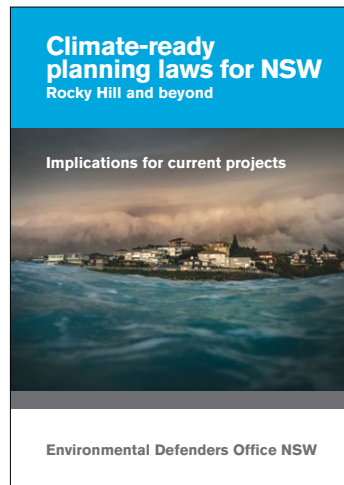
IN BRIEF

Speaking at a public planning meeting on behalf of Friends of the Upper Hunter, the EDO urged the IPC to refuse a modification application in relation to Dartbrook mine in the Upper Hunter, citing the Rocky Hill ruling, particularly in relation to social and climate change impacts.

Expert witnesses, including climate scientist Professor Will Steffen, were presented by EDO on behalf of Bylong Valley Protection Alliance to a November 2018 meeting of the IPC on the proposed greenfield Bylong coal mine.

After EDO presented submissions to an August 2018 IPC hearing on behalf of Hunter Environment Lobby, the Commission refused a key amendment which could have given the Ashton South East open cut coal mine project an indefinite approval timeframe.

After Rocky Hill – moving towards climate-ready planning laws



Our 2019 report, *Climate-ready planning laws for NSW - Rocky Hill and Beyond*, maps out how the NSW planning system should be addressing climate change.

There are major deficiencies in NSW laws in terms of climate-readiness. Firstly, unlike other jurisdictions in Australia and internationally, NSW lacks an effective, whole-of-government legal framework for responding to climate change. We recommend a new Climate Change Act, a Minister for Climate Change and a Climate Change Division within the Department of Premier and Cabinet.

Secondly, the NSW *Environmental Planning and Assessment Act 1979* fails to comprehensively incorporate climate change considerations into planning and development processes, despite the NSW planning system having a key role to play in reducing contributions to greenhouse gas emissions (mitigation), planning for a just transition away from fossil fuel developments (social equity), and planning to live with the impacts of climate change we are already experiencing and which are projected for the future (adaptation).

Inadequate legislative obligations or guidance in relation to climate change means that decision makers are in the legislative dark about how best to consider likely climate change impacts, what kinds of projects are consistent with a just transition to a low-carbon economy, what project approval conditions relating to climate change are reasonable, and how adaptation considerations and climate risks should affect the exercise of powers and discretion.

In the absence of any clear plan for how to achieve development that is compatible with the need to limit global warming to 1.5°C above pre-industrial levels, and consistent with the latest science on climate impacts, NSW communities face a chaotic and unplanned transition in a rapidly changing world.

Our report maps out reforms to NSW planning laws that would ensure that today's communities, planners, developers and decision makers have the guidance needed, including a duty to reduce emissions and limit warming to 1.5°C, to manage climate risks, protect assets, lives and livelihoods, and plan for a just transition away from fossil fuel production and use, consistent with the latest IPCC advice.

Rocky Hill – finally, what winning feels like

For the Gloucester community, the last 10 years have been a rollercoaster. Fighting coal mines and coal seam gas seemed to be the order of the day. The Groundswell Gloucester team met every two weeks to organise and strategise, weekly when things really started to heat up. Piles of documents and media files were collated. Lives were put on hold.

The relief for the community when the mine was refused by the Planning Assessment Commission in December 2017 was palpable. Then came the mining company's appeal. Another huge effort began, with renewed submissions and organising for the court case in mid 2018. It was an intense and highly emotional time, especially for those in proximity to the planned mine. Months of waiting yet again – and then Chief Justice Brian Preston handed down his judgment at 9.30am on Friday 8 February 2019.

We had won. To say we were ecstatic is an understatement. The Rocky Hill coal mine would have been hugely detrimental to our environment, Aboriginal heritage, air quality, scenic amenity, water resources and the social fabric of our community.

Media interest was huge and the EDO was there to help. At last ... climate change makes a breakthrough!

As the climate emergency deepens at a faster pace than expected, this judgment is so important and we hope that, due to the incredible work of the EDO, other communities will benefit from this far-sighted outcome.

None of this could have happened without key people and organisations and most importantly the EDO. The guidance, patience, generosity, professionalism and caring attitudes of all who work with the EDO are legendary. It is deeply appreciated by communities who are going through terrible and disruptive fights to save their places and environments.

Now we can have certainty and rebuild. We held our third Sustainable Futures convention in March 2019 with the Rocky Hill judgment as the talk of the weekend. We will continue to grow Gloucester as the beautiful, clean and green region we all love.

Julie Lyford OAM
Chair Groundswell Gloucester



Biodiversity

Almost 2000 species and ecological communities are listed as critically endangered, endangered or vulnerable to extinction in Australia. A strong legal framework to protect biodiversity and build resilience is essential for reversing the trajectory towards extinction. A core part of our law reform work continues to focus on legal solutions to this extinction crisis. This involves expert analysis of biodiversity, forestry, and land clearing laws.

At the national level this year, we continued to advocate through parliamentary inquiries for a new Environment Act to address the contemporary, interlinked challenges of extinction and biodiversity protection, natural resource management, land use, human settlements, production and consumption systems and climate change. A new Environment Act must be underpinned by renewed national leadership, independent and trusted institutions, high levels of environmental protection, with strong community engagement and access to justice. With our national law – the *Environment Protection & Biodiversity Conservation Act 1999* – due for statutory review in late 2019, our expert advice on legal solutions at the national level is critical and in high demand.

At the state level, our analysis of the new biodiversity and land clearing laws made for a sobering read. Unfortunately our predictions in 2016 about the effects of deregulation were accurate and NSW has seen a significant increase in tree clearing since the relaxation of land clearing laws and the introduction of self-assessable land clearing codes. We have provided legal advice to concerned clients and met with the relevant NSW Government departments and agencies to discuss serious issues with the new framework. After two years, key parts of the framework are still missing:

- the Native Vegetation Regulatory map that is meant to underpin the whole regime and indicate what land is regulated has not been published,
- the Native Vegetation Panel that is supposed to assess clearing applications is missing in action (suggesting the huge amount of clearing now being done is under Codes)
- and the tools that were supposed to limit unfettered clearing – such as declaring Areas of Outstanding Biodiversity Value – have not been used.

BIODIVERSITY

IN BRIEF

Environment Council of Central Queensland v Minister for the Environment and Anor. We assisted ECoCeQ in their successful challenge to a decision of the Federal Minister for the Environment in regards to a proposal to clear 2,100 ha of native vegetation on the Cape York Peninsula, likely to have significant impacts on the Great Barrier Reef and listed threatened species and ecological communities.

