



**ANNUAL  
REVIEW** 2014-  
2015



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## **Our Vision**

A legal system that delivers environmental justice and ecological sustainability, safeguards nature, and protects the rights of all Australians to a healthy environment.

## **Our Mission**

We use our legal expertise to be a powerful force for change, to empower communities to protect the environment, and to achieve a better legal system that delivers justice to people and the planet.

# Chairperson's report

We are very proud of everything we achieved this year.

In our court case on alpine grazing, we represented the Victorian National Parks Association against the then Liberal state government. The case meant that cattle were kept out of Victoria's sensitive high country – a huge win for our threatened species and fragile alpine ecosystems.

Our case against the Commonwealth Bank for the Australasian Centre for Corporate Responsibility brought the bank's financing of carbon emissions into the spotlight. The case hinged on the rights of shareholders to hold corporations to account and, is at the time of writing, still underway via an appeal to the Federal Court.

We also represented the people of the Latrobe Valley in their quest for justice after the devastating Hazelwood Mine Fire left their communities blanketed in thick, toxic coal smoke. Our help saw the community get the Hazelwood Mine Fire Inquiry reopened to consider whether short-term deaths occurred as a result of the fire.

Our first full year of operation without federal government funding required fundamental change in the way we do things. This change required some outlay. We spent some of our reserves investing in our future as a citizen-funded organisation. In order to achieve our vision of a nationally focused, citizen-funded, not-for-profit law firm, we needed to spend money upfront on creating a workable fundraising model and financing the extra staff input required.

Support from partner organisations was a key part of allowing us to deliver important outcomes for our environment and our communities, as we made the transition to a citizen-funded organisation. We are truly grateful to the Reichstein Foundation, the Australian Communities Foundation, and the Lord Mayor's Charitable Foundation for their support. We also could not have done it without the many individuals who rallied behind us in record numbers to lend their financial support.

**Megan Utter, Chairperson**



Environmental  
Justice Australia



# Our first year as Environmental Justice Australia

2014–15 was our first full year of operation as Environmental Justice Australia.

As a not-for-profit, citizen-funded law firm, we take a national and strategic approach to environmental issues, including pollution and protection of Australia's unique biodiversity.

Our challenge was to overcome a sudden and catastrophic withdrawal of federal funding and relaunch as an entirely new, citizen-funded organisation. This was no easy task – building up a supporter base and creating relationships with funders takes time and significant resources.

We now have specialist roles in communications and fundraising. This has helped us to engage in activities aimed at increasing our reach and broadening our support base. Successful events with high-profile speakers including scientist Tim Flannery, commentator Stephen Mayne, and Marjan Minesma who spearheaded the successful Dutch climate litigation have helped to inspire Australians to get behind our vision of an Australia where our laws truly protect our environment, and where communities enjoy equal access to clean air, clean water and the natural world.



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*“Environmental Justice Australia exists to provide accessible legal representation for communities defending their local environment. We’re also working hard to get better environment laws – laws which truly protect our shared environment.”* – BRENDAN SYDES, LAWYER AND CEO



## PARTNERSHIPS SUPPORT CITIZEN FUNDING

*Transitioning from a government-funded to a citizen-funded organisation was never going to be easy. But generous support from two organisations who share our vision has helped us to make it a reality.*

*These two organisations made pledges to match donations from individuals. These matching grants encouraged more people to give more generously – helping to put Environmental Justice Australia on a firmer footing.*

*The Reichstein Foundation has always made philanthropic support for social justice and environmental sustainability part of its remit. “We welcome the EDO’s evolution into Environmental Justice Australia, with its commitment to work with local communities and to fix the failures in our legal system. We are proud to support people with a passion for justice, the technical expertise and practical understanding needed to protect our environment.”*

*Australian Communities Foundation uses its grantmaking expertise and in-depth knowledge of community issues to assist donors in developing strategic giving plans and make effective grants that meet their own charitable goals and address needs in the community. CEO Brendan Sydes said: “Australian Communities Foundation really stepped into the breach when we most needed support. Its dollar matching offer allowed us to strengthen our end of financial year appeal, meaning more donations from everyday Australians. We set an ambitious target of \$100,000 and we reached that. The Foundation’s help was instrumental in getting us there, keeping our lawyers in court and working for reform of our legal system.”*

*We look forward to working further with these two organisations in the future.*





# Climate

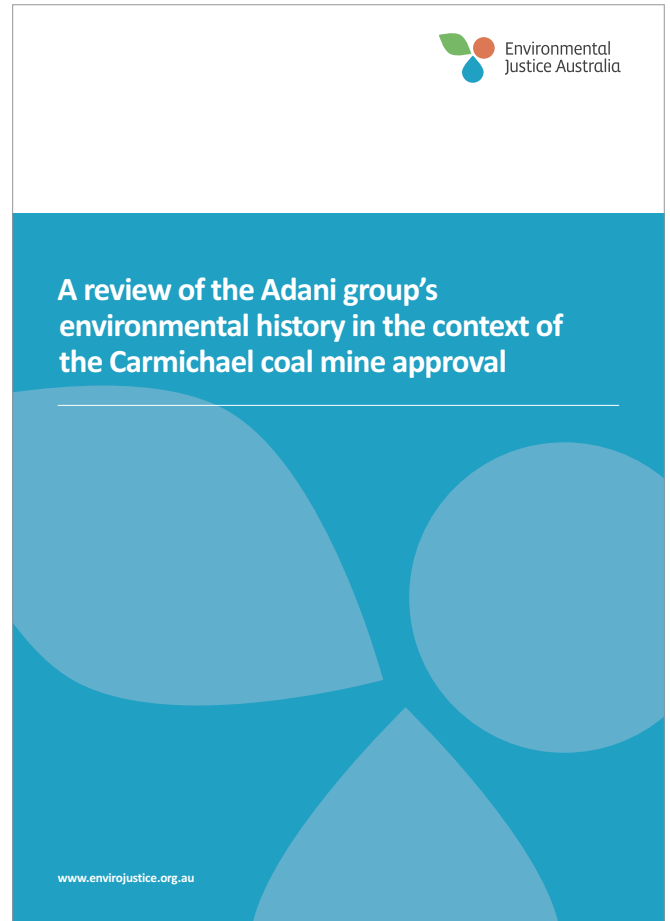
## Scrutinising Adani's mega coal mine

Indian corporate giant Adani Mining has spent years seeking approval to build and operate the largest coal mine in the southern hemisphere, in Queensland's Galilee Basin – the \$16.5 billion proposed Carmichael mine. If allowed to go ahead, the mine is predicted to produce 60 million tonnes of coal each year, releasing emissions equal to four times New Zealand's entire annual fossil fuel count, as well as destroying vital habitat for native species on land and at sea.

