



Environmental Defender's Office

Western Australia (Inc)

Annual Report

2013

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MANAGEMENT COMMITTEE**Current**

Dr Johannes Schoombee	Convenor
Lee McIntosh	Secretary
Sarah Van Gent	Treasurer
Peter Robertson	Member
Susan Liddicoat	Member
Renée Asher	Member

Retired 2012-2013

Wayne O’Sullivan	Member
Richard Wilkinson	Member
Sarah Hilton	Member
Caitlin Kelly	Member
Marilyn Ashton	Member
Jo Goodie	Member

STAFF

Josie Walker (to 1/2013)	Principal Solicitor
Patrick Pearlman (Current)	
Jessica Smith	Outreach Solicitor
Annaleen Harris (to 9/2013)	Outreach Solicitor
Simon Downing (Current)	Outreach Solicitor
Jane Siddall (to 10/2013)	Coordinator
Djuna Hallsworth (to 10/2013)	Administration Officer

Hours of Operation: Monday to Friday from 9am to 5pm

Convenor's Report – Dr J T Schoombee

Overview

Throughout this year, the EDO has continued to expand its role in the protection of Western Australia's environment at the instance of our clients, and has been true to its commitment to more actively represent our clients through litigation services. I shall later refer to some of the cases we have been involved in. Although the report is technically concerned with the 2012-13 financial year, events during this period require in some instances reference to earlier or later circumstances.

Management Committee

Over the last year, the following members have assisted me on the Management Committee and I thank them for their work: Lee McIntosh (Secretary), Sarah Van Gent (Treasurer), Wayne O'Sullivan, Peter Robertson, Emma Cavanagh, Susan Liddicoat, Don Stevenson, Marilyn Ashton, and Renée Asher. A number of our current Management Committee members – Peter, Sarah and Susan – are stepping down or plan to step down shortly after the AGM and I would like to personally thank them for their dedication and enthusiasm over the past 12 months. Lee McIntosh also needs a special mention – she has been a major factor in the WA EDO over many years, and has fulfilled roles as volunteer, principal solicitor, MC member and legal adviser.

Personnel

As many of you know, Josie Walker left EDO's principal solicitor's position in January, and we have welcomed Patrick Pearlman into the role. Patrick was previously the principal solicitor of EDO Northern Queensland and he has been busy learning the lay of the land – and the law – in WA. Jessica Smith and Annaleen Harris have continued in their roles as outreach solicitors, and we welcome a new outreach solicitor, Simon Downing, who started in the role on 10 October. Simon has over 8 years' post-admission legal experience and we are confident he'll hit the ground running. Annaleen began maternity leave in August in anticipation of the birth of her first child. We wish her every happiness as she adds the role of mother to her credentials.

The EDO's administrative staff is in the middle of being restructured. The part-time coordinator's and administration officer's roles, previously held by Jane Siddall and her daughter, Djuna Hallsworth, have been restructured into a full-time office coordinator role, with a greater emphasis on office administration and less on fundraising. We are currently interviewing several short-listed candidates for the role.

Funding

The most important sources of our funding are from the State and Commonwealth Governments. We had an increase in funding from the latter just before the national election and look forward to using these additional funds which have started to come through to expand our activities, notably in the northern part of the State.

Volunteers

At the AGM we will again honour the number of volunteers who have so ably assisted us.

Members

Our members are very important to us, and also provide an important source of the work through referral to our lawyers.

Litigation and Representation

As promised, I offer the following examples of our heightened involvement with the courts.

In May last year, the EDO assisted Goolarabooloo Law Boss Mr Richard Hunter to challenge Woodside which had started to drill into the Broome aquifer at James Price Point. Mr Hunter commenced proceedings in the Supreme Court on 28 May 2012 and Woodside agreed not to commence drilling until the Court had made a finding about the validity of its approval. Considering the economic importance of the project, and the seriousness of the legal issues to be tried, the matter was referred for an expedited hearing in the Court of Appeal in early July 2012.