We assisted the Kangy Angy Residents Group in saving potential habitat for the critically endangered Regent Honeyeater and Swift Parrot from being destroyed. Following correspondence from EDO NSW, in August 2018 Transport for NSW made changes to construction plans to avoid cutting down native trees.

We highlighted concerns about the legal regime impacting on koalas, providing legal advice to concerned groups, drafting detailed technical submissions, providing evidence at a parliamentary hearing and presenting at seminars and in the media.



PERSPECTIVE

We continue to advocate for best practice biodiversity provisions to be enshrined in law to slow, and ultimately reverse, our current trajectory of biodiversity decline.

Rachel Walmsley - Director Law Reform and Policy

The case for sharks on the reef

As a World Heritage listed site, Australia has a legal responsibility to ensure the protection of the Great Barrier Reef. Yet a program of lethal drumlines, targeting sharks, contributed to the imperilled state of health of the Reef.

In April 2019, a legal challenge run by EDO NSW, on behalf of Humane Society International Australia (HSI), to the use of these lethal drumlines within the Great Barrier Reef Marine Park was successful, with the Administrative Appeals Tribunal finding that the Shark Control Program within the Park must avoid the lethal take of sharks to the greatest extent possible.

This was a very important case for the Great Barrier Reef and its marine life, including dolphins, turtles and rays, as well as its many species of sharks.

The AAT judgment [*Humane Society International Inc v Great Barrier Reef Marine Park Authority*] specifies that the Marine Park Shark Control program can continue, but in a manner that avoids, to the greatest extent possible, the lethal take of shark species. Conditions also include a requirement to tag, release and relocate all tiger, bull and white sharks caught on drumlines, to trial and implement SMART drumlines as soon as reasonably possible and to conduct research into alternative non-lethal measures and the tiger shark population.

The AAT based this decision on our client's expert evidence that the environmental impacts of the program on the tiger shark population and the Great Barrier Reef ecosystem are significant and that the killing of sharks caught on a drum line "should be a last resort, and not occur as a matter of practice". The AAT also applied the precautionary principle because of the importance of the Reef, the "substantial stress" the Reef ecosystem is presently under, the significant decrease in tiger shark populations and the "fact that trophic cascade may occur with the reduction in a population of an apex predator".

The Queensland Government actively defended its program before the Tribunal. The AAT did not accept its contention that this lethal program should continue because there have been no fatalities on controlled beaches since it began in 1962. The AAT said:

"The problem with that argument is that there have been no negative shark interactions recorded at many beaches where there is no Shark Control Program and fatal shark incidents have occurred at beaches outside the Marine Park where a Shark Control Program is in place. The statistics show that one in five of the fatal shark attacks in Queensland occurred at Shark Control Program-controlled beaches even though those beaches are only a very small part of the coastline. That doesn't prove anything but rather weakens the logic of the argument..."

Postscript: The Queensland Government appealed the decision to the Full Bench of the Federal Court. In September 2019, that Court rejected all seven grounds of appeal and upheld the AAT decision.

Humane Society International could not do the work we do to protect animals without the outstanding policy and legal support we receive from the EDO. It was their tireless and tenacious legal expertise that won an end to shark culling in the Great Barrier Reef Marine Park. Confidence in the EDO also helps attract top tier barristers to represent our causes. We at HSI are full of admiration for the whole EDO team and many animals have much to thank them for too.

Nicola Beynon – HSI



Water

Oceans

In September 2018, EDO NSW and HSI Australia published an expert major law reform report on integrated oceans management in Australia: *More than just fish and ships - the case for an Oceans Act*.

Australia's marine environment is immense - the third largest maritime jurisdiction in the world. The range of issues that impact on our magnificent coasts and oceans is increasing in scale and complexity. The issues in need of regulation include: marine plastics, bleached coral reefs, over-fishing, bycatch, shark control programs, rapid coastal development, marine park zoning, invasive starfish, super trawlers, aquaculture, pollution and sedimentation, warming oceans, shipping, maritime security, coastal floods and storms, and damage from both natural and human induced disasters.

Different laws, different governments and different sectors manage the different issues and impacts, and this piecemeal and uncoordinated approach is putting at risk our unique marine environmental assets and natural resources. The threats are increasing in scale and complexity, and unfortunately our management regimes are too. Management by sector is failing to protect our marine assets, build resilience and ensure we all benefit from healthy coasts and oceans for generations to come.

The problems may be complex and interrelated, but there is a clear solution. Our report sets out a vision for nationally integrated marine management, with strong national, regional and global leadership through a new Oceans Authority, and clear framework legislation – an Oceans Act.

The pathway set out in this report shows how Australia can overcome the barriers that have prevented us from realising the vision of integrated oceans management until now. These barriers include our failure to implement policy through clear laws, our domestic jurisdictional wrangling and lines on maps that are about historical negotiations rather than ecological systems, the failure to actively engage state and local governments in national marine policy, and the lack of coordination between different ocean users and sectors both within and beyond national jurisdiction. A new Oceans Authority and framework legislation would ensure a whole-of-government approach is coordinated across all relevant sectors and across all issues.



Ocean management is about security (global, food and economic), about social and cultural wellbeing and planetary health.





Murray-Darling Basin

In 2018-19 we continued our critical work with landholders, floodplain graziers, Aboriginal clients and environment groups on the law reforms needed to ensure the Murray-Darling Basin is restored to health.

We also continued to provide technical legal advice on the ever-confusing elements of current laws to a range of clients; and spent hours and hours meeting with government agencies – state, national and independent – to discuss reviews and reforms.

Our water law expert, Senior Law Reform Solicitor Dr Emma Carmody, appeared before the South Australian Royal Commission and provided expert testimony over two days on the failings of existing laws to ensure fair, accountable, effective and sustainable management of our most precious natural resource. The report of the Commission – like the preceding independent review of NSW water management by Ken Matthews AM, and two NSW Ombudsman reports – made findings and recommendations aligned with the law reform work of the EDO.

IN BRIEF

In November 2018, we were successful in assisting Greenpeace Australia Pacific to obtain documents under FOI laws which revealed the potential dangers involved in drilling for oil in the wild seas off the South Australian coast.

After a two-year freedom of information battle, in December 2018 the EDO finally obtained documents for client ACF relating to a major Barwon-Darling Basin irrigator's water licence accounts. This was a major win for the public's right to know how the NSW Government accounts for the use of water. Transparency is key to public confidence in the regulatory system governing water access and use in the whole Murray-Darling Basin.

After we acted on behalf of a farmer who had initially contacted our advice line, a proposal to develop a 600-person 'eco-tourism' facility on rural land on the banks of an anabranch of the Murray River near Corowa was rejected by the Regional Planning Panel in May 2019.

Our Outreach lawyers teamed up with *Map to Paradise* – a film about oceans – to share our ideas for an Oceans Act with ocean conservationists.

