ANNUAL REVIEW 2016-2017

Environmental Justice Australia

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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.

CEO/CHAIR REPORT

Welcome to our annual report for 2016–2017

Everything we do revolves around impact. In this report you can read more about the work of Environmental Justice Australia this year across our three impact areas – climate, nature and communities.

Our strategic plan identifies these three areas as our focus for the next three years.

This year we renewed our strategic plan, refining our objectives and reorganising our staff team to align with these impact areas, while maintaining the flexibility to respond to important issues as they arise. Being clear about what we do and why we do it maximises our impact.

Our work centres on collaboration with clients and partners. Collaboration helps us magnify our impact and ensures that our legal expertise is used to its maximum potential. A great example of collaboration that has yielded valuable results over the past year has been our partnership with the Yarra Riverkeeper, advocating for groundbreaking river protection legislation.

Work by EJA and the Yarra Riverkeeper has helped to influence a landmark Act, the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*, that recognises the river and its environs as a single, integrated living entity, to be managed as a landscape under a 50-year community vision.

Collaboration is also at the heart of our advocacy for action on climate change and protection of the Great Barrier Reef. In May 2017, our lawyers and colleagues from Earthjustice travelled to Paris to present our case together to the meeting of the IUCN World Heritage Committee.

You can read more about these projects and other exciting work we've done this year, in partnership with organisations large and small, in the pages ahead.

Our people –paid and volunteer – are at the heart of our impact. Over the year, we have welcomed a number of new staff members to our team. This growth is a testament to the vitality of EJA and to the continuing commitment of our many longstanding financial supporters, together with the welcome generosity of many new individual and philanthropic supporters. Thank you to all of our supporters: whether financial, pro bono, in-kind or voluntary, you are all contributors to our success.

FORMER BOARD MEMBER (1992–2006) AND CHAIR PROFESSOR MURRAY RAFF CUTS OUR 25TH BIRTHDAY CAKE, CELEBRATED IN NOVEMBER.

Change is inevitable, of course. This year, we farewelled some staff and board members, including our treasurer, Richard Hilton, who had served on the board for ten years, and director Samuel Broughton, who had been with us since 2009. We thank Richard and Sam for their generous contributions and other board members for their hard work, and welcome Ricky Teh as our new treasurer.

The year ahead promises to be even busier than 2016–2017. We will continue to protect the environment by using the law – drawing on our skills as legal representatives to provide strategic legal advice to community groups and environment organisations and to take cases to court. And we will use our skills in policy development, research and advocacy to articulate our vision for new and better laws. This is more necessary than ever, even as your right to support advocacy for a healthy environment comes under threat from vested interests.

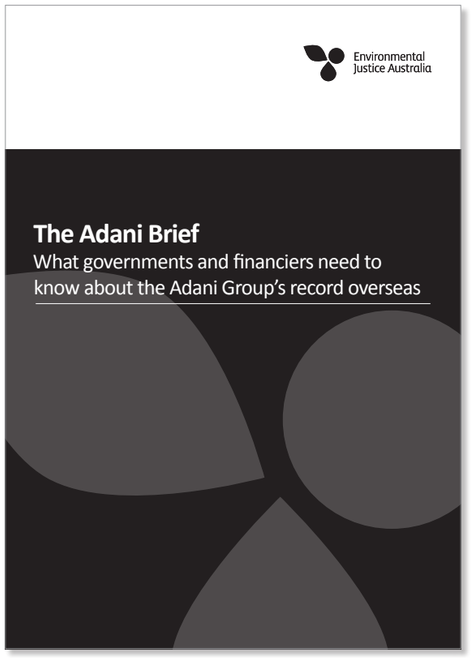
We thank the Environmental Justice Australia staff team, board members, volunteers and financial supporters for your shared commitment to our vision over 2016–2017 and look forward to your continuing support in the year to come.

Megan Utter, Chair
Brendan Sydes, CEO

// CLIMATE

Opposing the Adani Carmichael mega mine in Queensland

The Adani Group's proposed Carmichael Coal Mine and Rail Project in the Galilee Basin in Queensland would, if developed, be among the largest new coal mines in the world. Burning the 60 million tons of coal the mine is projected to produce each year would measurably exacerbate climate change, ocean warming and acidification that are causing human and environmental devastation worldwide. The associated rail infrastructure and expansion of the coal export terminal at Abbot Point Port adjacent to the Great Barrier Reef World Heritage Area would facilitate the shipping of coal through the Reef's water from both the Carmichael Mine and other mines proposed for the Galilee Basin, increasing the risk of shipping oil spills and groundings that would further damage the Reef's already endangered ecosystem.



The ongoing threat of the Adani mega mine development has rallied conservation groups around the country. Our legal expertise has proved an invaluable asset to the campaign. We have been able to identify avenues of opposition not open to others.

A massive undertaking involving international research in cooperation with US-based group Earthjustice saw us publish *The Adani Brief: What governments and financiers need to know about the Adani Group's record overseas* in February.

The findings led us to suggest that governments and private stakeholders should give serious consideration to:

- the Adani Group's global legal compliance record which demonstrates numerous serious breaches with adverse consequences for the environment and local people; and
- the possibility that if this track record continues in Australia, then supporting the Adani Group's Carmichael Mine and the Abbot Point Port may expose governments and private stakeholders to reputational and financial risks.

The evidence we uncovered suggests that the ultimate ownership of Terminal 1 at Abbot Point Port, a coal terminal operated by Adani, is opaque. Accounts lodged in India suggest ultimate ownership may be an Adani-associated entity in the Cayman Islands. If so, this represents a significant risk for investors. The importance of this research has been shown by how the Cayman Islands connection is now common knowledge, following our report.

We also showed that Adani Mining Pty Ltd had not provided all the information required by the Federal Environment Minister in giving approvals for the Carmichael Mine, even though it was specifically requested to do so. And we put a wealth of background information on our website as a resource for media and campaigners, who would not necessarily have the expertise to find the documents we had sourced.