However, only 7 days before the Court of Appeal was due to hear the case, the Minister for Planning took the extraordinary step of amending

Broome's local planning scheme specifically to make Woodside's works exempt from the need for planning approval. This resulted in the case being dismissed due to lack of utility. The Minister stated in the media that the purpose of the amendment was to avoid the need for a hearing in the Court of Appeal but we take that with a pinch of salt, to say the least.

However, subsequently the EDO had a major success for Mr Hunter and the Wilderness Society (WA) Inc in a challenge started in December 2012 against the approval under the EP Act of a gas hub at James Price Point. We succeeded in our judicial review application in the Supreme Court after a two day hearing in June this year, and the project does now seem well and truly dead.

This year the EDO has acted in some significant matters in the Mining Warden's Court. The increased level of scrutiny of the environmental impacts of mining which is now occurring in the Mining Warden's Court, is leading to an increased demand for legal representation of objectors. The Warden's decision in *Darling Range South v Ferrell* (not an EDO case) shows that there is a real possibility of tenements being rejected in the Mining Warden's Court if the landscape-scale environmental impacts of activities have not been properly assessed by other agencies.

The EDO is currently representing Nyikina traditional owner Dr Anne Poelina in her fight against the first proposed coal mine in the Kimberley. Dr Poelina is concerned that the proposed Duchess Paradise mine in the Canning Basin will threaten the health of the mighty Fitzroy River and hinder the development of sustainable livelihoods for indigenous people in the region.

The Duchess Paradise mine is also undergoing assessment by the EPA. In June 2012 the EDO, with the assistance of Barrister James Healy, argued that the proceedings in the Mining Warden's Court should be stayed until the EPA process was complete, so that the Mining Warden would have the benefit of a full environmental assessment of the proposal. We were partially successful in this application, with the Mining Warden agreeing to stay some of the grounds of challenge.

Those grounds that were not stayed were subsequently withdrawn in April 2013.

It is important for environmental objectors that they should be able to engage freely in debate on environmental issues. For this reason, the EDO sometimes provides advice and assistance to activists threatened with defamation suits where public interest/freedom of speech issues may be at stake.

The EDO is currently representing Ms Jane Genovese, an objector to the proposed rezoning of rural land in Wattle Grove. The case started in the first part of 2012. Ms Genovese is being sued for defamation by the proponent of the development. The developer alleges that Ms Genovese and others defamed him in an internet blog and a newspaper article critical of how the rezoning had been promoted and debated. I am acting as Barrister for Ms Genovese, instructed by the EDO. The case is continuing.

Assisting clients with submissions

Another major activity for the EDO this year has been assisting clients to write submissions, objections and appeals against EPA reports to the Minister for Environment on environmentally significant proposals. The involvement of the EDO has helped to highlight deficiencies in proponent documentation, over-reliance on other agencies to regulate environmental impacts in place of the EPA, and failures of the authorities to make important documentation available to objectors prior to the end of the submission or appeal period.

The EDO has also represented or assisted a number of clients in complaints to the Information Commissioner relating to refusal of Freedom of Information requests.

Advice

The EDO has provided advice this year on a wide variety of issues affecting the environment and public participation. Our assistance has helped many people to better understand the laws affecting the environment about which they are concerned, empowering them to speak out and take action to defend the environment.

Principal Solicitor's Report – Patrick Pearlman

Overview

This is my first report to the members of the EDO and I am eager to advise members about the organisation's work this year.

To state the obvious, this has been a significant year for me, having come from the Principal Solicitor role at EDO Northern Queensland to assume the role for WA on 1 February 2013. I inherited from my predecessor, Josie Walker, a well-run and organised office, with dedicated staff and volunteers and a full plate of work and projects underway. I would like to thank Josie for all the effort she put in over the 4 years she was the EDO's Principal Solicitor, and for leaving me a strong organisation to lead. I am happy to report that Josie has achieved her long-term professional goal, having been recently admitted to the Bar in NSW. Join me please in wishing Josie much success in her new role.