We made submissions on several water law reform proposals, such as the Natural Resource Commission Review of the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012, the Draft Floodplain Harvesting Monitoring and Auditing Strategy and the Productivity Commission's Draft Report on the Murray-Darling Basin Plan: Five Year Assessment.



International

This has been an exciting year for our International Program, with a successful landmark case in Solomon Islands and scaled-up efforts to curb illegal logging and mining across the Pacific.

In March 2019, our partners in Solomon Islands, the Landowners Advocacy Legal Support Unit (LALSU), made history by successfully prosecuting the first ever case before the Environment Advisory Committee (EAC) under the *Environment Act 1998 (SI)*. The EAC, a lay committee, overturned the decision of the Director of Environment to grant a development consent for a bauxite mine on Wagina Island.

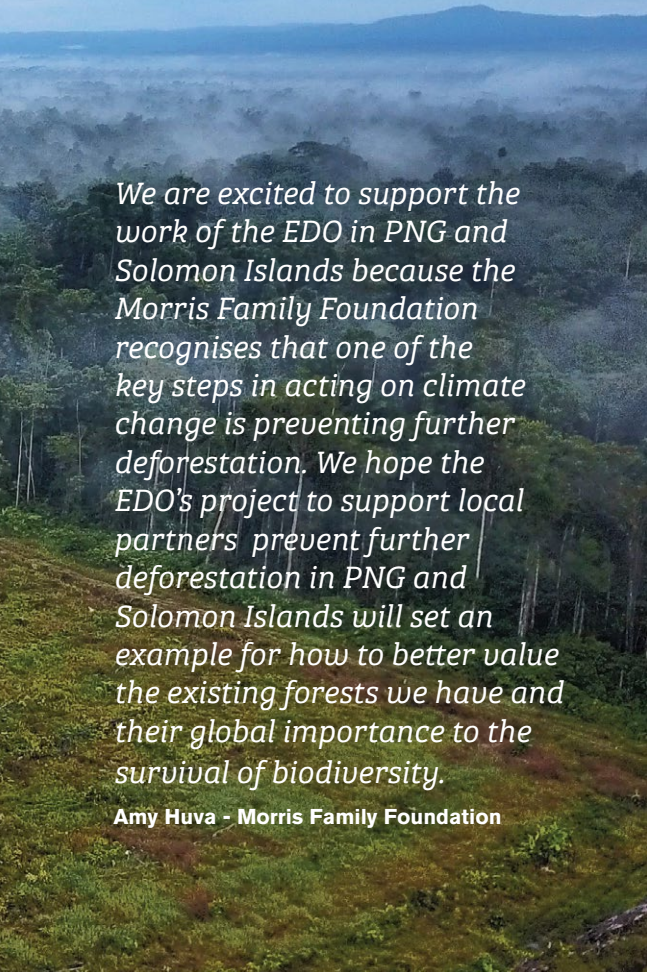
The proposed mine was to take up over 60% of the small island and was likely to have dramatic and irreversible impacts on the lives of its people. Representing Wagina's more than 2000 residents as lead plaintiff, Mr Tebukewa Mereki, in a moving testimony, summed up their plight when he said, "Wagina is our life".

This case was the culmination of over six years of sustained work and collaboration between LALSU, its legal volunteers, EDO NSW, financial supporters, pro bono barristers and pro bono experts. In addition to arranging for pro bono counsel to lead the hearing, EDO NSW was able to help source four scientific experts who gave evidence on the severe inadequacy of the environmental impact statement produced by the mine.

This year we also made significant contributions to environmental policy in the Pacific. In particular, together with EDO ACT and the Secretariat of the South Pacific Regional Environment Programme (SPREP), we produced a report titled *Regulating Plastics in Pacific Island Countries: A guide for policymakers and legislative drafters*. This was later included as an information document at the United Nations Environment Programme Fourth Intergovernmental Review Meeting in late 2018.

This was also a year of exchanges as we hosted two visitors from our partner organisations. In December 2018, Mr Murray Maroroa, Chair of the Center for Environmental Law and Community Rights (CELCOR) in Papua New Guinea, won hearts and minds on his first visit to Australia since the mid '70s when he was a budding public servant.

In June 2019, William Kadi, Senior Legal Officer with LALSU, undertook two weeks of on-the-job training in our Sydney office. William regaled us with the story of how the Wagina victory was conveyed to him as he stood atop a hill on Rennell Island trying to get mobile reception. He was on Rennell providing legal support to residents concerned about the oil spill from a bulk carrier which had run aground on a coral reef.



We are excited to support the work of the EDO in PNG and Solomon Islands because the Morris Family Foundation recognises that one of the key steps in acting on climate change is preventing further deforestation. We hope the EDO's project to support local partners prevent further deforestation in PNG and Solomon Islands will set an example for how to better value the existing forests we have and their global importance to the survival of biodiversity.

Amy Huva - Morris Family Foundation



PERSPECTIVE

Wins like Wagina are great examples of what we can achieve with our local partners.

As our program gains momentum, we are optimistic that our partners will deliver more historic outcomes as Pacific communities respond to some of the biggest existential threats they have ever seen; namely, climate change and illegal logging and mining.

BJ Kim, International Program Manager, EDO NSW

IN BRIEF

Rainforest Foundation Norway provided us with increased support to expand our work with CELCOR to tackle illegal and unsustainable logging practices in Papua New Guinea. PNG is the world's second largest island and home to the world's third largest rainforest, so the importance of protecting these forests from deforestation cannot be overstated.

With our support, CELCOR progressed a number of strategic logging cases and made a substantial policy submission to the PNG National Land Summit.

In May 2019, we reached a notable milestone by receiving our first major domestic donation. The Morris Family Foundation provided its generous support so we can continue to assist partners in PNG and Solomon Islands in protecting regionally and globally significant forests.

In a significant development in our relationship with CELCOR, our nominee Mr Tim Chapman was elected to their board in late 2018. This will enable capacity building at board level as Tim shares his extensive experience in creating impactful environmental and civil society movements.

Compliance and evaluation

We use formal evaluations and informal feedback to continuously develop and improve our international capacity development programs.

EDO NSW has been a full member of the Australian Council for International Development (ACFID) since 2013. ACFID maintains the ACFID Code of Conduct, 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: www.acfid.asn.au. This site also includes information about how to make a complaint in relation to any breach of the Code.

During my week in the Sydney office in June 2019, I went with EDO lawyers to the NSW Parliament to speak with an MP about an EDO submission on carbon policy and legislation.

Though it's a different situation in the Solomons, this meeting gave me a lot of ideas on how I can translate this experience into something workable where we can directly influence policy and law making and close the gap from inaction.