"The Indian National Green Tribunal found Adani Enterprises Ltd and other entities liable for failing to clean up after the unseaworthy coal ship they chartered sank off the coast of Mumbai in 2011 resulting in a massive oil spill which destroyed mangroves, polluted beaches and saw the spilling of coal into the sea." – THE ADANI BRIEF

// CLIMATE

Great Barrier Reef in danger

Another major report this year has been our case study of the Great Barrier Reef in *World heritage and climate change: the legal responsibility of states to reduce their contributions to climate change*. Under the World Heritage Convention, Australia has primary responsibility for protecting and conserving the Great Barrier Reef, and it must address both existing and potential threats to the Reef, whatever their source. The Convention requires Australia to 'do all it can … to the utmost of its own resources' to take 'appropriate' action to protect and conserve the Reef. Our legal analysis, in conjunction with Earthjustice, shows that Australia is not meeting its obligations – it is developing massive new coal mines, not reducing greenhouse gas emissions, and not reducing non-climate-related stressors such as dredging. Its Reef 2050 plan does not even recognise climate change as the major issue.

We released our findings at a press conference in Paris in March, just before a World Heritage Committee meeting. Together with Professor David Karoly we provided the report to the World Heritage Committee members and advisors, urging them to take several actions including putting the Reef on the List of World Heritage in Danger. While our input was well received, unfortunately the World Heritage Committee chose not to act.

In May 2017, news broke that the Reef had suffered two years of back-to-back bleaching events, killing almost half of its coral. This demonstrated that Australia does not have the Reef under control and will be raising the question once again of designating it as 'World Heritage in danger'.

"Australia is failing miserably. Instead of fulfilling its obligation to protect the Great Barrier Reef from future devastating coral bleaching events, Australia is failing to do its fair share to reduce its greenhouse gas emissions. Further, Australia is permitting the development of massive new coal mines that will contribute substantially to climate change and to the further deterioration of the Great Barrier Reef."

– ARIANE WILKINSON, EJA LAWYER AND REPORT AUTHOR

THE AGE FRIDAY, MARCH 10, 2017

4 | NEWS | THE NATION

Lawyers want government held to account on reef

// CLIMATE

Tackling Adani through our Climate and Finance program

Government failure to take the action necessary to combat climate change means that directly challenging the financing of fossil fuels and working to 'move the money' to investment in renewable energy is an increasingly important strategy. That's why one of our lawyers, David Barnden, is dedicated to helping those in the climate movement working on divestment, shareholder activism and other corporate and finance strategies.

Financing of fossil fuel is not just the province of banks and private funders. This year, the Australian government has been championing the use of public funds to support the Adani mega mine in Queensland through a $1 billion loan for a railway to the mine from the Northern Australia Infrastructure Facility (NAIF). Opening a huge new coal mine would be a very poor investment and bad for the climate.

David's in-depth analysis and digging into NAIF criteria has shown that the NAIF proposal is riddled with problems, which we have brought to public attention throughout the year.

Our initial investigation showed that the project is unlikely to qualify. Adani itself said it does not need the government loan from NAIF for its rail project, according to media reports. Under the NAIF's Investment Mandate Direction 2016, the NAIF board can only provide support if 'the proposed project is unlikely to proceed or will only proceed at a much later date, or with a limited scope, without financial assistance'.

We then found that the NAIF directors would breach their duties to consider the financial risks associated with climate change if they make an investment decision in support of a Galilee Basin rail project. Our advice concluded that under the Public Governance, Performance and Accountability Act 2013 NAIF directors must consider financial risks from climate change and that the requisite standard of care and diligence prohibits investment in the proposed Adani and Aurizon rail projects.

In April, we lodged a complaint with the Productivity Commission on the grounds that NAIF's regulatory framework is inadequate and that if NAIF was to lend

QUEENSLAND COAL TRAIN

$1 billion for the rail project it would breach competitive neutrality principles. Competitive neutrality principles should stop governments from subsidising large companies with cheap debt in existing, well established industries.

Next month, we wrote to the NAIF board to seek answers about conflicts of interest of two of their board members. Karla Way-McPhail is also the CEO of Undamine and Coal Train Australia – companies that profit by hiring labour and machinery to coal mining operations. Annabelle Chaplain, a director of the Export Finance and Insurance Corporation (EFIC), which advises NAIF, is an independent non-executive director of Downer EDI, a company that has an existing commercial relationship with Adani Enterprises, the ultimate proponent of the mine.

Later that month David's analysis of the fund's current framework highlighted that the Queensland Government's refusal to be involved in the loan should preclude NAIF granting it.

The importance of all this work has been demonstrated by extensive media coverage. Overall we have provided a unique voice and expertise to complement the work being done by other parts of the environment sector.

// CLIMATE

Sustainability Law Lab

A new initiative for 2017 is the Sustainability Law Lab, aiming to support sustainability enterprises by providing access to innovative and cost effective legal services.

We work with:

- purpose-led (non-profit and for-profit) sustainability enterprises, such as community-based renewable energy enterprises
- other purpose-led enterprises that meet our criteria
- collaborative partners, such as think tanks, NGOs or other aligned organisations.

Our main work involves:

- providing innovative and cost-effective legal services for community driven sustainability initiatives
- providing collaborative and connected lawyers that get new business models and innovative projects in the low-carbon economy
- brokering legal solutions through our network of law firms, barristers and legal researchers
- identifying legal obstacles to sustainability projects and forming legal strategies for long term legal solutions
- providing training and education programs.

Relationship building has been a key to success. Law firms in several cities have come on board to provide pro bono assistance. Our lawyer Kim Shore has participated in the Community Energy Congress and Lawyers as Changemakers conference, building ties to both the profession and the community.

Sustainability Law Lab

BROWN HILL RANGE, SOUTH AUSTRALIA, WIND TURBINES AT SUNRISE

// COMMUNITIES

Air pollution

National Pollutant Inventory alarming

The Federal Government's annual National Pollutant Inventory was released in May, reporting emission estimates for 93 toxic substances and the source and location of these emissions.

An investigation into the figures by our air pollution researcher Dr James Whelan revealed alarming errors and under-reporting of toxic pollution from the five large coal-fired power stations in New South Wales.

This prompted a state-wide probe by the NSW Environment Protection Agency into whether power stations are under-reporting their toxic emissions.

The Mt Piper, Eraring and Vales Point power stations reported that fine particle emissions had dropped 92%, 60% and 37% respectively in just one year, despite generating more electricity.