I would also like to thank the rest of our staff, particularly our outreach solicitors – Jessica Smith and Annaleen Harris – for covering for me while I learn the ropes in WA. Best wishes to Anni as she takes on the most important job of her life – as a new mother. I would be remiss if I didn't also acknowledge the hard work and dedication of the EDO's Management Committee, who set the organisation's strategic goals and oversee our work and finances. The dedication and hard work of our staff, our volunteers, our management, and our members and clients, enable the EDO to punch well above its weight. Finally, please join me in welcoming our new outreach solicitor, Simon Downing, who will be joining us for at least the next 12 months while Anni is on family leave.

As reflected in more detail below, the past year has been busy and productive for the EDO and its clients. During the past 12 months, the organisation has continued to pursue its mission of protecting WA's environment by providing community groups and individuals with environmental legal services.

We continue to expand our services into new areas of practice beyond its traditional focus on environmental assessment processes. As noted

in last year's report, this has included acting in matters in the Mining Warden's Court, acting on defamation matters and review applications under the *Freedom of Information Act 1997* (WA) and providing more intensive assistance in environmental merits appeals and judicial review proceedings. The EDO remains focused on achieving public interest environmental outcomes and fostering effective public participation.

Lodging an objection to the grant of a mining tenement (exploration permits, miscellaneous licences and particularly mining leases) in the Warden's Court is a powerful way for members of the public to have their say in relation to the impacts of mining. In the past, the grant of mining tenements was often made without the involvement, or even knowledge, of landowners and local residents. While the vast majority of matters on the Warden's docket remain disputes between mining companies and large landholders, the controversy over proposals for mineral mining in WA's South West and Kimberley regions has increased public awareness of objectors' rights, and consequently increased the public's demand for the EDO's assistance to objectors who seek to address the potential environmental and cultural impacts of mining in sensitive locations.

In accordance with our organisational Strategic Plan, we have increased the level of assistance provided in relation to merits appeals under the *Environmental Protection Act 1986* (WA). This has included drafting appeals, liaising with technical experts and appearing with, or on behalf of, clients at meetings with the Appeals Convenor. Development proponents have long used private law firms to navigate the environmental assessment and approvals system under this legislation and objectors likewise can benefit from the EDO's assistance to focus their appeals on key legal and policy considerations for maximum impact. The administrative merits appeal process offers opportunities to improve environmental outcomes more readily than challenging decisions after the event in the Supreme Court.

Nevertheless, review of the legal correctness of environmental decisions after they are made remains a critical role for the organisation. Communities and individuals rely on us to provide expert legal advice on challenging decisions which do not comply with legal or

procedural requirements. Where our analysis indicates that a legal error has been made, and public interest environmental outcomes are at stake, the EDO is ready and able to seek judicial review in the Supreme Court of questionable decisions on clients' behalf.

Last year, we participated in judicial review proceedings related to the State's proposal to build a \$45 billion onshore LNG processing and export facility at James Price Point in the West Kimberley. Victory in that proceeding was thwarted by a last minute change in the law by the Planning Minister. This year, the EDO secured victory in another judicial review proceeding related to James Price Point, overturning the State decisions approving the LNG facility altogether in *The Wilderness Society v Minister for Environment*.

I am happy to report that the EDO received additional Commonwealth funding in 2012 to support and expand the organisation's services to the public. Similar funding was provided to all the other EDOs in Australia. We anticipate that the new funding will allow us to bring on additional legal and other staff and to expand the geographic reach of our services. Of course, whether this funding continues under the new government is an open question. But we continue to aggressively seek new funding sources to support and expand our work. For example, at the end of July, the EDO applied for a Public Purposes Trust Fund grant of \$65,000 in FY 2014-15 to enable us to put a part-time solicitor in Broome to assist indigenous and non-indigenous residents of the West Kimberley. A decision on our grant application is expected in December 2013. Regardless of the outcome of our PPT grant application, EDOWA will seek additional grants and funding to support this West Kimberley Project and ensure it gets off the ground.