Adani has a truly terrible track record. In India, they've shown disregard for Indian laws, causing extensive environmental harm, destroying mangroves and waterways, and causing air pollution.

Adani Group has secured registration in Queensland as a 'suitable operator' for the proposed Carmichael mine. But how can a company which has consistently disregarded environmental laws overseas be trusted to obey them here in one of Australia's most environmentally sensitive regions?

Our investigations revealed that the process by which Adani was signed off as a 'suitable operator' for the proposed Carmichael coal mine was rushed and inadequate. Queensland officials did not scrutinise Adani thoroughly after registering them as a 'suitable operator' of a mega mine.



*“There are big questions around the process by which Adani got their ‘suitable operator’ status.”*

– ARIANE WILKINSON, LAWYER



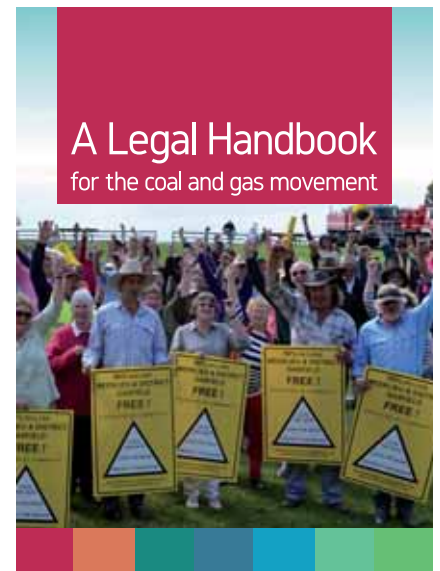


## A legal handbook for coal and gas campaigners

Environmental Justice Australia, in conjunction with CounterAct, created the Campaigners' Handbook for coal and gas campaigners.

The handbook is a comprehensive publication intended to empower and inform anyone from farmers to city-based activists on their rights. It explains the law in an accessible, easy-to-read format, in relation to protesting coal and unconventional gas developments.

Empowered citizens who know their rights are a key part of any functioning democracy. This engaging publication helps citizens to understand their rights and the risks they might be taking, including when arrest could be possible and what they could be charged with, if they choose to participate in protests and other actions.



### TAKING ON THE MIGHT OF THE COMMONWEALTH BANK

*Environmental Justice Australia was proud to represent the Australasian Centre for Corporate Responsibility in a case against the Commonwealth Bank.*

*This important test case is about the rights of shareholders to put ordinary resolutions to company AGMs.*

*With the power and reach of corporations growing around the world, any extra avenue to hold them accountable for their actions is a welcome boost to efforts to make a better world. If our case succeeds, it will provide an important new avenue for shareholders to promote corporate social responsibility.*

*Our client in this matter, the Australasian Centre for Corporate Responsibility, put an ordinary shareholder resolution to the Commonwealth Bank asking the bank to report on the bank's financing of fossil fuels and exposure to risk from climate change.*

*Commonwealth Bank declined to put the resolution at their AGM. We argued that the Corporations Act requires the bank to consider the shareholder resolution.*

*Right now, Australian law is unclear about whether shareholders have the right to put ordinary resolutions to company AGMs, and, when it suits them, companies have been acting on the assumption that they do not. This case will set a precedent which will apply to future AGMs of listed companies in Australia.*

*The case continues...*



DIRECTOR OF LITIGATION  
FELICITY MILLNER



# Healthy Communities

## Working across Australia to protect the air we breathe

Hazelwood Mine Fire is only one example of the harm that particulate air pollution can cause to human health.

Particulate pollution – fine particles in the air, which when inhaled can cause serious short and long-term health effects – can be caused by coal dust, smoke, vehicle and industrial emissions. Australia lacks air pollution laws, with air pollution limited only by a series of advisory limits and self-reporting by industry. National air pollution laws are the solution, and we are working with air pollution-affected communities across the country to achieve this.

Communities in NSW’s Hunter Valley are suffering ongoing health effects due to coal dust. A failure to cover coal trains means that coal dust is spread over suburbs, exposing homes, schools and childcare facilities to this airborne danger.

We are working with the local community to hold the NSW government to account for its failure to mandate covering coal trains; and to build the base for national laws to protect our clean air.

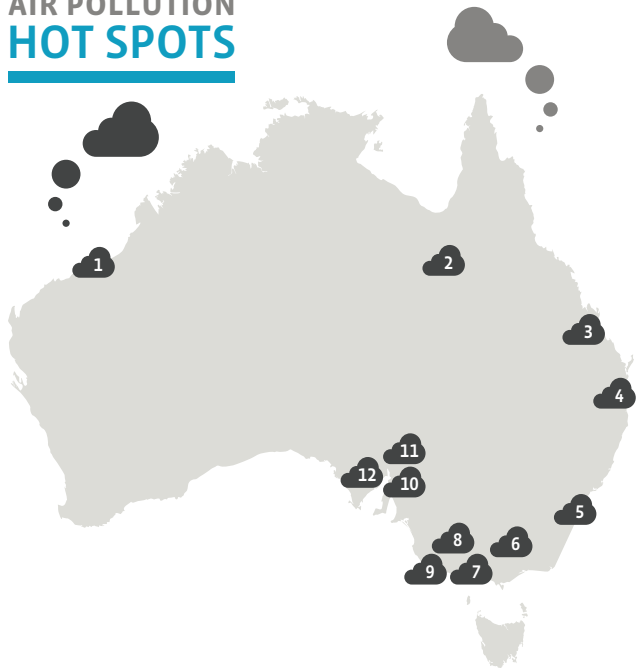
In Melbourne’s west, trucks from the Port of Melbourne thunder through residential areas. Their diesel exhausts means that levels of air pollution are dangerous, with ordinary people like schoolchildren exposed to unsafe levels of particulates. We work with local anti-truck group Maribyrnong Truck Action Group to call for national air pollution laws. For example, we coordinated an event with scientist Tim Flannery where resident and MTAG member Martin Wurt told a packed auditorium exactly what it is like to live with this kind of air pollution.