None of these power stations had installed the kind of emissions controls that would achieve this. None of them monitors its emissions 24/7. They all self-report their pollution data.

These power stations appear to be dramatically under-reporting their toxic emissions and without an accurate picture of the toxic pollution emitted by power stations, communities nearby don't know what they're breathing. Coal-fired power stations are a leading source of fine particle pollution (PM2.5) which is responsible for the premature deaths of more than 3000 Australians each year.

We made government and media aware that reports from Mount Piper and Vales Point are likely to have under-estimated actual emissions by at least 80%, and advocated for independent, continuous stack monitoring at all power stations.

Australia has one of the world's oldest, dirtiest and least efficient fleets of power stations. The Vales Point and Liddell power stations are scheduled to close within five years, but both could shut sooner.

Giving the community the facts

Communities around coal-fired power stations can suffer alarming health problems.

PM2.5, nitrogen oxides and sulphur dioxide are three of the pollutants from power stations that cause particular concern for community health. All three of these pollutants are extremely harmful to health: causing and worsening a range of medical conditions such as asthma, respiratory problems, stroke, angina, heart attack, and cancer. They irritate and inflame the lungs leading to chronic lung disease, and restricted lung growth in children. Children and elderly people are particularly affected.

For many communities living near power stations, the power stations are the main source of air pollution. For example, 95% of air pollution in the Latrobe Valley is from burning coal.

In the Hunter Valley, studies indicate 30–40% of fine particle pollution is caused by power stations.

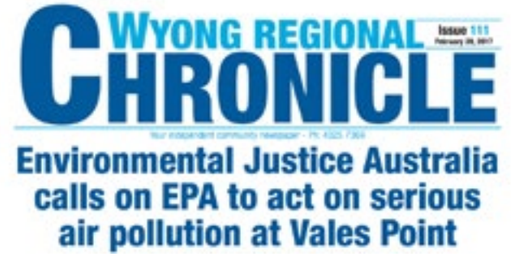
Although some pollutants such as fine particle pollution can travel great distances, it is the local community that suffers the most exposure. People that live within 50kms of coal-fired power stations face a risk of premature death as much as 3–4 times that of people living further away. The annual costs of associated health damages from the five coal-fired power station in the Hunter Valley have been estimated at around $600 million per annum. The annual health costs of coal-fired power stations across Australia has been estimated at about A$2.6 billion a year.

While local communities have the greatest exposure to power station pollution, communities living further away are also affected. Air pollutants from coal-fired power stations travel long distances, with much of the PM2.5 found in Sydney's air being from the Hunter Valley.

Through a series of community fact sheets, videos and media coverage we have been working hard to bring these problems to light, work that will continue into next year with a major report.

Caught in the act

Our air pollution team regularly visits local communities affected by power stations. On one such visit to Vales Point in the Hunter Valley we discovered tens of thousands of tonnes of coal being dumped on a windy day by uncovered dump trucks. The Mannering Point residents just hundreds of metres away could suffer severe health impacts from the coal dust. We took photographic evidence to the NSW Environment Protection Agency to call for operations to be closed down until this is addressed.


WYONG REGIONAL CHRONICLE

Environmental Justice Australia calls on EPA to act on serious air pollution at Vales Point

YALLOURN POWER STATION, LATROBE VALLEY, VICTORIA.

// COMMUNITIES

Beyond outreach – developing community collaborations

Our work is always based on close ties to communities affected by environmental issues. With our new project, we aim to develop a model for effective systemic legal advocacy by collaboration with community.

The project seeks to develop the concept of 'right clients, right places' in the context of our long-term community legal centre practice and systemic advocacy through legal representation and law reform work.

We are using a 'learning by doing' approach incorporating intentional and structured reflection to develop and evaluate a new model of service delivery. This model combines systemic advocacy with outreach programs that involve working with community groups on location.

The project builds on our established litigation, advocacy and research capacity and our relationships with established community-based organisations in each of our focus areas: climate, nature and environmental justice.

We have worked with three groups representing diverse communities, all of whom suffer unfair burdens of environmental damage: the Western Region Environment Centre in Melbourne's west, the Murray and Lower Darling Indigenous Nations (MLDRIN), and Voices of the Valley in the Latrobe Valley. Three of our lawyers have been spending several days each week dedicated to the groups, giving them legal support for systemic reform objectives and other priorities identified with their collaboration.

The project is funded by Victorian Legal Aid through its Innovation and Transformation Grants Program.

MURRAY AND LOWER DARLING INDIGENOUS NATIONS MEETING ON THE MURRUMBIDGEE

// COMMUNITIES

Access to justice in Victoria report back

Providing legal help for Victorians as part of the Community Environmental Legal Service (CELS) program is one of the many ways we pursue access to justice.

Funded by Victoria Legal Aid, the CELS program provides everyday 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.

We believe 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.

Reform of the Victorian EPA

Late last year we conducted workshops about the Victorian Government's reform of the Environment Protection Agency and Victoria's pollution laws in a number of communities around the state. Four of our lawyers ran workshops in Melbourne, Morwell, Bairnsdale, Balnarring, Geelong, Tarneit and Yarraville.

We've listened to people's stories and heard their concerns. And we came up with six points that summarise what we believe the state government should be doing.

THERE ARE SEVERAL VIDEOS ON THE CELS WEBSITE TO HELP PEOPLE UNDERSTAND HOW TO REPRESENT THEMSELVES AT VCAT.

WHAT ARE WE ASKING THE VICTORIAN GOVERNMENT TO DO?

1. Give the community the right to take polluters to court to prevent or clean up pollution when the EPA can't or won't (third party enforcement rights).
2. Give the community the right to review key EPA decisions and remove artificial restrictions that limit these rights (third party review rights).
3. Protect our health! Make human health a priority for the EPA and enshrine that in law. Say no to projects or expansions to existing facilities that will affect community health. Shut down or force compliance for polluters that are damaging health now.
4. Support genuine community participation in EPA decisions.
5. Give the community a right to access pollution information, including EPA and industry monitoring data.
6. Drive a cultural shift at the EPA – to make it the strong and effective regulator the community expects it to be.

// NATURE

Protecting our forests and their endangered inhabitants

Our Forest Lawyer Danya Jacobs has been working on a number of fronts.