William Kadi - Senior Legal Officer, LALSU

Empowerment

We empower communities to identify unlawful behaviour, to challenge unwelcome or unhealthy developments and navigate their way through a planning system that is often confusing and intimidating.

Our specialist information and advice helps affected communities have their say in public consultations and adjust to new regulations; it also improves compliance with the law.

The overhaul of NSW biodiversity laws in late 2017, enabling increased land clearing, with weakened biodiversity offset standards, created considerable community confusion and anxiety. This year the EDO Outreach team focused heavily on addressing these concerns. We prepared fact sheets to explain the new laws and responded to seven requests to conduct community workshops throughout NSW, including a workshop roadshow in the Northern Rivers with campaigners from the Nature Conservation Council. These workshops allowed us to explain the legislative changes in plain English and outline the opportunities (such as they are) for the community to monitor and enforce compliance with the new laws.

Workshop participants expressed alarm at the lack of a completed regulatory map, as well as unease about the extent of clearing permitted under the new Native Vegetation Code. Of greatest concern, though, were the offsetting rules established under the Biodiversity Offsets Scheme. This approach to biodiversity conservation does not sit well with the community, with many people expressing the view that the offset rules are too permissive and merely facilitate clearing and development without providing meaningful protection to threatened species, populations and ecological communities.

We also worked with several councils to help them understand and perform their regulatory role under the new urban land clearing laws. We conducted a legal review of the *SEPP (Vegetation in Non-Rural Areas)* and advised on options for preparing Development Control Plans in line with the SEPP's requirements.

IN BRIEF

Have Your Say, our online database of opportunities to participate in environmental decision-making, had 72,000 views in 2018–19, a 90% increase on the previous year.

In 2018–19, we made 19 law reform and policy submissions to state and federal governments. We share every submission online, providing important legal analysis for others wishing to make their own.

This year our Outreach team of environmental lawyers delivered 10 community legal education workshops focusing on the Sydney, North Coast and Central Tablelands catchments and presented on environmental law at 10 conference/seminar events, directly reaching well over 1000 people.

We lectured on environmental law to legal students at six universities.

The Outreach team organised 3 EDO Insiders seminars, providing professional development to practising lawyers.



It's clear to us that communities across the state are very concerned about the potential impacts of these new laws on native vegetation and biodiversity. We will continue to engage with communities on this, to help us understand the impact these laws are having on the ground and to inform our policy work.

Jemilah Hallinan - Outreach Director

Thanks from clients

Victory! The equipment has been removed from [the] beach following a notice being issued on the person who organised the illegal work. Thank you for your help.

We want to thank everyone at EDO as the proposal was refused today. We cannot thank you enough for all your efforts as your work was crucial in their decision. We are really pleased that one of the best-preserved reaches along the length of the river should hopefully remain so.

We had great news last night - the totally inappropriate and potentially unlawful development has been refused. Your excellent and timely advice definitely helped. There are many people who are very grateful for your assistance.

Such an intellectually stimulating, hard-hitting and heartfelt keynote speech by Emma Carmody at the 2018 gala dinner. The EDO goes from strength to strength.

We came away from the evening uplifted, knowing the future protection of environmental assets is in capable hands.

We can't thank you enough for your immense support and generous time spent sorting out our difficulties - it was a great comfort to know we could call on EDO in times of uncertainty.

Our People

Board of Management

Members of our volunteer Board make a major contribution to our work and we thank them for the time and expertise they devoted to the EDO during the year.

Board members during the year and up to 30 June 2019:

Dr Bronwyn Darlington, Chair

The Hon. Kevin Rozzoli AM

Dr Paul Brown

Ms Jane Wilder

The Hon. Jane Mathews AO

Dr Ronnie Harding

Mr Jeff Smith

Ms Leonie Gale

Ms Catherine Hathaway

Mr Joe Morrison

Prof Jan McDonald

Ms Jess Feehely

Staff

Our dedicated team regularly go above and beyond for our clients, for communities and the environment.

At 30 June 2019, the team was:

David Morris - CEO

Operations

Blake Powell

Operations Director

Justine Emerson

Legal Administrator

Eamon Fraser-Crooks

Data & IT Administrator

Kirsty Jordan

Administration Officer

Georgie Murch

Legal Administrator

Fundraising and Communications

Susan Ardill

Communications

Daria O'Neill

Fundraising Manager

Amber Sprunt

Philanthropy Manager

Litigation

Elaine Johnson

Principal Solicitor (on leave)

Brendan Dobbie

Acting Principal Solicitor

Rana Koroglu

Senior Solicitor (on leave)

Natalie Vella

Senior Solicitor

Matt Floro

Solicitor

Emily Long

Solicitor

Isaac St Clair Burns

Solicitor

Nadja Zimmermann

Solicitor



Policy & Law Reform

Rachel Walmsley

Policy & Law Reform Director

Deborah Brennan

Senior Policy & Law Reform Solicitor

Emma Carmody

Senior Policy & Law Reform Solicitor (on leave)

Cerin Loane

Senior Policy & Law Reform Solicitor

Gabrielle Ho

Policy & Law Reform Solicitor

Scientific Advisory Service

Megan Kessler

Science Director

International Program

BJ Kim

International Program Manager

Fleur Ramsay

Senior Solicitor

Cecilia Fonseca

Legal & Program Officer

Outreach

Jemilah Hallinan

Outreach Director

Belinda Rayment

Senior Outreach Solicitor

Citizen Representation Program

Julia Grix

Senior Solicitor

Thank you

Scientific Advisory Service

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.

In 2018-19, 69 experts provided 87 advices to us and our clients on 28 policy, litigation and outreach matters. This included reviewing environmental impact statements, preparing expert reports, giving technical input into policy submissions, including provision of expert scientific advice to other EDOs and our International Program partners.

We thank all our experts for their ongoing willingness to ensure that the NSW community has access to the best scientific advice possible.