Services Provided

Litigation and Representation

(1) Supreme Court proceedings.

Shortly after joining the EDO, I accepted the role of acting as junior counsel on behalf of Goolarabooloo Law Boss Richard Hunter and The Wilderness Society (WA) Inc. They had challenged, in December 2012, the State's decisions approving selection of James Price Point as the

future location of a \$45 billion onshore facility planned to process and export some 50 million tonnes per annum of natural gas produced from the Browse Basin, located over 100 kilometres west of the Kimberley coast. Their challenge also extended to the State's approval of Woodside Energy's "derived" proposal to build and operate the southern half of the LNG precinct. The WA Environmental Protection Authority (EPA) recommended approval of the LNG precinct "strategic proposal" in July 2012 – after a four-year assessment process, and the Environment Minister accepted that recommendation in November 2012. In addition, the WA EPA declared Woodside's proposal a "derived proposal" that could be implemented without further review in December 2012. TWS and Mr Hunter sought review of the decisions a few days later.

On 19 August 2013, Chief Justice Wayne Martin issued his long awaited decision. In an 83-page opinion, the Chief Justice threw out the State's decisions on grounds that (at paragraph 4 of the decision):

[T]here had in fact been no valid assessment of the Browse LNG Precinct Proposal. That is because the assessment was undertaken following a process which was directed and controlled by a number of decisions purportedly taken by the EPA, but which were invalid because they were taken at meetings at which a number, often a majority, and on one significant occasion, all of those participating in the decision-making were disqualified from participation by reason of their pecuniary interest in the Proposal. Those invalid decisions were an integral and indispensable part of the assessment process. When the powers of the EPA with respect to the Browse LNG Precinct Proposal were delegated to Dr Vogel on 5 July 2012, he did not himself undertake an assessment of the Proposal, but rather adopted, in substance, a report which had been prepared during the course of the assessment process which was vitiated by the participation of the disqualified members.

In other words, the long-running participation of EPA members with disqualifying conflicts of interest under s 12 of the *Environmental Protection Act 1986* (WA) – despite having often disclosed that interest to EPA’s Chairman – rendered the entire assessment process and the decisions that flowed from it, invalid. Chief Justice Martin also awarded TWS and Mr Hunter 2/3 of their legal costs in challenging the State’s decisions. The time-frame for the State to appeal Chief Justice Martin’s decision has now passed.

The EDO has one other case currently underway in the WA Supreme Court. In June 2012, our office agreed to represent Jane Genovese, a local resident in Kalamunda, in fighting a defamation action brought against her and 2 other community activists who dared to successfully oppose a local developer’s proposed aged-care development and rezoning application. The EDO is acting as instructing solicitor for Ms Genovese and Dr Hannes Schoombee is counsel on the case. While defamation actions are not, per se, “environmental” matters, such actions often overlap with such matters as they have the potential to chill community activists’ and environmentalists’ exercise of their right to free speech regarding matters of public interest. The EDO has attempted to protect that critically important right in the context of environmental activism.

(2) Mining Warden’s Court proceedings

The EDO continues to represent Nyikina traditional owner, Dr Anne Poelina, in her fight against Blackfin P/L’s proposed Duchess Paradise coal mine – the first such mine proposed in the West Kimberley. The proposed mine would be located a few kilometres north of the Fitzroy River and a few kilometres east of the nationally significant Camballin wetlands.

Dr Poelina objected on public interest grounds, namely environmental impacts, under s111A of the *Mining Act 1978* (WA) and successfully sought to stay the hearing of her objections until after the completion of the State’s environmental assessment of the proposal. Given that the proposed mine seeks to exploit large coal reserves in the Canning Basin, there is every reason to believe that, if Blackfin’s mine is

approved, more applications will be sure to follow, resulting in major environmental impacts in an area that has been placed on the National Heritage Register. It is critically important that the environmental, social and economic impacts of the proposed mine be closely scrutinised given the importance of the West Kimberley and Fitzroy River catchment.