In the courts

Last year we ran a major Supreme Court case on behalf of Environment East Gippsland Inc against VicForests to protect an area of high conservation value forest in Kuark, East Gippsland. The case settled in February, and VicForests agreed to put protected areas in place around a number of threatened plant and animal species that had been found in the coupes, such as Yellow-bellied Gliders, Blackfellows Hemp and endangered Galaxias fish, as well as rainforest. VicForests also agreed to await and apply further protections following outstanding surveys and investigations by the Department of Environment, Land, Water and Planning. The Department's investigations continue, and may result in prosecution of VicForests including for breaching rainforest protection laws.

Early one morning in February we halted logging in a critical coupe in the Ada Forest, Central Highlands, Victoria, saving a colony of critically endangered Leadbeater's Possums that had been discovered by our clients at midnight. The case demonstrates the importance of citizen scientists in identifying threatened species overlooked by VicForests.

Earlier, we had successfully defended two such citizen scientists. Edward Hill and Joseph Henderson, two community members who belong to the Goongerah Environment Centre, were charged after illegally entering a logging area. They had found that at least 32 mature rainforest canopy trees had been bulldozed in an area of rainforest that should have been safe from logging. These trees were hundreds of years old. Instead of prosecuting VicForests, the Department took the whistleblowers to court in Orbost, where all charges were dismissed.

Behind the scenes

We haven't always needed to go to court to protect threatened species habitat. Over the course of the year we have halted logging in East Gippsland and the Central Highlands on multiple occasions after threatened species had been discovered in the coupes – Leadbeater's Possums, Greater Gliders and Yellow-bellied Gliders. We wrote to the authorities on behalf of the local environment groups to prevent logging of the critical habitat.

Working with the Goongerah Environment Centre, we advocated for interim protection of the Greater Glider while waiting for it to be listed under the FFG Act. We also advocated for the Department to prepare an Action Statement – based on scientific advice – that will adequately protect gliders found in areas subject to logging in the future.

In June, we discovered that the Minister for Environment had been wrongly advised by her own department that she did not 'have the power to suspend or halt timber harvesting', after government scientists had written to ask her to suspend logging in the Strathbogie Ranges to protect the Greater Glider. We wrote to the Minister to advise her that there are three different Acts that give the government power to urgently protect Greater Gliders from being killed by logging, including an Interim Conservation Order.

We also wrote to the Minister on behalf of Friends of Leadbeater's Possum formally asking her to issue an Interim Conservation Order to conserve the critical habitat of the Leadbeater's Possum. All required conditions have been met. There are believed to be fewer than 2,500 breeding Leadbeater's Possums, the state's faunal emblem, left in the wild.

Cute, cuddly and threatened, the greater glider is dwindling in numbers. Photo: Pavel Germa

Flying face to face with extinction

Adam Morton

Those who know the greater glider have a vivid way of describing it: like a flying possum crossed with a koala. About the size of a garden-variety possum, but with a looped tail up to 60 centimetres long and membranes that extend from its elbow to its ankle, it is Australia's largest gliding marsupial.

Scientists say it may not continue to be: it is headed for extinction. Two decades ago, greater gliders were abundant up the east coast, but a combination of land-clearing, logging and the rising threat of bushfires linked to climate change has triggered an 80 per cent population crash.

Though they can glide up to 100 metres, greater gliders are docile animals. They typically spend their lives within an area of three or four hectares – about the size of a couple of football fields. When danger arrives, as it did in catastrophically in the central highlands on Black Saturday, they have little capacity to cope.

In April, the Victorian government's independent scientific advisory committee recommended that the animal be listed as a threatened species. It followed the federal government last year listing it as vulnerable. The Andrews government is expected to formally accept the recommendation this month. But documents released under a freedom-of-information request show that the Victorian committee's advice went further.

In November, the committee found the threat facing the glider warranted an immediate suspension of logging in parts of the Strathbogie Ranges north-east of Melbourne. Its formal advice, released to the Goongerah Environment Centre and seen by Fairfax Media, says: "The [glider] is in a demonstrable state of decline which is likely to result in extinction."

Noting gliders usually died if all or most of their home range was cleared, and that the Strathbogie Ranges were an important conservation site as populations there were relatively stable, the committee recommended an interim suspension to timber harvesting.

The advice was rejected by the Department of Environment, Land, Water and Planning. The documents show it advised Environment Minister Lily D'Ambrosio that neither she nor the department secretary had the power to stop legal forestry. Instead, it recommended considering "feasible low impact zoning changes" decided in consultation with state timber agency VicForests. It is understood the logging went ahead.

Goongerah Environment Centre campaigner Ed Hill said the advice meant the department was telling the government it should listen to foresters over scientists. He said it reflected that senior figures in the department were themselves former foresters.

Environmental Justice Australia lawyer Danya Jacobs said she believed the departmental advice was wrong – that the government did have the power to intervene to protect the glider.

// NATURE

Fixing Victoria's broken biodiversity laws

A substantial project for EJA has been reform of Victoria's main nature protection legislation.

To coincide with Threatened Species Week 2016, we were proud to publish *Fixing Victoria's broken biodiversity laws: a reform proposal for the Flora and Fauna Guarantee Act* – a comprehensive, agenda-setting plan for the reform of the *Flora and Fauna Guarantee Act 1988* (FFG Act).

Our nature laws are broken, and it's time to fix them. Successive State of the Environment reports for Victoria document the continuing decline of Victoria's plants and animals while ineffectual nature laws remain unchanged. Harmful environmental activities – like clearing of land and destruction of roadside habitats – continue unabated in Victoria. The key law protecting threatened species in Victoria dates back to 1988. It's well overdue for an overhaul. The Victorian government needs to do better at protecting threatened species and do more to reverse trajectories of decline.

OUR FIVE-POINT PLAN

- **A snapshot of our plan for the future direction of the FFG Act**
- **Public authorities must be obligated to act consistently with the FFG Act.**
- **Landscape-scale conservation and ecological restoration should become a central focus of the FFG Act.**
- **Threatened species provisions must be retained and overhauled so that listing processes become easier and more efficient to administer; and the tools used to protect threatened species expanded and made mandatory.**
- **Environmental justice provisions should be incorporated into the FFG Act.**
- **The foundations of the FFG Act – its purpose, objectives and environmental principles – need to be updated.**

According to the 2013 State of the Environment report, Victoria is the most widely cleared state in Australia with nearly two-thirds of Victoria's landscape modified for agricultural and urban purposes. Around half of Victoria's native vegetation has been lost. Continuing urban sprawl and intensification of agriculture, means that habitat loss continues, especially in in threatened woodland and grassland ecosystems.