Technical Advisory Panel

Professor Richard Kingsford

Director of the Centre for Ecosystem Science, UNSW

Professor Chris Dickman

Professor in Terrestrial Ecology, University of Sydney

Associate Professor Iain MacGill

Associate Professor in Energy Systems, UNSW

Professor Nicole Gurrin

Professor of Urban and Regional Planning, University of Sydney

Professor John Quiggin

ARC Australian Laureate Fellow, University of Queensland

Expert Register

A/P Michael Adams, UoW

Sharyn Anderson

Doug Anderson

Hedda Askland

Renata Bali

Sara Beavis

Stephen Bell

David Boseto

Karl Bossard

Howard Bridgman

Tim Buckley

Jeff Camkin

Rod Campbell, TAI

Matthew Crowther

Matthew Currell

Alistair Davey

Neil Davis

Claire deLacey

David Donato

Steve Douglas

Abbas El-Zein

Robert Ellis

Stephen Gauld

Leah Gibbs

Warwick Giblin

David Hadley

Chris Hallam

Bronwyn Hanna

Matthew Harrison

Wendy Hawes

Barbara Hickson

John Hunter

Narelle Irvine

Nicolas Israel

Stuart Khan

Robert Kooyman

Ganesh Kumar

Peter Kuskie

Rebecca Lawrence

Roger Lembit

Damien Maher

David Milledge

Dave Miller

Luke Mosley

Gavin Mudd

Simon Nicholas

David Paull

Steven Pells

Steve Phillips

Terry Reardon

William Robbins

Simon Robson

David Shearman

Will Steffen

Ariane Weiss

Ian Wright

Alison Ziller

Aboriginal Advisory Committee

The Aboriginal Advisory Committee:

- Informs and advises us on environmental law issues that affect Aboriginal communities;
- Provides an Aboriginal perspective on our policy and law reform work;
- Advises us on the adequacy of our existing measures to advise and represent Aboriginal communities and individuals; and
- Advises us on protocols and procedures to ensure we operate in a culturally appropriate and respectful manner, particularly when providing services to Aboriginal clients.

All committee members provide their time voluntarily – we thank them for their expertise and commitment to helping EDO NSW provide the best service we can for our Aboriginal clients.

Jason Behrendt

(Chalk & Behrendt Lawyers & Consultants)

Neva Collings

(Orange Door Legal)

Tony McAvoy SC

(Frederick Jordan Chambers)

Natalie Rotumah

(NTSCORP Limited)

Alice Williams

(Murray Lower Darling Rivers Indigenous Nations)

Zachary Armytage

(Community Legal Centres NSW)

*I have had the pleasure to work with the EDO as a social researcher in relation to various State Significant projects, including the Rocky Hill Coal Mine. Any large-scale project subject to environmental concerns sits within a social context. Social experts can help inform decision-making by revealing how these projects sit within social landscapes. Bringing a distinct analytical lens, I seek to understand not only **what** social impacts may be but also **how** people anticipate the proposed project will affect their everyday life and community, and **why** people anticipate distinct outcomes or impacts. In the case of Rocky Hill, this led me to explore issues of place attachment and social cohesion, identifying specifically the scaled nature of impact and distributive equity.*

Dr Hedda Askland - Senior Lecturer in Anthropology - University of Newcastle

Legal assistance

EDO NSW is deeply grateful to the following barristers and firms for their ongoing commitment to the provision of legal assistance in environmental matters in 2018-19.

Matthew Albert
Richard Beasley (SC)
Fenja Berglund
David Billington
Jane Buncle
Angus Christophersen
Ian Coleman (SC)
Joanna Davidson
Sandra Duggan (SC)
Madeleine Ellicott
Dion Fahey
Jeremy Farrell
Felicity Gerry QC
Natasha Hammond
Penny Harris
Ian Hemmings (SC)
Saul Holt (QC)
Tom Howard (SC)
Fiona Hodgson
David Hume
James Hutton
Marion Isobel
James Johnson
Geoffrey Kennett (SC)
Jeremy Kirk (SC)
Jonathan Korman
Jason Lazarus
Craig Leggat (SC)
Stephen Lloyd (SC)
Stewart Maiden QC
Tony McAvooy (SC)
Bruce McClintock (SC)
Chris McGrath
Sera Mirzabegian
Edward Muston (SC)
Gregory Nell (SC)
Matthew Peckham
Tim Roberston (SC)
Mark Seymour
Ashley Stafford
Campbell Thomson
Sarah Varney
Josie Walker
Trevor Wallwork
Brian Walters AM, QC
Robert White

Law firms and chambers

Beatty Legal
Colin Biggers & Paisley
Gilbert and Tobin
Holding Redlich
King & Wood Mallesons
Martin Place Chambers
McCabe Curwood
William Crockett Chambers

Volunteers

Volunteers greatly enhance our capacity to provide accurate and timely assistance to clients, supporting us across the entire organisation, but primarily with the provision of legal advice and casework.

EDO NSW thanks the following volunteers for their commitment and hard work in 2018-19:

Ahmed Jalal
Aiden Larch
Aimee Reinthal
Amelia Cook
Anamaria Correal
Andrew Brodzeli
Anthony Sangster
Ashleigh Cevagnino
Ashley Agar
Benjy Katzeff
Caleb O'Brien
Campbell Green
Carolyn Hsu
Cassandra Cheeseman
Courtney Raad
Ellen Roberts
Elise Broadfoot
Emma Hollows
Emma Michaels
Erika Vass
Felicity Brown
Francisca Silva
Georgia Pick
Harrison Lee
Heather Newton
Isabella Fergusen
Isobel Leonard
Jacqueline Krynda
James King
Jasper Brown
Jay Gillieatt
Jessica Sutton
Josephine Thornton
Josie Beissel
Justine Emerson

Katya Pesce
Kit Holmes
Kristina Simic
Kumari Delgada
Lara Norman
Lea Randall-Weekes
Lillian Crowther Gibson
Lily Pan
Liz Kristensen
Maggie Turnbull
Maria Nazir
Mike Hale
Milo Letho
Mina Tambrchi
Mischa Davenport
Nanak Narulla
Nancy Xie
Neal Siebert
Nell Gordon
Nive Lembit
Olivia Kilponen
Peter Youll
Philip Adams
Randa Sacedon
Rashmi Chary
Sheryl Anthony
Sophie Kijumnuayporn
Sophie Sanderson
Tom Shepherd
Trudy Ann Lunczer
William Hultman
William Kadi

From a young age I contemplated a career in environmental law. I saw the potential for law to support environmental values, protect nature and foster an environment where all things can flourish. I am now a final year student of law and environmental management and have volunteered with EDO NSW since March 2019. My main responsibilities have been monitoring the inquiries line and performing research for the Litigation team. Volunteering has bolstered my research and administrative skills while contributing meaningfully to the EDO along the way.

For example, a significant portion of my research was into maximum protective costs orders in various Australian courts. These orders are an integral component of public interest litigation because, without them, people who want to challenge potentially illegal project approvals would be exposed to enormous cost risks. My research has helped EDO solicitors and their clients better assess the risks of instituting court proceedings.

EDO NSW is an exemplary team. I am humbled and privileged to work with them and share in the EDO's many successes.

Benjamin Katzeff - Macquarie University student

Thank you



Vale Hon Jane Mathews AO

Sadly, in September 2019, our Bequest Patron and former Board Chair, the Hon Jane Mathews AO, passed away.

Jane will be remembered as a person whose contribution was enormous and rare. Her legacy is not only financial: Jane set an incredibly high standard of integrity and honour in her quest to achieve environmental justice, which EDO will continue to uphold, to protect future generations.

We acknowledge Jane with gratitude and admiration, for the trails she blazed and the passion and purpose with which she inspired EDO.