The EDO also provided substantial advice and assistance to Leanne Brockwell, who – acting without formal legal representation – was partly successful in her Warden’s Court challenge to a coal mine proposed by Premier Coal near Collie. In response to Ms Brockwell’s objections, the Warden imposed additional conditions relevant to her objections on the other mining tenement application.

(3) Other Casework

In addition to representing members of the public in formal proceedings, the EDO also provides continuing, informal assistance and advice to other members of the public participating in other types of administrative or judicial matters.

Our office continues to assist clients lodging submissions, objections and appeals against EPA reports to the Environment Minister on environmentally significant proposals. The organisation’s involvement has helped highlight deficiencies in proponent documentation, over-reliance by EPA on other agencies to regulate environmental impacts and failures of the authorities to make important documentation available to objectors prior to the end of the submission or appeal period.

The EDO has also assisted several clients in complaints to the Information Commissioner relating to refusal or obstruction of requests for information and materials that are supposed to be available to the public under the *Freedom of Information Act 1994* (WA) and other legislation. For example, we assisted one individual, James Pillsbury, in obtaining access to agency materials related to a mining proposal near Derby. The agency initially refused to provide access to the documents, upon review was ordered by the Information Commissioner to provide access, and then sought to require Mr Pillsbury to travel nearly 1000km to review the documents and to prevent him from making copies or

even notes of the material he reviewed on grounds of copyright infringement. We were able to assist Mr Pillsbury to obtain access to the material in Derby and to take notes of the material.

We provided similar assistance to an environmental organisation in the South West that was stymied in its effort to obtain copies of forestry contracts entered into by the State. By regulation, such contracts are available to the public upon request and payment of a fee. While our assistance resulted in 1 of several contracts sought being released, the relevant agencies continue to refuse to provide the other contracts on dubious grounds.

Looking forward, we continue to be concerned with what appears to be an increasingly broad interpretation of some exemptions, leading to decisions by agencies not to release documents, long delays in releasing documents, or documents being heavily edited prior to release. By acting for clients seeking access to publicly available information, the EDO can help obtain a more balanced application of these exemptions, and for agencies to give more weight to the public interest in the release of documents related to environmental decision-making.

In the past several months, the EDO has also assisted individuals with disputes involving local council or development assessment panel decisions related to waste management activities, quarrying activities and approval of industrial activities near residential areas. Likewise, the EDO has assisted local community groups and residents lodging submissions regarding proposed amendments to local planning schemes.

Advice

EDOWA continues to provide advice to the public on a wide variety of issues affecting the environment and public participation in the judicial and administrative process. We have given advice on issues as diverse as misleading green claims, defamation, clearing of native vegetation, fisheries management, protecting national and cultural heritage sites and the regulation of greenhouse gas emissions.

The greatest area of demand continues to be for advice on State and Commonwealth environmental impact assessment processes related to

significant proposals. The clearing of urban bushland and the potential for this to impact on threatened species of flora and fauna is another area of concern to many of our clients.

Our assistance has helped many people to better understand the laws affecting the environment, empowering them to speak out and take action to defend fragile ecosystems and protect biodiversity.

Law Reform

The EDO lodged a number of law reform submissions with both the State and Commonwealth over the past year, sometimes alone and sometimes in collaboration with other groups, including the Australian Network of Environmental Defender's Offices (ANEDO). For example, we contributed extensive comments to ANEDO's submission in response to the Commonwealth's proposed "significant action guidelines" for Coal Seam Gas and Large Coal Mining Developments – Impacts on Water Resources (a new category of matters of national environmental significance subject to Commonwealth review and approval under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth)). The EDO also contributed to ANEDO's submission to the Commonwealth's Department of Climate Change and Energy Efficiency regarding the measurement determinations for Coal Seam Gas developments under the National Greenhouse Emission and Reporting (NGER) system.