That's why in 2014 the incoming ALP Victorian government made an election promise to review the FFG Act. However, we were concerned that 18 months on from its election promise, the government had made no progress towards reviewing and amending the FFG Act.

We set out to provide much-needed direction to the government on how it should push forward with reform. Furthermore we were able to distil it into a straightforward five-point plan.

If each of the five components was adopted by the Victorian government as we suggest, then the FFG Act would provide real protection for our precious threatened species and a set a high environmental standard for other states to follow.

The next steps

While there's some great ideas in our report, we're under no illusion that these ideas will become a reality without some signiflcant effort on our part. We've been working hard with the Department and the Minister's office behind the scenes, encouraging them to start the public aspect of the review process with the launch of a discussion paper. The consultation process began in March and we made a substantial submission.

We also got out into the community, running workshops for our friends working in local conservation groups across the Victoria, to make sure they're all an effective part of the process. We also co-hosted an Act on Extinction event with 200 attendees, all keen to see the FFG Act be strengthened, not watered down. Change won't happen here without strong community support, and we are doing all we can to make sure that the Victorian community has all the support they need to rally behind improvement to our nature protection laws.

// NATURE

The next generation of environmental laws

We continued to play a major part in contributing to and supporting the Australian Panel of Experts on Environmental Law (APEEL), charged with re-imagining Australia's federal biodiversity laws.

We know that to truly protect Australia's complex, interconnected environment and the health of the people who live there, we need a strong, integrated set of environment laws. Australia's *Environment Protection and Biodiversity Conservation* (EPBC) *Act 1999* is 18 years old, and our understanding of the environment has changed a lot in those years. What's more, new challenges like climate change have arisen and need to be addressed by our laws.

Changes are needed to bring our federal environment laws up to date. APEEL, made up of experts in environmental law from across the country, was convened to decide what is working under our present laws, and what needs to be changed to bring them up to date.

Like the natural environment itself, biodiversity law involves many overlapping and interdependent pieces, operating at different levels, including state and federal. Biodiversity legislation is a complex area and our ability to see the big picture and understand the interactions between the constituent parts is hugely valuable.

Eight Technical Papers from APEEL were released in 2017, with 57 recommendations, seeking public comments. They form the basis of the final paper, the *Blueprint for the next generation of environmental law*, released in August 2017.

Acting for the Yarra

In June, the Victorian Government introduced the Yarra River Protection (Wilip-gin Birrarung murron) Bill 2017 into the state parliament.

This bill represents, as the Minister said in his Second Reading Speech, a 'landmark' in Victoria's history. It also represents the culmination of more than two-and-a-half years of work by EJA and the Yarra Riverkeeper Association.

The proposed law is a landmark because it recognises the Yarra River and its environs as a single, integrated living entity, to be managed as a single landscape under a 50-year community vision. This in itself is historic in Australian urban river management.

More than this, the bill establishes a legislative framework with certain powerful instruments at its heart: a Birrarung Council as a 'voice' of the river, intended to scrutinise and advise on management by government agencies, and an overarching Yarra Strategic Plan, including scope for binding obligations on public authorities.

Perhaps most profoundly and innovative is the entrenching of Wurundjeri identity and values in river governance through the bill. This includes bilingual naming of the bill and its preamble – in Woiwurrung and in English. This is an Australian first.

EJA commenced a journey towards this law in late 2014, with funding from the Lord Mayor's Charitable Foundation. We worked successfully with community organisations, government and experts to design model proposals for such a law. We published three reports, submissions and discussion papers. Many of the legal and policy proposals we advocated for are reflected in the bill before Parliament. We are hopeful that what we have put forward may serve as a basis for reform proposals for rivers and waters elsewhere in Australia.

The Yarra River Protection Act: The future of the Yarra

Key elements of the Act

- Landscape scale management that manages the river as a whole
- A long-term vision for the Yarra River
- Long-term river health targets that must be achieved by all agencies
- A statutory Yarra River Plan with a clear pathway toward targets and goals
- A Yarra River Trust that manages and champions the river.