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*“In 2014, when the Hazelwood Mine Fire covered the Latrobe Valley with choking smoke, Voices of the Valley was formed as a community group to try to get some official action to help the people daily affected by the fire. We collected information about people’s health, concerns about safety, costs and cleaning up. We found difficulty is getting those in authority to take these matters seriously and even found our information dismissed. Environment Justice helped us by acting on our behalf to get information from official sources and acting for us with agencies and departments, so that we were able to advocate on behalf of the people of the Latrobe Valley.” – WENDY FARMER, VOICES OF THE VALLEY*



## AIR POLLUTION HOT SPOTS



- 1**

**PORT HEDLAND**

**BIGGEST SOURCE**

Iron ore dust from port operations

**PROBLEM**

Pollution from iron ore dust regularly exceeds national standards. Hospitalisation for respiratory problems is 30% higher than WA average.
- 2**

**MT ISA**

**BIGGEST SOURCE**

Copper, lead, zinc mines

**PROBLEM**

Asthma mortality rates are 322% higher than the rest of Queensland. At least 11% of children have lead poisoning.
- 3**

**GLADSTONE**

**BIGGEST SOURCE**

Coal operations, aluminum smelter, chemical manufacturing

**PROBLEM**

Community concern for years over excessive coal dust, alumina dust and other toxic air pollutants.
- 4**

**BRISBANE**

**BIGGEST SOURCE**

Coal trains

**PROBLEM**

8.6 million tonnes of coal a year transported through Brisbane suburbs in uncovered trains.
- 5**

**HUNTER VALLEY**

**BIGGEST SOURCE**

Coal mines and coal trains

**PROBLEM**

The national standard for PM<sub>10</sub> pollution was exceeded 171 times in 2013 in the Hunter region.
- 6**

**MORWELL**

**BIGGEST SOURCE**

Coal mines and coal fired power stations

**PROBLEM**

One of the highest PM pollution levels in Australia. The 2014 Hazelwood coal mine fire caused pollution 15 times the acceptable limit.
- 7**

**YARRAVILLE**

**BIGGEST SOURCE**

Diesel trucks – 7000 trucks daily on one residential street

**PROBLEM**

Particulate pollution exceeds safe health levels on numerous days each year.
- 8**

**BROOKLYN**

**BIGGEST SOURCE**

Nearby industrial estate

**PROBLEM**

Worst air and dust pollution levels in Melbourne. Particulate pollution regularly exceeds acceptable limit.
- 9**

**ANGLESEA**

**BIGGEST SOURCE**

Coal mine and power station

**PROBLEM**

Power station emits high levels of sulphur dioxide
- 10**

**PORT PIRIE**

**BIGGEST SOURCE**

Lead smelter, one of the biggest in the world

**PROBLEM**

More than 3000 children had elevated blood lead levels in the last decade.
- 11**

**PORT AUGUSTA**

**BIGGEST SOURCE**

Coal mine and power station

**PROBLEM**

Power stations are the most polluting in Australia. Lung cancer rates twice the expected number. Highest rate of childhood asthma in the State.
- 12**

**WHYALLA**

**BIGGEST SOURCE**

Iron pelletising plant

**PROBLEM**

Lung cancer rates are 50% higher in Whyalla than similar towns.

## JUSTICE FOR LATROBE VALLEY AFTER MINE FIRE

Since the Hazelwood Mine Fire unleashed a cloud of toxic smoke over Victoria's Latrobe Valley in February 2014, Environmental Justice Australia has helped local people to fight for justice.

We provided legal representation for community group Voices of the Valley, as they fought for an inquiry to take place into what occurred. When this was granted, we helped them ensure that the issues that worried them, like the health effects of breathing in this cloud of thick coal smoke, were considered.

The first inquiry, in August 2014, considered the long-term health effects of the fire and recommended a 20-year study to determine what these were. But the community was still terrified about the short-term effects. Local people felt that they were experiencing a very unusual spike in deaths in the months after the fire.

We supported Voices of the Valley throughout the process of getting the inquiry reopened to consider the crucial question: Did the fire cause a spike in deaths?

Local residents are plagued by questions about whether exposure for several weeks to the air pollution caused by the fire has resulted in deaths or serious health problems.

We were very happy that the Andrews government agreed to reopen the Inquiry to consider this crucial question.

The fact that the Hazelwood Mine Fire inquiry was reopened shows the health effects of air pollution caused by coal are a serious concern of the community.

The Latrobe Valley community has fought hard to find the truth about the fire and its impacts. They have collected evidence and found the experts needed to interpret it. They have told their own stories, even when governments have been reluctant to listen.

We'll be with them every step of the way in their fight for justice.



# Nature Conservation

## Re-imagining our environmental laws

Our environmental laws are failing. At a time of unprecedented pressure on the natural world, the laws we rely on to protect our environment reflect the thinking of the 1970s, 80s and 90s. But if our laws are going to meet new challenges like climate change, they need to be re-imagined.

Environmental Justice Australia is playing a leading role in an important and exciting initiative to build 'the next generation of environmental laws for Australia'.

Our support for this work is one of the roles we are playing as part of our membership of the Places You Love Alliance, an alliance of more than 40 environmental groups throughout Australia which came together to defend national environmental protection laws, embark on a wide-ranging 'nature conversation' in communities throughout Australia, and create a framework and vision for environmental governance to 2025.

Led by Professor Rob Fowler from the University of South Australia, a panel of Australian and international experts in environmental law ('APEEL') has been organised and has commenced its work.

The Panel's brief is to develop recommendations for renewal of the current Australian environmental legal system and a new generation of federal environmental legislation.

The Panel's initial work has included developing discussion papers to enable communities and stakeholders to participate in the thinking around and creativity of new environmental governance. As this exciting work progresses, we will report on the progress of the Panel and how you can join the conversation on how our laws can truly protect the environment on which we all depend.

