

Annual review 2018–19

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.

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Photo credits: Donovan Wilson (page 9), Lock the Gate (page 11), Jay Galvin (page 12), Nick Carter (page 13). All others: Environmental Justice Australia

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Chief Executive Officer report

Welcome to our 2018–2019 annual report. It has now been five years since we relaunched as Environmental Justice Australia, so it is an appropriate time to reflect on our journey since that time and what lies ahead.

In early 2014, after the shock of the withdrawal of government funding, we faced a choice – retreat and hunker down, or rise to the challenge, take some risks and find new ways to build powerful demands for change. We chose the latter, and relaunched as Environmental Justice Australia.

Since that time our team has worked hard to build our capacity and to work with others to increase our impact on the issues that matter. We realised then that as lawyers, we could help communities and environmental organisations develop a powerful voice that goes well beyond what can be achieved through the ballot box.

We've continued to develop ways to combine our legal expertise with community demands to cut toxic pollution and end logging practices that endanger wildlife. And we've focussed our efforts on campaigns for new and better laws, and strategic litigation to hold governments and businesses to account.

In this report you can read about our success in the areas in which we work – areas carefully chosen as those where our legal expertise can have the greatest impact.

One campaign we have been involved in for many years is the campaign for an overhaul of Australia's national environmental protection law, the *Environment Protection and Biodiversity Conservation Act 1999*. We and many others were hopeful that a change in government would mean an opportunity for reform in this and other areas this year, however this was not to be the case.

One thing that will be clear is the long-term commitment required to achieve change – the issues we work on are hard issues, and changing the law requires dedication and patience. The loyalty of our supporters – donors large and small, grant makers and others – is critical in allowing us to undertake this work. To all those who share our vision and invest in our work – thank you.

› Brendan Sydes, Chief Executive Officer

RECOGNITION FOR FOREST CHAMPION

We are thrilled that Senior Lawyer Danya Jacobs was this year's recipient of the Mahla Pearlman Award for the Australian Young Environmental Lawyer of the Year.

The Mahla Pearlman Award for the Australian Young Environmental Lawyer of the Year is awarded to a young lawyer who has made a significant contribution to environmental law. Each recipient has carried out extra work giving back to the legal community as well as to the community at large.

Danya works primarily on biodiversity and nature protection, with a focus on public lands, forests and threatened species. Her practice involves litigating on behalf of community groups to promote conservation objectives, as well as acting in criminal law matters for individuals charged while protecting logging in Victoria's native forests.

She is currently working on two significant court cases, both of which could have national implications for forest protection and biodiversity. You can read about them in our Nature section.

Additionally, Danya works very closely with numerous environmental community groups to educate them about relevant legal frameworks and to empower local groups and community scientists to do the on-the-ground monitoring necessary to ensure that the relevant provisions relating to native forest logging are being complied with, and to identify and highlight the breaches that occur.



Communities

Indigenous participation in water management

We continue to work with the Murray Lower Darling Rivers Indigenous Nations (MLDRIN), which represents Traditional Owner organisations across the Murray-Darling Basin, on indigenous water rights. This year MLDRIN gave evidence to the South Australian Royal Commission into the Murray-Darling Basin Plan and said that the Commonwealth Water Act is ‘substantially inconsistent’ with Australia’s commitments to international conventions. We collaborated with MLDRIN to produce submissions and develop proposed amendments that will align Australian water management with international standards.

MLDRIN’s submission asserted that the Water Act is inconsistent with Australia’s international obligations under the Biodiversity Convention and the Ramsar Convention, in that the legislation establishes weak procedural standards for Indigenous participation in water resources decision-making and falls short of the ‘robust involvement’ required by the conventions.

MLDRIN Chair and Nari Nari man Rene Woods said that we are witnessing the real-world impacts of excluding First Nations knowledge, cultural and law from water planning. He called for the Water Act to be reformed to recognise and promote First Nations’ distinctive attachment to and authority relating to waters of the Murray-Darling Basin, and for governments to be obliged to undertake serious negotiations with First Nations and deliver tangible outcomes.