Regulatory framework

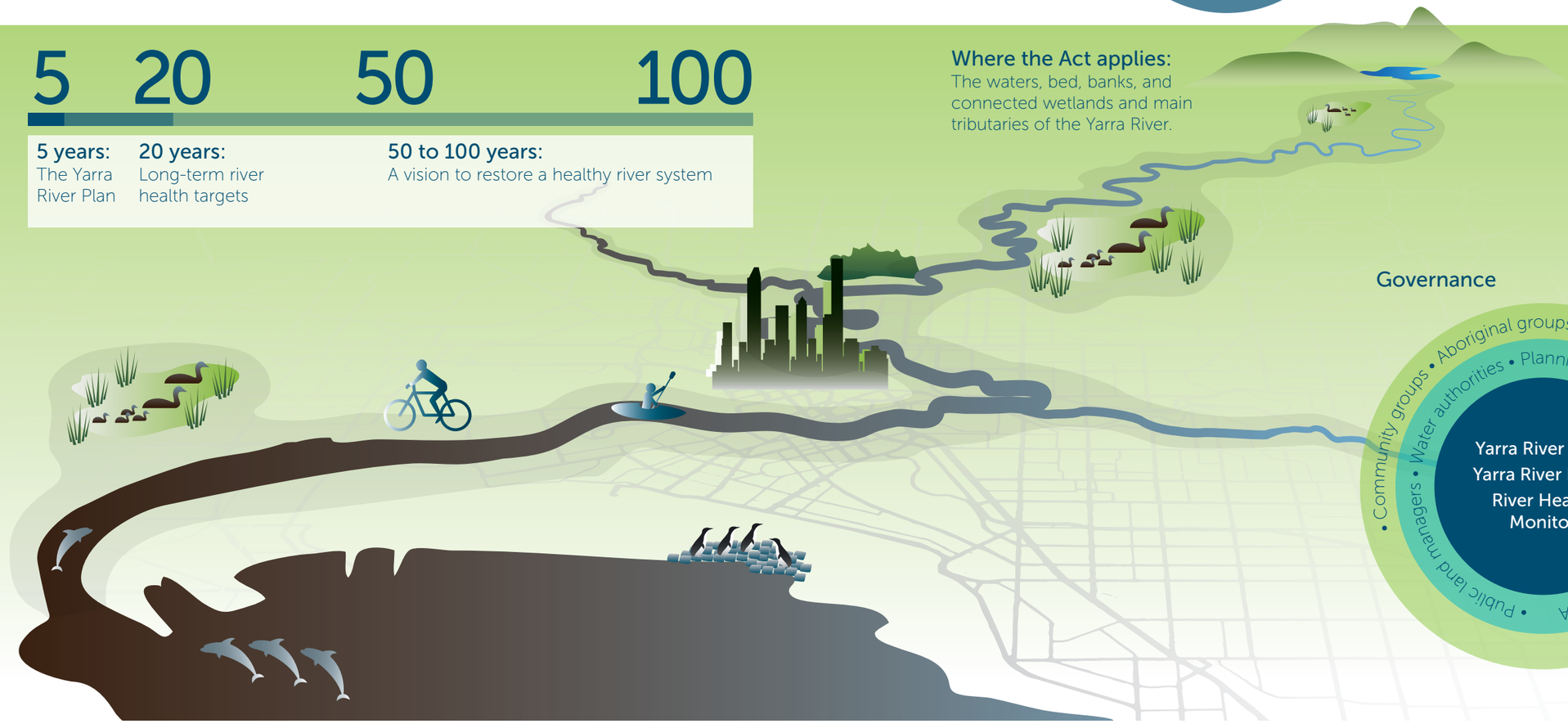
5 20 50 100

5 years: The Yarra River Plan

20 years: Long-term river health targets

50 to 100 years: A vision to restore a healthy river system

Where the Act applies:
The waters, bed, banks, and connected wetlands and main tributaries of the Yarra River.



Governance

Thanks and acknowledgements

Thanks to our many generous donors who make our work possible, particularly those who matched gifts made in June this year.

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

Australian Communities Foundation

BB & A Miller Foundation

Department of Economic Development, Jobs, Transport and Resources

Department of Justice and Regulation

Eldon & Anne Foote Trust (Innovation Grant 2015), PRL Charitable Fund Account and the Heath Cosgrove Charitable Fund Account of the Lord Mayor's Charitable Foundation

European Climate Foundation

Graeme Wood Foundation

Lord Mayor's Charitable Foundation

McKinnon Family Foundation

Merry-go-round Greeting Cards

Paoli Smith Creative Agency

Patagonia Foundation

Victoria Legal Aid, Community Legal Centres Funding and Development Program

Victorian Department of Premier and Cabinet

PRO BONO SUPPORT

We thank the following for providing their services at no charge or at reduced rates:

Matthew Albert
Daniel Cash
Nicola Collingwood
Peter Hanks QC
Kristine Hanscombe QC
Penny Harris
St John Hibble
Graeme Hill
Chris Horan SC
Fiona Hudgson
Noel Hutley SC
Jonny Korman
James Mack
Ron Merkel QC
Chris Mitchell
Eamonn Moran QC
Emrys Nekvapil
Lisa Nichols
Maree Norton
Helen Symon QC
Campbell Thomson
Kris Walker QC
Brian Walters QC
Julia Watson
Rupert Watters
Sarah Zeleznikow

LAW STUDENT AND LAWYER VOLUNTEERS

Lauren Ash
Daniel Bakewell
Grace Bramwell
Anna Brasnett
Emma Buckley Lennox
Mark Campbell
Lauren Caulfield
Lucy Christian
Jeff Cranston
Anthony Cross
Sarah de Wit
Millie Down
Skye Fantin
Jeremy Haughty
Kathryn Henderson
Sandeep Jassal
James Kenyon-Smith
Bethany Kleverlaan
Leonard Krasny
Dinu Kumarasinge
Daniel Lansell-Kenny
Lachlan Macfarlane
Madison McSweeney
Emily Morison
Teddy Musolino
Zoe Neumayer
Victoria Pappas
Michelle Pua
Allan Quanchi
Alana Reader
Tom Rochford
Nicola Silbert
Nathan Steinkoler
Anika Stobart
Claire Toole
Sophie Tversky
William Van De Pol
Eugenio Vergara
Duncan Wallace
Holly Watson-Reeves
Charlie Wurm
Kenji Yamada
Casimir Zichy-Woinarski

EJA Awards 2016

VALUABLE VOLUNTEERS AWARD

We benefit greatly from the enthusiastic contribution of a large number of volunteers, primarily law students. We like to highlight the contribution of one of our volunteers to demonstrate the lengths they will go to, to help our work.

Mark Campbell

Sam Broughton – special award for many years of service on the Environmental Justice Australia board, retiring this year.

ENVIRONMENTAL JUSTICE AWARD

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 and effective and accountable system of environmental regulation and the community's right to know and to participate in decision-making.

Environment East Gippsland

Environmental Justice Australia

ABN 74 052 124 375

Financial Report For the Year ended 30 June 2017

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Directors' Report

Your directors present this report on Environmental Justice Australia ("the Company") for the year ended 30 June 2017.

DIRECTORS

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

- Andrew Spenser Cox
- Richard Dominic Hilton (resigned 24 Jul 2017)
- Thea Margaret Lange
- Sally Margaret Romanes
- Elizabeth Jane McMeekin
- Hai Chuan Teh (appointed 18 Jul 2017)
- Megan Katherine 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 surplus from ordinary activities after income tax amounted to $11,413 (2016: loss $15,548).

INFORMATION ON DIRECTORS

Andrew Spenser Cox

BSc, Grad Dip (Environmental Studies)

Non-executive Director, Vice-Chairperson

Andrew Cox has a long career working in nature conservation in management and governance roles for government and non-government organisations. He is currently CEO of the Invasive Species Council, a member of the NSW biosecurity advisory committee and the national feral cat taskforce 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 a 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.

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.

Directors' Report

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 is an experienced fundraising and direct marketing consultant, working with both not-for-profit and commercial organisations. She is currently the Client Relationship Manager of Bluestar Direct, a specialist provider of direct marketing services.