## Improving Victoria's biodiversity laws

2014-15 saw the announcement of a suite of reviews and assessments of Victoria's biodiversity laws. We have provided our specialist legal input into several ongoing processes:

- › **Biodiversity strategy**  
A review of Victoria's 1996 statewide biodiversity strategy is long overdue. There is clear need to develop a comprehensive overarching policy for protecting and restoring Victoria's valuable natural areas and caring for our wild plants and animals. We will participate in the reference group for the review.
- › **Flora & Fauna Guarantee Act**  
The Andrews government has started a review of the laws that protect Victoria's wild species in conjunction with the Biodiversity Strategy Review.
- › **Fixing flawed native vegetation laws**  
The laws introduced in 2014 allowed wholesale clearing of native vegetation. The review into these regulations commenced and will hopefully provide an opportunity to rectify this.



Credit: Victorian National Parks Association

## WIN: ALPINE GRAZING CASE

*Last year, we took on a court case against the former Victorian state government's 'trial' of cattle grazing in the Alpine National Park.*

*Our case argued that the grazing trial is not permitted under the National Parks Act.*

*Following a campaign by us, our clients the Victorian National Parks Association, and others, the new Victorian government committed to not proceed with the grazing trial.*

*As a result, the case has now been settled. As part of the settlement, the government agreed to make an Action Statement under the Flora and Fauna Guarantee Act that will protect Alpine rivers from cattle grazing. There is also legislation before the Victorian Parliament that will prevent cattle grazing in the Alpine National Park and other national parks in Victoria.*

*We think this commitment is a tremendous outcome for Victoria's national parks. This case is an excellent example of the way that using the law can add strength to a campaign and achieve long-term environment protection outcomes.*

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*“This case is an excellent example of the way that using the law can add strength to a campaign and achieve long-term environment protection outcomes.” – FELICITY MILLNER, LAWYER*



## Act for the Yarra

The Victorian government has pledged to cut through the complex web of laws governing the Yarra River by creating a Yarra River Act. In partnership with the Yarra Riverkeeper, we've been working to ensure the Act will truly protect the river and the wildlife who call it home.

Our report *Act for the Yarra* described the ways in which council, planning, and environment laws across the river's length are failing to deliver the protection the river needs.

Our Yarra Community Forum brought together around 100 representatives from across the Yarra catchment to discuss the issues facing the river and put forward ideas for a vision for the Yarra.

After a lively question and answer session, community members put down their issues and suggestions for what an effective Yarra River Protection Act would be like. Artist Sarah Firth drew pictures and diagrams of what speakers were saying, to create a visual record of the meeting.

There is still a lot of work to do and we will keep you posted as the campaign develops.





www.sarahthefirst.com



# Thanks and acknowledgements

**Environmental Justice  
Australia warmly thanks the  
following organisations for  
their financial and in-kind  
support:**

Australian Communities  
Foundation  
Centre for Resources, Energy  
and Environmental Law,  
Melbourne Law School  
DLA Piper  
Doctors for the  
Environment Australia  
Lord Mayor's Charitable  
Foundation  
Paoli Smith Creative Agency  
Reichstein Foundation  
Victoria Law Foundation  
Victoria Legal Aid,  
Community Legal  
Centres Funding and  
Development Program

**PRO BONO SUPPORT**

Daniel Bongiorno  
Elizabeth J Boros  
Jonathon Burdon  
Tom Clarke  
Daniel Clough  
Mark Costello  
Tracey Fantin  
Megan Fitzgerald  
Ian Gordon  
Caroline Kenny QC  
Graeme Lorimer  
Christine Melis  
Richard Niall QC  
Lisa Nichols  
Sarah Porritt  
Jonathon Redwood  
Michael Rush  
Alexander Solomon-Bridge  
Melanie Szydzik  
Ray Ternes

Jennifer Trehwella  
Danielle Tucker  
Andrew Walker  
Kristen L Walker QC  
Rupert Watters

**INTERNS & OTHER  
VOLUNTEERS**

Jessica Allen  
Jenny Awad  
Alana Bayliss  
Greta Boots  
Rufus Coffield-Feith  
Michael Coleman  
Jeff Cranston  
Anthony Di Gregorio  
Stephanie D'Souza  
Annabel Elliot  
Elanor Fenge  
Lillian Graystone  
Isabelle Green  
Dion Hawkins  
Sally Knowles-Jackson  
Katia Lallo  
John Le Feuvre  
Nadia Lee  
Hannah Lethlean  
Ian Lieblich  
Aaron Magri  
Madeleine Manifold  
Dianne Markov  
Philip Marshall  
Katy Milne  
Steve Mourtikas  
Lloyd Murphy  
Catherine Nadel  
Ingrid Nagorcka  
Lina Puerto  
Laura Purcell  
Inshani Sappideen  
Orietta Surace  
Stephanie Willis  
Yaokang Wong

**OUR PEOPLE**

**Brendan Sydes**  
Chief Executive  
Officer/Lawyer  
**Jode Cowie**  
Web and Events Coordinator  
**Cathy Coote**  
Communications Manager  
**Caitlin Cross**  
Fundraising Officer  
(until September 2014)  
**Mandy Johnson**  
Operations and  
Publications Manager  
**Bruce Lindsay**  
Project Officer  
**Felicity Millner**  
Director of Litigation  
**Nicola Rivers**  
Director of Advocacy  
and Research  
**Tom Warne-Smith**  
Lawyer  
**Alex Wells**  
Fundraiser (from  
August 2014)  
**Ariane Wilkinson**  
Lawyer

**SERVICE PROVISION:**

Bruce Dolphin continues  
to provide excellent  
bookkeeping services

Juanita McLaren and  
Why Not This provided  
fundraising advisory  
services

Comvision Victoria has  
provided reliable regular  
IT support

Choc Chip Multimedia  
(James Crook) has  
supported our website

**VOLUNTEERS AND  
PRO BONO SUPPORT**

Our ability to provide  
services to the community  
relies on the generous  
support of our volunteers  
and the provision of pro  
bono assistance from legal  
and other professionals.

Voluntary contributions  
of time and expertise is  
important in all areas of  
our operations – office  
administration, graphic  
design, the provision of  
information and advice,  
legal representation,  
writing publications and  
submissions, undertaking  
complex policy analysis,  
and the governance of the  
organisation by the Board.