"I would like to be remembered as a person who made a real contribution to our society and in my view, environmental issues are the most important issues facing the globe today.

I am honoured to be the bequest patron of EDO NSW and include EDO in my will. It is most important that people realise that they too can leave a bequest and make a positive difference in society.

I encourage you to consider making a bequest to EDO to help it continue its vitally important work."

EDO NSW legacy partners

EDO NSW recognises those who have decided to include us in their wills. Thank you for this special gift of generosity and for the foresight to ensure that the communities and organisations which depend on us to defend their environment continue to have access to justice.

Lee Andresen
Mikla and Wayne Lewis
Terry & Eileen Lustig
Maria and Richard Maguire
Sharyn Munro
Sue- Ellen Smith
Juliet Thomas
Jane Wilder
Carolyn Williams

We would also like to acknowledge and thank those who have left a gift in their will to EDO NSW and would prefer to remain anonymous.

Keep us informed

If you have included a gift in your will to EDO NSW, please let us know as we would love the opportunity to thank you formally and invite you to join our list of legacy partners in our next Annual Report. This also helps us plan for the future.

If you are interested in leaving a legacy of hope for future generations, would like to talk to our bequest officer or receive a copy of our bequest brochure, please contact us on (02) 9262 6989 or email bequests@edonsw.org.au and we will be in touch.



Like many people, I am increasingly concerned about the ongoing destruction of our natural heritage and, by default, the legislation which enables it to happen.

There are many ways to demand greater accountability of government and business with respect to the destruction and mismanagement of our prized natural assets. Individuals and communities are becoming increasingly active within the broad sweep of environmental issues affecting our state. I have chosen to take action by leaving a bequest in my will to support the EDO in their fight for environmental justice.

Their status as a non-profit community legal centre means that their financial viability cannot be undermined by the whim of government. However it does require continued and ongoing public support for their valuable work. Please consider supporting the EDO by making a bequest. Help them help people who want to protect the environment through law.

Juliet Thomas

Over the years my partner and I have noted the great number of cases EDO NSW has taken on, which are of huge importance not just to the NSW environment but to the planet as a whole. Of special note is the landmark Rocky Hill case they won in having consent for a coal mine near Gloucester refused on the basis of its impacts on climate change. This very important decision has relevance not just for NSW but the world.

We are in our 60s and 70s and unfortunately the battle against climate change and for the protection of our local environment will not be won in our lifetimes. We can only hope that EDO will be able to continue their good work long after we've gone. That is why my partner and I have decided to leave a bequest to the EDO in our wills. They do a great job with what they've got, but it is a case of the mouse who roared. With the bequest they will receive after we die, and hopefully many more like it, we believe EDO's future will be assured and they will become an irresistible fighting force for the environment.

With the tipping point for halting climate change fast approaching, the survival and growth of such organisations as EDO are vital to the survival of the planet and all its inhabitants.

Jan

Our donor community

Once again, it's both heart-warming and reassuring to witness the respect and commitment of our donors and supporters for the work of the EDO. Your dedication has been integral to our ability to survive and thrive regardless of government funding cuts and lobbying from powerful vested interests.

In this, our last year as EDO NSW, our fundraising and communications team has been working hard on building the foundations of a new national organisation. As the Environmental Defenders Office profile has grown, it's been wonderful to see new donors coming on board to help us provide access to justice to communities across the country.

We are thrilled that even more supporters have become Friends of the EDO this year by committing to a regular gift, strengthening our funding platform to give individuals and organisations access to scientific and legal experts, amazing lawyers and a voice in decisions that affect the animals, plants, people and places they love.

An enormous thank you for the outstanding support given by EDO's circle of individual philanthropists, both those named here and those who choose to remain anonymous.

You have understood the irreplaceable value offered by our expert legal services and celebrated the tangible wins for communities and their environment alongside us.

Together with our brave clients, we make a significant difference for our climate, nature and future generations. Words cannot express our heartfelt gratitude for your generous gifts. We look forward to continuing this journey with you and building on our success in the coming years.

Philanthropic supporters

Andrew Hall
Bronwyn Darlington
Carrawa Foundation
Christina Pender
Colin Hindmarsh
Diane Deane
Diversicon Environmental Foundation
Geoffrey and Anne Long
George Lewin Foundation
Graeme Wood Foundation
Hill Family Conservation Foundation
Josette Wunder
Kristina Stevanova
Madden Sainsbury Foundation
McKinnon Family Foundation
Orgill Family Foundation
Paddy Pallin Foundation Pty Ltd
Paul and Michelle Gilding
Peter and Kim Martin
Purves Environment Fund
Seeds for Life Fund
The Lenko Family Foundation
The Morris Family Foundation
The Pace Foundation
Danny Mathews

Special thanks

For the past 18 months, EDO NSW has been working with the network of EDOs to merge into one national EDO. This merger requires significant support and EDO is especially thankful for the initiative by Rob Purves of the Purves Environment Foundation to put the merger project forwards to AEGN members at the AEGN conference in April 2019.

We'd also like to thank the donors who have generously invested in the One EDO merger project. We appreciate your vision for our exciting future.

Australian Communities Foundation - the Keith and Jeannette Ince sub fund
Debbie Dadon
Norman Family
Purryburry Trust
Purves Environment Fund
Rebecca Gorman and John Sevier
Seeds for Life Fund
The Garry White Foundation
The Pace Foundation
The Raymond E. Purves Foundation
The Ryan Cooper Family Foundation