Hai Chuan Teh

BCom Accounting, Member of the CPA Australia and Member of the Malaysian Institute of Accountants

Non-executive Director

HC Teh is a Director with EY Melbourne specialising in corporate governance, risk management, statutory and other reporting. HC Teh and EY are committed in contributing to the community and the environment in their efforts to building a better working world.

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, 7 meetings of directors were held. Attendances by each director were as follows:

DIRECTORS	NUMBER ELIGIBLE TO ATTEND	NUMBER ATTENDED
Samuel Thomas Broughton	3	2
Andrew Spenser Cox	7	4
Richard Dominic Hilton	7	6
Thea Margaret Lange	7	5
Elizabeth Jane McMeekin	7	6
Sally Margaret Romanes	7	6
Megan Katherine Utter	7	6

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 2017, the total amount that members of the company are liable to contribute if the Company is wound up is $590 (2016: $910).

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.

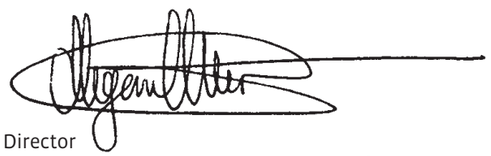
DIRECTORS' BENEFITS

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 2017 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: 26 September 2017

Director

Dated: 26 September 2017

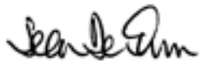
Auditor's Independence Declaration

UNDER SECTION 307C OF THE CORPORATIONS ACT 2001

I declare that to the best of my knowledge and belief, during the year ended 30 June 2017 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: 27th September 2017
Sean Denham & Associates
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

Statement of Comprehensive Income

FOR THE YEAR ENDED 30 JUNE 2017

	Note	2017 $	2016 $
Revenue			
Grants		655,267	644,111
VLA Funds		191,332	191,140
VLA Surplus (Carried)/brought Forward (incl. ERO State and Extra)		10,241	(7,275)
Fee for service		69,485	29,513
Donations, Fundraisings, Lectures		219,312	186,780
Sundry Income		3,237	6,678
Interest Received		5,969	8,671
		1,154,843	1,070,037
Expenditure			
Employee Benefits expenses		890,840	808,452
Occupancy expenses		61,956	50,377
Depreciation expense		3,600	1,568
Legal Practice expenses		13,116	38,098
IT expenses		30,300	32,862
Consultants expenses		21,986	36,406
Travel expenses		29,639	40,480
Sundry expenses		91,993	77,342
		1,143,430	1,085,585
Surplus/(Deficit) before income tax for the year		11,413	(15,548)
Income tax expense		–	–
Surplus/(Deficit) after income tax for the year		11,413	(15,548)
Total other comprehensive income		–	–
Total comprehensive income/(loss) for the year		**11,413**	**(15,548)**

The accompanying notes form part of these financial statements.

Statement of Financial Position

AS AT 30 JUNE 2017

	Note	2017 $	2016 $
CURRENT ASSETS			
Cash and cash equivalents	2	644,632	636,308
Trade and other receivables	3	61,201	97,258
Financial Assets	4	10,000	10,000
TOTAL CURRENT ASSETS		715,833	743,566
NON-CURRENT ASSETS			
Property, plant and equipment	5	12,095	13,276
TOTAL NON-CURRENT ASSETS		12,095	13,276
TOTAL ASSETS		**727,928**	**756,842**
CURRENT LIABILITIES			
Trade and other payables	6	59,981	44,299
Project funds received in advance	7	417,862	491,810
Provisions	8	99,569	86,996
TOTAL CURRENT LIABILITIES		577,412	623,105
NON-CURRENT LIABILITIES			
Provisions	8	5,366	–
TOTAL NON-CURRENT LIABILITIES		5,366	–
TOTAL LIABILITIES		582,778	623,105
NET ASSETS		**145,150**	**133,737**
MEMBERS' FUNDS			
Retained profits		145,150	133,737
TOTAL MEMBERS' FUNDS		**145,150**	**133,737**

The accompanying notes form part of these financial statements.

Statement of Changes In Equity

FOR THE YEAR ENDED 30 JUNE 2017

	Retained Earnings $	Total $
Balance at 1 July 2015	149,285	149,285
Comprehensive Income		
Loss for the year	(15,548)	(15,548)
Other comprehensive income	–	–
Total comprehensive income	(15,548)	(15,548)
Balance at 30 June 2016	**133,737**	**133,737**
Comprehensive Income		
Surplus for the year	11,413	11,413
Other comprehensive income	–	–
Total comprehensive income	11,413	11,413
Balance at 30 June 2017	**145,150**	**145,150**

The accompanying notes form part of these financial statements.

Statement of Cash Flows

FOR THE YEAR ENDED 30 JUNE 2017

	Note	2015 $	2014 $
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from grants and customers		1,110,983	1,375,034
Payments to suppliers and employees		(1,106,209)	(1,053,190)
Interest received		5,969	8,671
Net cash (used in)/generated from operating activities	9	10,743	330,515
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for purchase of property and equipment		(2,419)	(13,158)
Net cash used in investing activities		(2,419)	(13,158)
Net increase in cash held		8,324	317,357
Cash at the beginning of the year		636,308	318,951
Cash at the end of the year	2	**644,632**	**636,308**

The accompanying notes form part of these financial statements.

Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2017

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 *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 *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. Trade and other receivables

Trade receivable and other debtors include amounts due from donors and any outstanding grant receipts.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

d. 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.

e. Trade and other payables

Trade payable and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the company during the reporting period which remain unpaid. The balance is recognised as a current liability with the amount normally paid within 30 days of recognition of the liability.

f. 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.

g. 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.

Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2017

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

h. Revenue

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

Grant Income

A number of programs are supported by grants received from government, as well as private organisations.

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

Revenue from a non-reciprocal grant that is not subject to conditions is recognised when the company obtains control of the funds, economic benefits are probable and the amount can be measured reliably.

Where a grant may be required to be repaid if certain conditions are not satisfied, a liability is recognised at year end to the extent that conditions remain unsatisfied.