In addition, we lodged submissions on our own or in conjunction with other environmental organisations on matters of state concern in WA. For example, the EDO submitted comments critical of the EPA's policy of not assessing the environmental impacts of projects where other agencies purportedly managed those impacts under their regulatory frameworks in conjunction with CCWA and The Wilderness Society. On our own, the EDO submitted comments to the WA Department of Water in response to the Department's draft enforcement policy.

We also continued to provide input to the WA Environmental Protection Authority's environmental stakeholder reference group over the past year. Jessica Smith is the EDO's representative to this group. Through EPA's stakeholder reference group, we have had input into

EPA's adoption of several recent environmental assessment guidelines (EAGs), including EAG 9 which formalises the EPA's practice of relying on other agencies to manage impacts, where possible, rather than carrying out its own assessment. Our participation on the EPA group often feeds into law reform efforts. For example, as noted above, the EDO joined with CCWA and TWS to urge that, even where other agencies have regulatory responsibilities, the EPA should continue to assess projects which are likely to have a significant impact on the environment in order to ensure an holistic consideration of the impacts of major proposals. Our comments were influenced by our participation on the EPA reference group and we have followed up on our concerns during group meetings. Hopefully, the EPA will take appropriate action in response to our concerns though that remains to be seen.

In the brief time since I joined the EDO, the organisation has also become a member of the Department of Environmental Regulation's (formerly DEC) Stakeholder Reference Group, as well as the Department of Mining and Petroleum's Reforming Environmental Regulation Advisory Panel. We have only recently begun participating on these government environmental bodies and have had limited impact on their efforts thus far. However, we anticipate our involvement and – hopefully – our influence on these bodies will grow over time.

We have also begun to cultivate closer ties with the WA law schools located in Perth over the past several months. UWA's law school faculty and the EDO have begun to explore ways in which we can partner more closely with the law school on a number of fronts, including volunteer work experience, joint policy or research projects, funding opportunities and curriculum development. Our office has also been approached by the University of Notre Dame to explore developing a volunteer work experience program for its law students.

In conjunction with World Wildlife Fund's WA office, the EDO is contributing to the development of emerging proposals for law reform in the area of biodiversity legislation. The EDO is assisting WWF, together with CCWA, in seeking a parliamentary enquiry in the

Legislative Council into the substantive provisions of a draft Aquatic Resources Bill, as well as procedural issues related to development of that Bill. Likewise, we are assisting WWF to develop input into the preparation, and contents of, a draft biodiversity bill. Western Australia currently has no legislation specifically designed to protect biodiversity. While biodiversity issues may be addressed indirectly through the environmental assessment process for significant projects, or by planning controls or controls on clearing of native vegetation, a comprehensive legal framework is lacking. Indeed, the need for a dedicated biodiversity act to comprehensively protect WA's unique biodiversity values was noted in the Principal Solicitor's annual report to the membership last year.

Community Legal Education and Outreach

The EDO has continued to provide a comprehensive community legal education and environmental law advice service to remote, rural and regional areas outside the Perth metropolitan area. EDO solicitors this year travelled to Jurien Bay (Wheatbelt) and Broome (Kimberley) to deliver workshops and provide in-person advice to regional clients. In addition, we continue to assist a significant number of clients from remote, rural and regional areas by the provision of telephone advice.

The Jurien Bay workshop in September 2012 was convened in response to an increasing level of demand for information about "fracking" – the hydraulic fracturing of rock in order to liberate and extract unconventional gas (coal seam gas, shale gas and tight gas) deposits from deep below the ground's surface. The workshop provided information about the regulatory regime surrounding fracking and what rights landholders and other community members have to participate in decision-making processes related to this form of development.

There was also a high level of interest in fracking and unconventional gas from residents of the West Kimberley. The West Kimberley is likely to be "ground zero" for unconventional gas development in the near future as initial estimates suggest that there are very large basins of shale gas and tight gas in that area – some estimates put these reserves at over 225 trillion cubic feet. The EDO held a workshop on fracking in Broome in June 2013, which again provided information to workshop

attendees about the regulatory regime for fracking and opportunities for community involvement.