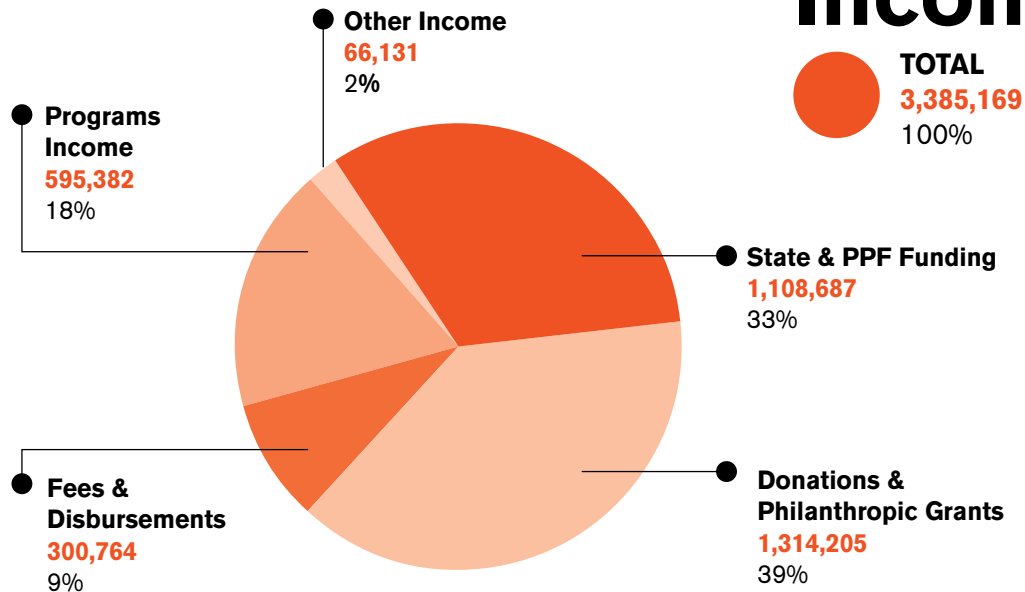
Financial Report

Financial performance

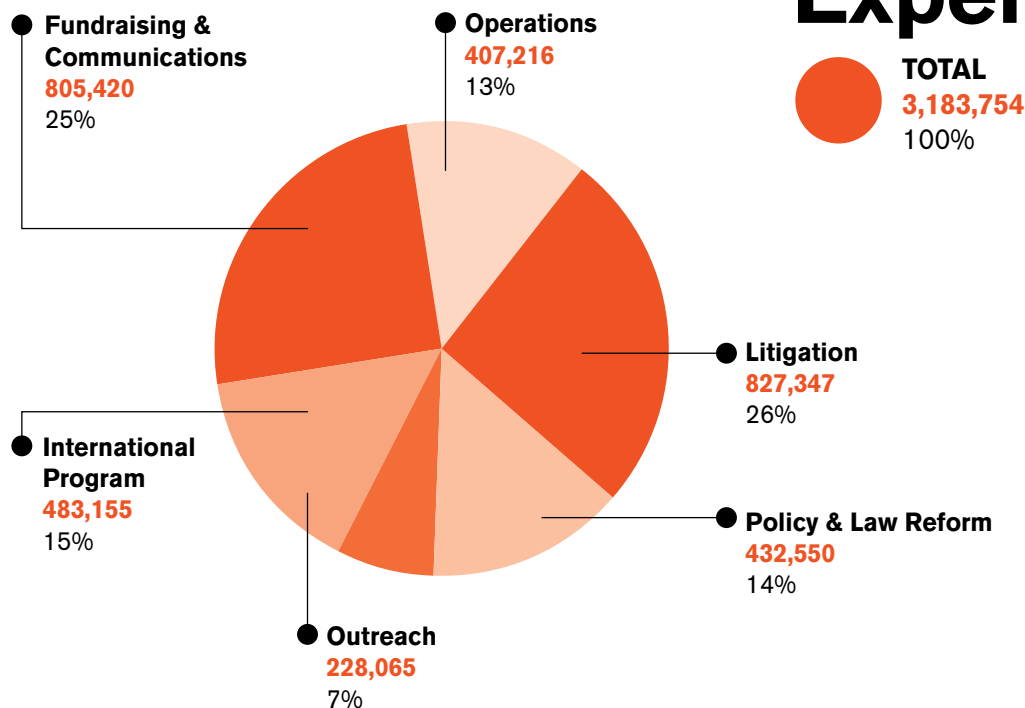
FY2108/19 was another strong year for EDO NSW, with a net surplus of \$201,415. While not as sizeable as in FY17/18, the result is more remarkable in that there was not a large cost award or unexpected donation as there had been in previous years. Additionally, the organisation made a substantial investment in development and growth over the year and was able to recover this amount by 30 June as well as deliver a surplus. Primarily responsible for this positive result is the continued investment in and growth of the fundraising and philanthropy programs. The surplus will be reinvested in organisational development, with the continued dual aims of increased financial sustainability and greater impacts for communities and the environment.



Income



Expenses



Our full financial report is at: www.edonsw.org.au/annual_reports

Directors report

For the year ended 30 June 2019

The full report is available at www.edo.org.au/annual_reports

Net Surplus on Operations

The net surplus of the company for the financial year was \$201,415 (2018 – net surplus \$452,015).

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

An Extraordinary General Meeting of the members of the company was held on 08 August 2019 at which they resolved to accept a modified version of the Constitution, and to merge with the other EDO offices around the country. The Constitution came into effect on 03 September 2019. The merger transaction is still under negotiation but is expected to be completed in FY 19/20.

No other 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 2019. 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 2019-2020.

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.

Auditor's Independence Declaration

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 2019, the total amount that members of the company are liable to contribute if the company winds up is \$520.00.

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 60-40 of the Australian Charities and Not-for-Profits Commission Act 2012 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:

Dr Brownyn Darlington
Chairperson

Jeff Smith
Director

Dated this 03rd day of October 2019

UNDER SECTION 60-40 OF THE AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION ACT 2012 TO THE DIRECTORS OF ENVIRONMENTAL DEFENDERS OFFICE LIMITED

In accordance with the requirements of section 60-40 of the Australian Charities and Not-for-profits Commission Act 2012, as auditor of Environmental Defenders Office Limited,

I declare that to the best of my knowledge and belief, during the year ended 30th June 2019, there have been:

- i. no contraventions of the auditor independence requirements of the Australian Charities and Not-for-profits Commission Act 2012 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, 10th October 2019

**STATEMENT OF FINANCIAL POSITION
AS AT 30TH JUNE 2019**

	Note	2019 \$	2018 \$
ASSETS			
CURRENT ASSETS			
Cash on Hand	5	2,574,653	2,077,896
Accounts Receivable and Other Debtors	6	38,523	134,625
Other Current Assets	7	110,130	114,955
TOTAL CURRENT ASSETS		2,723,306	2,327,476
NON CURRENT ASSETS			
Property Plant & Equipment	8	12,993	20,945
TOTAL NON CURRENT ASSETS		12,993	20,945
TOTAL ASSETS		2,736,299	2,348,421
LIABILITIES			
CURRENT LIABILITIES			
Accounts Payable and Other Payables	9	710,223	563,056
Employee Provisions	10	198,172	174,757
TOTAL CURRENT LIABILITIES		908,395	737,813
NON CURRENT LIABILITIES			
Employee Provisions	10	77,653	61,772
TOTAL NON CURRENT LIABILITIES		77,653	61,772
TOTAL LIABILITIES		986,048	799,585
NET ASSETS		1,750,251	1,548,836
EQUITY			
Retained Surplus		1,750,251	1,548,836
TOTAL EQUITY		1,750,251	1,548,836

INTERNATIONAL AID AND DEVELOPMENT INCOME STATEMENT FOR THE YEAR ENDED 30TH JUNE 2019

	Note	2019 \$	2018 \$
REVENUE			
Donations and gifts			
Monetary	1	11,554	461
Non-monetary	2	432,221	6,023
Grants - AusAid	3	51,992	0
- Overseas		360,123	232,152
Other income		0	0
TOTAL REVENUE		855,890	238,636
EXPENDITURE			
International Programs			
Monetary		403,877	217,385
Non-monetary		432,221	6,023
Community Education		0	0
Fundraising Costs	4	0	0
Accountability and Administration		19,792	10,644
TOTAL EXPENSES		855,891	234,051
SURPLUS OF REVENUE OVER EXPENDITURE	5	-1	4,585

Notes

1. Funds gifted as domestic, community-based grants – only expended amount listed.
2. This includes Barristers' fees valued at \$390,778, Experts' fees valued at \$21,512, and volunteers' services valued at \$19,932.
3. Grant from DFAT – Solomon Islands Justice Project.
4. EDO NSW incurred fundraising expenses of \$98,530 during the 2017-18 year. Most of these expenses related to direct mail appeals to the public, regular giving and the major gifts program. 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.
5. Variance due to Rounding.