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).

i. 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.

j. 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.

k. 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. There is no material impact on the financial statements from the adoption in the current year.

l. New Accounting standards for Application in Future Periods

Certain new accounting standards and interpretations have been published but are not mandatory for 30 June 2017 reporting periods. The Company is currently assessing the impact of these standards but does not expect the new standards to have a material impact on the financial statements.

AASB 9 Financial Instruments (effective for the Company on 1 July 2018)

AASB 9 addresses the classification, measurement and derecognition of financial assets and financial liabilities. It also includes an expected loss impairment model. The standard will be applicable retrospectively. There will be no impact on the accounting for the Company's financial liabilities as the new standard only impacts financial liabilities designated at fair value through profit or loss and the Company does not have any such liabilities. The Company does not have any available for sale financial assets.

AASB 16 Leases (effective for the Company on 1 July 2019)

AASB 16 modifies accounting for leases by removing the current distinction between operating and financing leases. The standard requires recognition of an asset and a financial liability for all leases, with exemptions for short term and low value leases. Under the new standard, entities will no longer be required to distinguish between finance leases and operating leases.

AASB 15 Revenue (effective for the Company on 1 July 2018)

AASB 15 provides a single, principles-based five-step model to be applied to all contracts the Group has with its customers. Guidance is provided on topics such as the point at which revenue is recognised, accounting for variable consideration, costs of fulfilling and obtaining a contract and various related matters. New disclosures regarding revenue are also introduced.

Notes to the Financial Statements

FOR THE YEAR ENDED 30 JUNE 2017

		2017 $	2016 $
Note 2: Cash and cash equivalents			
Cash on hand		200	200
Cash at Bank		644,432	636,108
		644,632	**636,308**
Note 3: Trade and other receivables			
Accounts receivable		61,201	97,258
Note 4: Financial Assets			
Term Deposits		10,000	10,000
Note 5: Property, plant and equipment			
Office equipment – at cost		45,071	42,652
Less accumulated depreciation		(32,976)	(29,376)
		12,095	**13,276**
Movements in carrying amounts			
Carrying amount at beginning of year		13,276	1,686
Additions at cost		2,419	13,158
Disposals		–	–
Depreciation expense		(3,600)	(1,568)
Carrying amount at end of year		**12,095**	13,276
Note 6: Trade and other payables			
Accounts Payable		16,661	7,857
Sundry creditors and accruals		43,320	36,442
		59,981	**44,299**
Note 7: Project funds received in advance			
Project funds received in advance		343,111	340,921
VLA Innovation and Transformation		47,855	113,750
VLA Surplus carried forward – ERO Extra	(a)	26,896	26,896
VLA Surplus carried forward – Surplus		–	10,243
		417,862	**491,810**
(a) VLA ERO Extra comprises amounts carried forward from the following years			
– 2015/2016		10,345	10,345
– 2014/2015		8,844	8,844
– 2013/2014		6,020	6,020
– 2012/2013		1,687	1,687
		26,896	**26,896**

	2017 $	2016 $
Note 8: Provisions		
Current		
Provision for annual leave	56,260	45,054
Provision for long service leave	43,309	41,942
	99,569	86,996
Non-current		
Provision for long service leave	5,366	–
Note 9: Reconciliation of Cash Flow from Operations with Profit		
from Ordinary Activities after Income Tax		
Surplus/(deficit) after income tax	11,413	(15,548)
Cash flows excluded from operating profit attributable to operating activities:		
Non-cash flows in profit		
– Depreciation	3,600	1,568
Changes in assets and liabilities;		
– Decrease/(Increase) in trade and other receivables	36,057	(60,085)
– Increase in creditors	15,682	19,948
– (Decrease)/increase in amounts received in advance	(73,948)	373,753
– Increase in provisions	17,939	10,879
Net cash generated from Operating Activities	10,743	330,515
Note 10: Operating Lease Commitments		
Operating leases contracted for but not recognised in the financial statements		
Payable – minimum lease payments:		
– no later than 12 months	45,660	7,184
– between 12 months and five years	144,590	–
– greater than five years	–	–
	190,250	7,184

The company has a property lease commitment, it is a non-cancellable operating lease with a five-year term with rent payable monthly in advance. The lease had an option to renew which was exercised in August 2016 for a further term of 5 years. Increases in lease commitments may occur as a result of a market rent review in accordance with the agreement.

Note 11: Company Details

The registered office and principal place of business of the entity is:

L3, 60 Leicester Street, Carlton VIC 3053

Note 12: 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 2017 the number of members was 59 (2016: 91).

Directors' Declaration

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

a) the Company is not a reporting entity as defined in the Australian Accounting Standards;

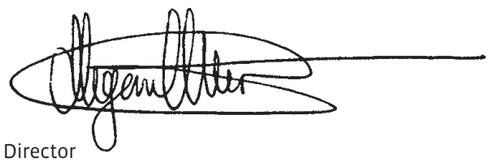
b) the financial statements and notes of the Company are in accordance with the *Corporations Act 2001* and the *Australian Charities and Not-for-Profits Commission Act 2012*, including:

(i) giving a true and fair view of the Company's financial position as at 30 June 2017 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: 26 September 2017

Director

Dated: 26 September 2017

Independent Audit Report to the Members of Environmental Justice Australia

Opinion

I have audited the accompanying financial report, of Environmental Justice Australia, which comprises the statement of financial position as at 30 June 2017, statement of changes in equity, statement of cash flows and the statement of comprehensive income for the year then ended, notes comprising a summary of significant accounting policies and the directors' declaration.

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

a) gives a true and fair view of the company's financial position as at 30 June 2017 and of its financial performance for the year then ended; and

b) complies with Australian Accounting Standards and Division 60 of the *Australian Charities and Not-for-profits Commission Regulations 2013*.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report.

I am independent of the company in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

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

Emphasis of Matter – Basis of Accounting

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 company's reporting responsibilities under the ACNC Act. As a result, the financial report may not be suitable for another purpose. My opinion is not modified in respect of this matter.

Responsibility of the Board for the Financial Report

The board of the company is responsible for the preparation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 1 of the financial report is appropriate to meet the requirements of the ACNC Act and the needs of the members. The board's responsibility also includes such internal control as the board determine is necessary to enable the preparation of a financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Board is responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the board either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibility for the Audit of the Financial Report

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

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

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

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

Sean Denham

Dated: 27th September 2017
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