In conjunction with the Broome fracking workshop, the EDO also held a separate workshop in Broome on the protection of monsoon vine thicket on coastal sand dunes of the Dampier Peninsula, an ecological community that was listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) at the end of February 2013. The workshop gave an overview of the EPBC Act and how community members could use the EPBC Act to protect this newly-listed ecological community. There was a high level of participation in the Broome workshops, with approximately 25 participants and lots of questions for the solicitors.

In addition to providing services to rural, regional and remote areas, the EDO also delivered some metropolitan environmental law seminars over the past year. For example, in August 2013, the EDO presented a half-day seminar on a range of environmental law topics for conservation groups at Parliament House in Perth. There were over 20 attendees at this event. And on 11 September 2013, EDO Outreach Solicitor, Jessica Smith, gave an overview of environmental law at the WA Law Society's "Environmental Law Essentials" event.

The EDO's community legal education materials – including presentation handouts and fact sheets – are freely available on the EDO's website.

Activity Summary

Activity	2012/2013	2011/2012
Information & Referrals	58	43
Advices	133	117
Cases Opened	27	65
Cases Closed	33	62
Community Legal Education	17	12
Law Reform and Legal Policy	16	13

Volunteer and Pro Bono Assistance

The EDO's capacity to provide services to clients is greatly increased by the assistance of law student volunteers. Our outstanding volunteers have contributed greatly to the work of the EDO this year, through providing legal research support, answering the phone, compiling briefs for counsel, summarising evidence and serving court documents. The EDO is very grateful for the hard work of its law student volunteers who contributed 1065 hours of unpaid work to the EDO this year – an increase of over 50% from the 702 hours logged in 2011-2012.

We would also like to thank EDO supporter Craig Chappelle who continues to assist us with the professional layout of the EDOnews.

The EDO relies on the assistance of barristers working *pro bono* or on a reduced fee basis to take public interest environmental matters to court on behalf of its clients. This year our Convenor, Dr Johannes Schoombie has assisted with running defamation proceedings for our client Jane Genovese and the James Price Point case. Among others, local barristers Henry Jackson, Chris Shanahan, and Greg McIntyre have provided prospects advice for our clients for little or no fee on several matters, Sydney-based barrister James Johnson assisted us on the James Price Point litigation, and Perth-based barrister David

Garnsworthy has provided advice and assistance on several costs matters.

We are very grateful for this generous assistance provided by members of the WA bar. To assist us in securing greater levels of support from local lawyers, the EDO held a function on 9 August to thank local lawyers that have assisted us in the past and to introduce ourselves and our services to new lawyers that have expressed willingness to work with us in the future.

Volunteer Awards

The EDO wishes to acknowledge the contributions of the following volunteers who gave generously of their time, knowledge, skills and enthusiasm in 2012-13:

Gold Award	Silver Award	Bronze Award
Simona Grieco	Emily Austin	None
Matt Olson	Tichaona Mazhawidza	
Sarah Randell		
Lisa Stahl (non-legal)		

The EDO grants awards to volunteers as follows: Gold Award 100+ hours of service; Silver Award 50+ hours of service; Bronze Award 25+ hours of service.

Collaboration

The EDO continues to collaborate with ANEDO on submissions on Commonwealth environmental law reform and mining law reform. We have also continued to collaborate with environmental non-government organisations – such as Environs Kimberley, WWF, TWS and CCWA – on state-based law reform submissions.

All of our workshops were organised with assistance from environmental groups. The Jurien Bay workshop was jointly presented with CCWA, the environmental law workshop in Perth was organised by TWS, and the Broome fracking and monsoon vine thicket workshops at the end of June were organised with Environs Kimberley.

Treasurer's Report – Sarah Van Gent

Financially, the EDO has had some major wins within the last 12 months. Consistent with prior years, the majority of our income continues to be recurrent State and Commonwealth government funding. For the 2012-2013 financial year, however, our funding was also boosted by the Law Society through its Public Purpose Trust grant and by Lotterywest.