ENVIRONMENTAL DEFENDERS OFFICE LIMITED

ABN 72 002 880 864

**INTERNATIONAL AID AND DEVELOPMENT
TABLE OF CASH MOVEMENTS FOR DESIGNATED PURPOSES
FOR THE YEAR ENDED 30TH JUNE 2019**

	Cash available at beginning of financial year	Cash raised during financial year	Cash disbursed during financial year	Cash available at end of financial year
Conservation International	(10,426)	23,892	13,466	0
Rainforest Foundation of Norway	84,968	207,500	284,327	8,141
The Christensen Foundation	10,497	0	7,384	3,113
	5,482	0	5,482	0
EDLC	28,008	20,897	48,905	0
SPREP	8,837	0	4,050	4,787
Fiji Environmental Law Association	0	20,000	8,313	11,687
Greenpeace Australia-Pacific	0	100,000	51,992	48,008
DFAT – Solomon Is. Justice Program	0	25,000	3,241	21,759
Morris Family Foundation	-	<u>3,077,456</u>	<u>2,550,828</u>	<u>2,477,158</u>
Total for other non-designated purposes	<u>1,950,530</u>			
	-			
TOTAL	<u>2,077,896</u>	<u>3,474,745</u>	<u>2,977,988</u>	<u>2,574,653</u>

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.

**RESPONSIBLE PERSONS' DECLARATION
FOR THE YEAR ENDED 30TH JUNE 2019**

The responsible person of the entity declares that:

In the responsible persons' 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.

The financial statements and notes to the accounts satisfy the requirements of the Australian Charities and Not-for-profits Commission Act 2012.

Signed in accordance with subsection 60.15(2) of the Australian Charities and Not-for-profits Commission Regulation 2013.

Name: Dr Bronwyn Darlington, Chairperson
Responsible Person
Dated this 3rd day of October 2019

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

Report on the Audit of the Financial Report

Opinion

I have audited the financial report of Environmental Defenders Office Limited, which comprises the statement of financial position as at 30 June 2019, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the responsible entities' declaration.

In my opinion, the financial report of Environmental Defenders Office Limited has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- i. giving a true and fair view of the registered entity's financial position as at 30 June 2019 and of its financial performance for the year then ended; and
- ii. complying with Australian Accounting Standards and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the registered entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

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

Other Information

The responsible entities are responsible for the other information. The other information comprises the information included in the registered entity's annual report for the year ended 30 June 2019, but does not include the financial report and my auditor's report thereon.

My opinion on the financial report does not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Responsibilities of Responsible Entities for the Financial Report

The responsible entities of the registered entity are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the ACNC Act, and for such internal control as the responsible entities determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, responsible entities are responsible for assessing the registered entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the responsible entities either intends to liquidate the registered entity or to cease operations, or has no realistic alternative but to do so.

The responsible entities are responsible for overseeing the registered entity's financial reporting process.



Auditor's Responsibilities for the Audit of the Financial Report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 registered entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by responsible entities.
- Conclude on the appropriateness of the responsible entity's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the registered entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the registered entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the responsible entities regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Joseph Pien

Chartered Accountant

Dated this 10th day of October 2019

ENVIRONMENTAL DEFENDERS OFFICE LIMITED

ABN 72 002 880 864

**PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 30TH JUNE 2019**

	2019 \$	2018 \$
INCOME		
Public Purpose Fund Grant	842,000	825,000
Lead Environment Community Grant	0	40,000
NSW CLSP Grant	266,687	231,223
Other Project Grants	0	36,667
EPLA Research Grant	5,000	5,000
Fundraising, Memberships & Philanthropic Grants	1,314,205	955,709
Programs Income	590,382	239,468
Professional Fees	300,764	551,893
Interest Received	46,905	30,130
Miscellaneous Income	19,226	12,779
	3,385,169	2,927,869
EXPENDITURE		
Auditor's Remuneration	12,000	11,682
Accountancy & Bookkeeping	44,692	39,944
Bad Debts Written Off	0	7,377
Bank & Government Charges	2,478	2,635
Board Costs	7,229	2,956
CEPF Expenses	4,356	5,372
Conferences, Programs & Workshops	257,927	64,665
Consultants Fees	0	0
Depreciation	7,952	7,528
Disbursements - non recoverable	8,434	185
Doubtful Debts	0	5,000
Employees Entitlement Provision	39,296	(17,966)
Employee Expenses	9,707	8,830
Fundraising Expenses	98,350	53,590
Information Technology Expenses	39,323	24,571
Insurance	13,552	14,499
Lease Payments	4,488	0
Light & Power	7,734	7,957
Loss on Disposal - Fixed Assets	0	0
Office Costs	9,126	6,641
Organisational Development	240,072	24,440
Postage & Couriers	3,077	3,649
Printing & Stationery	7,459	10,744
Rent - Office	197,946	199,931
Repairs & Maintenance	507	237
Salaries & Wages	1,928,031	1,772,332
Staff Training & Welfare	11,907	10,173
Staff Amenities	5,298	5,234
Staff Recruitment	1,812	1,400
Subscriptions	12,837	14,262
Superannuation Contributions	178,347	162,445
Telephone & Internet	15,498	12,987
Travelling Expenses	14,319	12,554
	3,183,754	2,475,854
OPERATING PROFIT BEFORE INCOME TAX	201,415	452,015



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Congratulations to the EDO team for their great legal work for the environment over the last decades.

I donate to the EDO because of its track record of achievements. They get results in an area where few others can.

I fully support their expansion to a truly national organisation. It will help the great silent majority of this nation, who wish to see greater attention to the vital environmental issues of our time, to have a voice against vested interests who constantly erode the quality of life left for future generations.

Keep up the excellent work EDO.

Colin Hindmarsh - Businessman





NSW

EDO

DEFENDING THE ENVIRONMENT
ADVANCING THE LAW

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