Our day-to-day operations  
rely on the support of  
law student volunteers  
and others who assist  
with tasks ranging from  
answering the phones to  
conducting legal research.

We work with barristers,  
solicitors and experts,  
many of whom have  
provided invaluable  
support to us over many  
years.





## Environmental Justice Australia Awards

These awards are our way of recognising how much we value the work of others and also acknowledging the extra mile that some go in supporting us and what we stand for.

### Pro bono contribution award: Lisa Nichols and Jennifer Trehella

Since we began as the EDO, we have relied very heavily on legal and other professionals to support our work on a pro bono basis. We couldn't have done what we did without our colleagues in private practice and at the bar supporting us and our clients with their time and expertise at little and often no cost.

Lisa and Jennifer appeared at the Hazelwood Mine Fire Inquiry, representing our clients, Environment Victoria. Both barristers worked long hours, at short notice. Thanks to their commitment, we made a real difference to the final Inquiry Report. Jennifer also helped us represent the South Beach Wetlands and Landcare group at VCAT, in a case where we succeeded in protecting wetlands that are important habitat for migratory birds.

### Environmental justice award: Gayle Osborne

This special recognition is reserved for someone we believe has made a long-term contribution to environmental justice – righting environmental wrongs, fixing bad laws, championing public participation and generally standing up for the things we believe in, like an effective and accountable system of environmental regulation and the community's right to know and to participate in decision-making.

Wombat Forestcare Inc have been speaking up for the Wombat Forest for many years and took the brave step of taking their concerns about the Bullarto Gold Mine to VCAT, with our help, earlier this year. Gayle is a considered, eloquent and determined advocate for the group, who themselves are very active and dedicated in protecting this important forest from the threats of inappropriate mining and logging. Gayle has a phenomenal capacity to contribute to the work of protecting the environment on so many levels, and is an inspiration to us, as her lawyers and the lawyers for Wombat Forestcare Inc. In addition, she is a great person to work with. Our advocacy work benefits significantly from her attention to detail and her dedication to the work of Wombat Forestcare Inc. The Wombat Forest is a place that provides crucial habitat for many native species, and all Victorians are lucky that we have such a dedicated group speaking up for the welfare of the wombat, for all of us.



### Valuable volunteer award: John Le Feuvre

Environmental Justice Australia benefits greatly from the enthusiastic contribution of a large number of enthusiastic law student volunteers. Volunteers supported us through providing legal research and administrative support during their university year, by undertaking internships over summer and winter breaks and also by helping us out with managing events and workshops.

John was a two-week intern who then returned to be a day volunteer for a full year. Even better, he ran 10km to raise money for us in the marathon and made his girlfriend do it too! John has legal smarts, fast typing skills, excellent concentration, commitment, and an ability to do a boring exercise to an excellent standard. We still refer to his work on the Water Act provisions. John went above and beyond in helping Bruce Lindsay with our water project – including attending meetings until 2am – and the project could not have been done without him.



## Access to Justice report back

Providing legal help for Victorians as part of the Community Environmental Legal Service (CELS) program is one of the many ways Environmental Justice Australia pursues access to justice. With the withdrawal of Commonwealth government support, the program continues at a much reduced level with a modest amount of funding through the community legal centre program administered by Victoria Legal Aid.

The CELS program provides legal help for Victorians through the publication of kits, fact sheets and videos which provide accessible and practical environmental law information to the Victorian community. Through the CELS program we also deliver legal workshops in Victoria, run by one of our expert environmental lawyers to suit the needs of community groups or groups of individuals concerned about or impacted by environmental issues. Empowering the Victorian community via our CELS program is an important part of the work of Environmental Justice Australia in pursuing access to justice.

Environmental Justice Australia believes that all Australians have a right to clean air, clean water, and intact ecosystems. It's also crucial that our communities have a real say over what happens to our environment, and that means participating in decision-making processes. We're working to pursue environmental justice for communities affected by environmental harm by supporting their right to information, their right to participate in the legal and legislative process, and their right to participate in decision-making about their communities and the places where they live.

## Statistics

As part of our funding requirements under the Community Legal Services Program (CLSP), Environmental Justice Australia's Community Environmental Legal Services participates in the Community Legal Services Information System (CLISIS) which provides the following summary of how we have helped individuals and groups in 2014-2015 in the course of CLSP activities.

Provision of information	482
Advice given	42

### CASEWORK:

Cases completed	21
Cases ongoing	51

### PROJECTS:

Community Legal Education Projects completed	14
Community Legal Education Projects ongoing	42
Advocacy and Research Projects completed	3
Advocacy and Research Projects ongoing	46



# Environmental Justice Australia

ABN 74 052 124 375

## Financial Report For the Year ended 30 June 2015

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# Directors' Report

Your directors present this report on Environmental Justice Australia for the year ended 30 June 2015.

## DIRECTORS

The names of each person who has been a director during the year and to the date of this report are:

- > Samuel Thomas Broughton
- > Andrew Spenser Cox (appointed 17/12/13)
- > Richard Dominic Hilton
- > Thea Margaret Lange
- > Sally Romanes
- > Elizabeth McMeekin (appointed 18/3/14)
- > Megan Utter

## PRINCIPAL ACTIVITIES

The principal activities of the company in the course of the financial year were providing environmental and planning law services to the community, promoting and developing educational programs for the community in connection with environmental and planning law matters, and promoting and encouraging environmental laws and policies for the conservation, protection and enhancement of the natural or cultural environment.

No significant change in the nature of these activities occurred during the year.

## OPERATING RESULTS

The loss from ordinary activities after income tax amounted to \$117,811 (2014: surplus \$12,440).

## INFORMATION ON DIRECTORS

### Samuel Thomas Broughton

Diploma Management Practices – Marketing, Certificate of Direct Marketing

Non-executive Director, Vice-Chairperson

Sam Broughton has worked within the not-for-profit sector in the areas of fundraising, marketing and communications since 1983. During his career Sam has held senior positions with national organisations such as Australian Red Cross, The Salvation Army and CARE Australia. He currently provides fundraising related consultancy services and works part-time for the Eastern Health Foundation.