We are also exceptionally grateful for the generosity of our members and the broader community. In 2012-13, members donated some \$23,829 to support the EDO's operations and services – nearly double the level of support received from donors in 2011-12.

This funding has allowed us to maintain a full-time Principal Solicitor and full-time equivalent Outreach Solicitor (job-shared), as well as full-time equivalent administrative support. We have had some unavoidable increases in operating expenses, such as rent, but on the whole, the EDO continues to operate with minimal expenditure.

Our position for the coming year is looking strong with a new four year funding agreement entered into with the Commonwealth government. This agreement provides for an additional \$300,000 per year for the next four years and the first payment has already been received. We are looking forward to the opportunities that this presents for the EDO, particularly in relation to increasing our legal staff and presence within the WA community.

Acknowledgement of Funders

The EDO would like to acknowledge the following funders:

The Commonwealth Attorney-General's Department

The Legal Aid Commission of Western Australia

Lotterywest

The WA Law Society's Public Purpose Trust

Our 37 generous donors, who gifted a total of \$23,829.00 to the EDO

Balance Sheet
As at 30 June 2013

The full financial statements are available to members upon request.

	2013	2012
	\$	\$
CURRENT ASSETS		
Cash at bank:		
- General	7,324	12,813
- Fund	126,791	97,961
- Online Saver	56,313	63,596
- Cash on hand	62	37
Accounts Receivable	-	3,431
Sundry debtors and Prepayments	5,461	7,201
Rental Bond	1,760	1,760
Undeposited Funds	-	2,415
TOTAL CURRENT ASSETS	<u>197,711</u>	<u>189,214</u>
NON-CURRENT ASSETS		
Property, Plant & Equipment	<u>10,576</u>	<u>15,855</u>
TOTAL NON-CURRENT ASSETS	<u>10,576</u>	<u>15,855</u>
TOTAL ASSETS	<u>208,287</u>	<u>205,069</u>
CURRENT LIABILITIES		
Payables	10,882	17,722
Unearned Income	31,703	54,740
Provisions	<u>14,303</u>	<u>9,518</u>
TOTAL LIABILITIES	<u>56,888</u>	<u>81,980</u>
NET ASSETS	<u>151,399</u>	<u>123,089</u>
EQUITY		
Accumulated Surplus – Opening Balance	123,089	110,496
Net Surplus/(Deficiency)	28,310	12,593
Accumulated Surplus – Closing Balance	<u>151,399</u>	<u>123,089</u>

Income & Expenditure Statement

For year end 30 June 2013

	2013	2012
	\$	\$
INCOME		
Grants		
- Commonwealth	95,088	108,408
- State	117,005	122,573
- Law Society	55,000	-
- Lotterywest	2,591	42,394
Bank Interest	5,943	7,122
Donations	23,829	12,490
Clients Disbursements	7,388	3,488
Membership Subscriptions	3,191	3,282
Legal Fee Income	5,026	5,418
TOTAL INCOME	315,061	306,275
LESS EXPENSES		
Salaries	181,721	155,083
Superannuation	17,198	15,765
On Costs	19,854	13,338
Office Costs	19,519	12,458
Repairs and Maintenance	193	194
Staff Training	1,161	1,560
Staff Recruitment	7,544	2,096
Communications	2,786	3,288
Office Overheads	10,908	7,519
Promotions	892	2,083
Legal	400	-
Insurance	2,523	2,080
Finance, Audit & Accounting Fees	17,094	14,468
Library, Resources and Subscriptions	5,401	6,519
Travel	4,538	2,349
Lotterywest – Fact Sheet	-	1,691
Lotterywest – Information Technology	900	3,807
Lotterywest – Strategic Planning	-	11,220
Client disbursements	7,355	4,092
Depreciation	5,279	7,916
TOTAL EXPENSE	305,266	267,526
SURPLUS/(DEFICIENCY)	9,795	26,430