### Andrew Spenser Cox

BSc, Grad Dip (Environmental Studies)

Non-executive Director

Andrew Cox has actively worked and volunteered in the environmental sector since 1991 including contributions through about twenty management and governance roles in government and non-government organisations. He is currently CEO of the Invasive Species Council, board member of the Weed Society of Victoria, delegate of the Council of Australasian Weed Societies and president of 4nature Inc.

### Richard Dominic Hilton

BSc Management Sciences, Fellow of the Institute of Chartered Accountants in England and Wales, Member of the Institute of Chartered Accountants Australia

Non-executive Director, Honorary Treasurer

Richard Hilton is an Executive Director in the Assurance Group at Ernst & Young Melbourne, specialising in external audit and statutory reporting, process analysis and design, due diligence and risk management. His key industry experience covers the energy, utilities, infrastructure and telecoms sectors.

# Directors' Report

## Thea Margaret Lange

LLB (Hons) / BEng (Environmental) (Hons)

Non-executive Director, Secretary

Thea Lange is a consultant, helping companies to improve their business operations and processes. Her industry experience spans Australia and the UK and includes media, health, utilities and mining. Previously she has worked as a commercial lawyer and as an environmental engineer supporting site assessments and statutory audits of contaminated land.

## Sally Margaret Romanes

LLB (Hons) Exon

Non-Executive Director

Sally Romanes is a consultant and artist. By training a corporate and commercial lawyer she now works as a consultant on specific projects ranging from the arts to business transactions, in both for profit and not for profit areas. She has been a Director of the not for profit Abbotsford Convent Foundation since operations began in 2004, and, apart from her previous experience as a corporate and commercial lawyer, has specific experience in fundraising, corporate governance and the operation of enterprises in the primary production sectors.

## Elizabeth Jane McMeekin

BA, Certificate in Direct Marketing, Certificate in Fundraising

Non-executive Director

Libby started her working life with the Australian Conservation Foundation and continued working there for over 9 years. After a number of years spent in working commercial organisations including direct marketing advertising agencies she moved into an agency specialising in direct response fundraising and consulting. Her role was to develop direct marketing campaigns for each of these clients as well as develop long term donor retention and acquisition strategies.

Libby is currently the Client Relationship Manager for Laser Computer Services, a specialist provider of direct marketing services. In addition she continues her fundraising consulting role for a number of not-for-profit organisations including Melbourne City Mission, Foodbank Victoria and Walk for Life.

## Megan Katherine Utter

BA (Hons) / LLB (Hons), Dip Mod Lang (French), MEnv.

Non-executive Director, Chairperson

Megan Utter is a Director in the infrastructure regulation division at the Australian Competition and Consumer Commission (ACCC). Previously she practised as a lawyer in environmental and planning law with Phillips Fox (now DLA Piper). She has had long-term involvement with the not-for-profit sector.

## MEETINGS OF DIRECTORS

During the financial year, 14 meetings of directors were held. Attendances by each director were as follows:

DIRECTORS	NUMBER ELIGIBLE TO ATTEND	NUMBER ATTENDED
Samuel Thomas Broughton	13	9
Andrew Spenser Cox	13	12
Richard Dominic Hilton	13	10
Thea Margaret Lange	13	8
Elizabeth Jane McMeekin	13	12
Sally Margaret Romanes	13	10
Megan Katherine Utter	13	13

The company is incorporated under the Corporations Act 2001 and is a company limited by guarantee. If the company is wound up, the constitution states that each member is required to contribute a maximum of \$10 each towards meeting any outstanding obligations of the entity. At 30 June 2015, the total amount that members of the company are liable to contribute if the company is wound up is \$1,140 (2014: \$970).

#### **AFTER BALANCE DATE EVENTS**

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

#### **DIVIDENDS PAID OR RECOMMENDED**

No Dividends were paid or are recommended for payment, and, in any case, are not permitted to be paid as the company is limited by guarantee.

#### **LIKELY DEVELOPMENTS AND RESULTS**

No changes are envisaged at present.

#### **AUDIT COMMITTEE**

At the date of this report the Company does not have an audit committee.

#### **CORPORATE GOVERNANCE**

At the date of this report, the Company does not have a policy covering Corporate Governance.

#### **DIRECTORS AND AUDITORS INDEMNIFICATION**

The company has not, during or since the financial year, in respect of any person who is or has been an officer or auditor of the company or a related body corporate, indemnified or made any relevant agreement for indemnifying against a liability incurred as an officer, including costs.

#### **SHARE OPTIONS**

No options to shares in the company have been granted during the financial year and there were no options outstanding at the end of the financial year. Options are not permitted to be granted as the company is limited by guarantee.

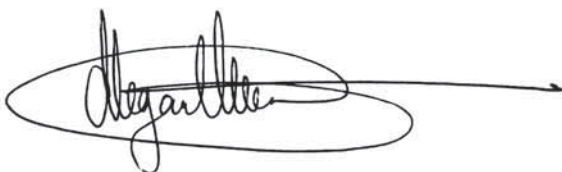
#### **DIRECTORS' BENEFITS**

No director has received or become entitled to receive, during or since the financial year, a benefit because of a contract made by the company, controlled entity or a related body corporate with a director, a firm of which a director is a member or an entity in which a director has a substantial financial interest.

#### **Auditor's Independence Declaration**

The lead auditor's independence declaration for the year ended 30 June 2015 has been received and can be found on page 5 of the financial report.

Signed in accordance with a resolution of the Board of Directors:



Director

Dated: 22 October 2015



Director

Dated: 23 October 2015

# Auditor's Independence Declaration

UNDER SECTION 307C OF THE CORPORATION ACT 2001

I declare that to the best of my knowledge and belief, during the year ended 30 June 2015 there have been:

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



Sean Denham

Dated: 23 OCTOBER 2015

Sean Denham & Associates  
Suite 1, 707 Mt Alexander Road  
Moonee Ponds VIC 3039



# Statement of Comprehensive Income

FOR THE YEAR ENDED 30 JUNE 2015

	Note	2015 \$	2014 \$
<b>Revenue</b>			
Grants		191,373	247,655
VLA Funds		179,416	273,945
VLA Surplus Carried Forward (incl. ERO State and Extra)		(25,798)	(7,729)
Fee for service		66,648	52,973
Donations, Fundraisings, Lectures		221,560	240,537
Donations - Reichstein Foundation		20,000	-
Sundry Income		4,613	6,678
Interest Received		3,601	12,729
		<b>661,413</b>	<b>826,788</b>
<b>Expenditure</b>			
Employee Benefits expenses		577,475	592,562
Occupancy expenses		45,504	44,982
Depreciation expense		2,792	4,120
Legal Practice expenses		5,180	3,644
IT expenses		12,466	28,720
Consultants expenses		54,227	61,429
Travel expenses		16,553	15,741
Sundry expenses		65,027	63,150
		<b>779,224</b>	<b>814,348</b>
Surplus before income tax for the year		(117,811)	12,440
Income tax expense		-	-
Surplus after income tax for the year		(117,811)	12,440
Total other comprehensive income		-	-
<b>Total comprehensive income for the year</b>		<b>(117,811)</b>	<b>12,440</b>

The accompanying notes form part of these financial statements.

# Statement of Financial Position

AS AT 30 JUNE 2015

	Note	2015 \$	2014 \$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	2	318,951	220,888
Trade and other receivables	3	37,173	28,184
Financial Assets	4	10,000	192,958
<b>TOTAL CURRENT ASSETS</b>		<b>366,124</b>	<b>442,030</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	5	1,686	4,478
<b>TOTAL NON-CURRENT ASSETS</b>		<b>1,686</b>	<b>4,478</b>
<b>TOTAL ASSETS</b>		<b>367,810</b>	<b>446,508</b>
<b>CURRENT LIABILITIES</b>			
Trade and other creditors	6	24,329	33,016
Amounts received in advance	7	121,722	75,463
Provisions	8	33,811	33,254
<b>TOTAL CURRENT LIABILITIES</b>		<b>179,862</b>	<b>141,733</b>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	8	42,306	41,322
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>42,306</b>	<b>41,322</b>
<b>TOTAL LIABILITIES</b>		<b>222,168</b>	<b>183,055</b>
<b>NET ASSETS</b>		<b>145,642</b>	<b>263,453</b>
<b>MEMBERS' FUNDS</b>			
Retained profits		145,642	263,453
<b>TOTAL MEMBERS' FUNDS</b>		<b>145,642</b>	<b>263,453</b>

The accompanying notes form part of these financial statements.

# Statement of Changes In Equity

FOR THE YEAR ENDED 30 JUNE 2015

	Retained Earnings \$	Total \$
<b>Balance at 1 July 2013</b>	251,013	251,013
<b>Comprehensive Income</b>		
Surplus for the year	12,440	12,440
Other comprehensive income	-	-
Total comprehensive income	12,440	12,440
<b>Balance at 30 June 2014</b>	<b>263,453</b>	<b>263,453</b>
<b>Comprehensive Income</b>		
Surplus for the year	(117,811)	(117,811)
Other comprehensive income	-	-
Total comprehensive income	(117,811)	(117,811)
<b>Balance at 30 June 2015</b>	<b>145,642</b>	<b>145,642</b>

The accompanying notes form part of these financial statements.

# Statement of Cash Flows

FOR THE YEAR ENDED 30 JUNE 2015

	Note	2015 \$	2014 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts from grants		391,250	509,456
Receipts from customers		303,832	283,776
Payments to suppliers and employees		(783,578)	(776,380)
Interest received		3,601	11,820
Net cash (used in)/generated from operating activities	9	(84,895)	28,672
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Redemption of term deposits		182,958	97,042
Payments for purchase of property and equipment		-	(1,809)
Net cash generated from investing activities		182,958	95,233
Net increase in cash held		98,063	123,905
Cash at the beginning of the year		220,888	96,983
<b>Cash at the end of the year</b>	2	<b>318,951</b>	<b>220,888</b>

The accompanying notes form part of these financial statements.

# Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2015

## Note 1: Statement of Significant Accounting Policies

This special purpose financial report has been prepared for distribution to the members to fulfil the directors' financial reporting requirements under the Corporations Act 2001 and the Australian Charities and Not-for-Profits Commission Act 2012. The accounting policies used in the preparation of this financial report, as described below, are consistent with the financial reporting requirements of the Corporations Act 2001, the Australian Charities and Not-for-Profits Commission Act 2012 and with previous years, and are, in the opinion of the directors, appropriate to meet the needs of members.

The financial report has been prepared on an accrual basis of accounting including the historical cost convention and the going concern assumption.

The requirements of Accounting Standards and other financial reporting requirements in Australia do not have mandatory applicability to Environmental Justice Australia because it is not a "reporting entity".

### a. Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investment with original maturities of three months or less.

### b. Income Tax

No provision for income tax has been raised, as the entity is exempt from income tax under Div 50 of the Income Tax Assessment Act 1997.

### c. Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost or fair values as indicated, less, where applicable, accumulated depreciation and impairment losses.

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all property, plant and equipment is depreciated over the useful lives of the assets to the company commencing from the time the asset is held ready for use.

Leasehold Improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

### d. Employee Entitlements

Provision is made for the entity's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amount expected to be paid when the liability is settled.

Employee benefits payable later than one year have been measured at the present value of estimated future cash outflows to be made for those benefits.

Provision is made for the entity's liability for long service leave when an employee reaches 5 years of consecutive service with the company.

### e. Provisions

Provisions are recognised when the entity has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

### f. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is an indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

# Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2015

## Note 1: Statement of Significant Accounting Policies (cont.)

### g. Revenue

Revenue is brought to account when received and to the extent that it relates to the subsequent period it is disclosed as a liability.

#### *Grant Income*

Non-reciprocal grant revenue is recognised in the profit or loss when the entity obtains control of the grant and it is probable that the economic benefits gained from the grant will flow to the entity and the amount of the grant can be measured reliably.

If conditions are attached to the grant which must be satisfied before it is eligible to receive the contribution, the recognition of the grant as revenue will be deferred until those conditions are satisfied.

When grant revenue is received whereby the entity incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

#### *Fees for Service*

Fees for service are recognised to the extent that it is probable that the economic benefits will flow to the Company and the revenue can be reliably measured.

#### *Interest Revenue*

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

#### *Donations*

Donation income is recognised when the entity obtains control over the funds which is generally at the time of receipt. All revenue is stated net of the amount of goods and services tax (GST).

### h. Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the statement of financial position.

### i. Adoption of New and Revised Accounting Standards

During the current year the company adopted all of the new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

### j. New Accounting standards for Application in Future Periods

No accounting standards issued but not yet effective are expected to impact the company.

	2015 \$	2014 \$
<b>Note 2: Cash and cash equivalents</b>		
Cash on hand	400	200
Cash at Bank	318,551	220,688
	<u>318,951</u>	<u>220,888</u>
<b>Note 3: Trade and other receivables</b>		
Accounts receivable	37,173	28,184
	<u>37,173</u>	<u>28,184</u>
<b>Note 4: Financial Assets</b>		
Term Deposits	10,000	192,958
	<u>10,000</u>	<u>192,958</u>
<b>Note 5: Property, plant and equipment</b>		
Office equipment - at cost	29,494	29,494
Less accumulated depreciation	(27,808)	(25,016)
	<u>1,686</u>	<u>4,478</u>
Movements in carrying amounts		
Carrying amount at beginning of year	4,478	6,789
Additions at cost	-	1,809
Disposals	-	-
Depreciation expense	(2,792)	(4,120)
Carrying amount at end of year	<u>1,686</u>	<u>4,478</u>
<b>Note 6: Trade and other payables</b>		
Accounts Payable	4,109	14,546
Sundry creditors and accruals	20,220	18,470
	<u>24,329</u>	<u>33,016</u>
<b>Note 7: Project funds received in advance</b>		
Project funds received in advance	63,195	67,734
Project funds received in advance - Reichstein	25,000	-
VLA Surplus carried forward - ERO Extra	16,551	7,707
VLA Surplus carried forward - ERO State	16,954	-
VLA Surplus carried forward - Surplus	22	22
	<u>121,722</u>	<u>75,463</u>

VLA Surplus includes ERO Extra funds of \$8,844 from 2014/2015, \$6,020 from 2013/2014 and \$1,687 from 2012/2013.

# Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2015

	2015 \$	2014 \$
<b>Note 8: Provisions</b>		
<b>Current</b>		
Provision for annual leave	33,811	33,254
<b>Non-current</b>		
Provision for long service leave	42,306	41,322
<b>Note 9: Reconciliation of Cash Flow from Operations with Profit from Ordinary Activities after Income Tax</b>		
Profit after income tax	(117,811)	12,440
Cash flows excluded from operating profit attributable to operating activities:		
Non-cash flows in profit		
- Depreciation	2,792	4,120
Changes in assets and liabilities;		
-(Increase)/decrease in trade and other receivables	(8,989)	(17,321)
- Increase/(decrease) in creditors	(8,687)	19,790
- Increase/(decrease) in amounts received in advance	46,259	(4,415)
- Increase/(decrease) in provisions	1,541	14,058
Net cash (used in)/generated from Operating Activities	(84,895)	28,672

## Note 11: Comparative Figures

Where required by Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When the company applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statements, a statement of financial position as at the beginning of the earliest comparative period must be disclosed.

## Note 12: Company Details

The registered office and principal place of business of the entity is: L3, 60 Leicester Street Carlton VIC 3054

## Note 13: Members Guarantee

The entity is incorporated under the Corporations Act 2001 and is an entity limited by guarantee. If the entity is wound up, the constitution states that each member is required to contribute a maximum of \$10 each towards meeting any outstandings and obligations of the entity. At 30 June 2015 the number of members was 114 (2014: 97).

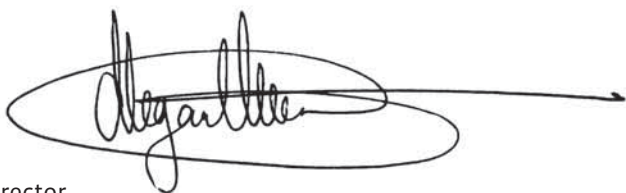


# Directors' Declaration

In accordance with a resolution of the directors of Environmental Justice Australia, I state that in the opinion of the directors:

- a) the Company is not a reporting entity as defined in the Australian Accounting Standards;
- b) the financial statements and notes of the Company are in accordance with the Corporations Act 2001 and the Australian Charities and Not-for-Profits Commission Act 2012, including:
  - (i) giving a true and fair view of the Company's financial position as at 30 June 2015 and of its performance for the year ended on that date; and
  - (ii) complying with Australian Accounting Standards to the extent described in Note 1 to the financial statements and complying with the Corporations Regulations 2001 and the Australian Charities and Not-for-Profits Commission Regulation 2013; and
- c) there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

On behalf of the Board



Director

Dated: 23 OCTOBER 2015



Director

Dated: 22 October 2015

# Independent Audit Report to the Members of Environmental Justice Australia

## Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report of Environmental Justice Australia, which comprises the statement of financial position as at 30 June 2015, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information and the directors' declaration.

### *Director's Responsibility for the Financial Report*

The directors of the company are responsible for the preparation of the financial report and have determined that the basis of preparation described in Note 1 to the financial report are appropriate to meet the requirements of the Corporations Act 2001 and the Australian Charities and Not-for-Profits Commission Act 2012 and is appropriate to meet the needs of the members. The directors' responsibility also includes such internal control as the directors determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

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

### *Independence*

In conducting our audit we have complied with the independence requirements of the Corporations Act 2001 and the Australian Charities and Not-for-Profits Commission Act 2012. We have given to the directors of the company a written Auditor's Independence Declaration, a copy of which is included in the directors' report.

### *Auditor's Opinion*

In our opinion, the financial report of Environmental Justice Australia is in accordance with the Corporations Act 2001, including:

- (i) giving true and fair view of the company's financial position as at 30 June 2015 and of its performance for the year ended on that date; and
- (ii) complying with the Australian Accounting Standards to the extent described in Note 1 and the Corporations Regulations 2001.

### *Basis of Accounting*

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the directors' financial reporting responsibilities under the Corporations Act 2001 and the Australian Charities and Not-for-Profits Commission Act 2012. As a result, the financial report may not be suitable for another purpose.



Sean Denham  
Sean Denham & Associates

Dated: 23 OCTOBER 2015

Suite 1, 707 Mt Alexander Road, Moonee Ponds Vic 3039





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