Our lawyer Dr Bruce Lindsay noted that as a wealthy, developed country and self-avowed global leader in water management, Australia can and should do better.

“We are witnessing the real-world impacts of excluding First Nations knowledge, cultural and law from water planning.”

Toxic incineration in the community

We represented community group Environment East Gippsland (EEG) in its legal challenge to the Environment Protection Authority’s approval of Australian Paper’s proposed Maryvale Mill waste incinerator.

While we believe the proposal is a huge step backwards as a solution to deal with domestic and industrial rubbish, we reached a settlement in June that will see improved conditions on the design and operation of what could be Australia’s largest waste incinerator.

EEG agreed to withdraw its appeal after Australian Paper and the EPA agreed to amend the approval to respond to the group’s concerns. New conditions negotiated by EEG include:

- › a new condition to make it explicit that the incinerator is only to be used to burn non-hazardous commercial waste;
- › amendments to ensure that the incinerator is designed to allow for ease of upgrades to achieve stricter emission limits in the future;
- › installation of continuous Emission Monitoring of Mercury as soon as that technology is recognised as a Best Available Technique by the European Commission;
- › loads of rubbish will now be required to be diverted out of the incineration stream if they contain ‘more than negligible amounts of recyclable material’, rather than the previous threshold of ‘mainly recyclable material’.

Another new condition incorporated into the EPA Works Approval confirms that Victoria’s native forests or plantations will not be burnt in the Incinerator, with wood waste limited to a maximum of 1% of the feedstock.

‘The strengthened conditions should ensure that the community has better access to information about the incinerator’s emissions and should better protect both the community and environment’, said Jill Redwood from Environment East Gippsland. ‘We are hoping that this incinerator will prove unviable as the Victorian community gets behind the more sustainable circular economy which focuses on reducing, reusing and recycling, rather than incineration.’

The settlement shows how important it is that community groups scrutinise proposals and take action to strengthen conditions on projects that can threaten a region’s health and well-being.

Communities

The fight for clean air

This year our air pollution team spent a great deal of time on the ground, in communities affected by coal pollution. Three team members travelled to three air pollution ‘hotspots’ – Lithgow in NSW and Gladstone and Rockhampton in Queensland – to meet with residents living near power stations, hear their stories and help them with their advocacy. We also met with government officials and managers from the Stanwell power station to seek answers to questions such as, ‘Why does the Gladstone power station have an oxides of nitrogen emission limit nearly ten times more than other parts of the world?’

We held further forums in Victoria, NSW and Queensland both to let communities know how to participate in legislative processes which could improve air quality, and also to help residents in air pollution ‘hotspots’ on specific issues. For example, Moe and Newborough residents have been concerned about dust and ash from Yallourn power station in Victoria and we were able to help them understand their rights and what they could do. We led a community call for action from the EPA to crack down on all pollution in the Latrobe Valley.

We combined our local activities with advocating for pollution controls at the state and federal level, and growing community support for the campaign for clean air. Both direct advocacy and community pressure are required for work such as our current campaign to set international best practice standards that align with the World Health Organisation guidelines for ambient air concentrations of sulfur dioxide, oxides of nitrogen and ozone. Parliamentarians in NSW have been receptive to our requests to act on the health burden of toxic pollution following the release of our NSW health study (see below).

In another study we brought in three international experts to review the regulation of the emissions of coal-fired power

stations in the Latrobe Valley. All three condemned the Victorian EPA’s approach. Dr Andy Gray noted, ‘The modelled emissions for sulfur dioxide from the power stations were almost four times the acceptable levels in the US, and mercury emissions from the power stations appear to be much higher than AGL, Alinta and EnergyAustralia claim’. We were able to feed these findings into the EPA’s review of power stations licences and are awaiting the outcome.

Once again this year we offered expert analysis on the release of the annual National Pollution Inventory to both media and the community. Although self-reported by industry and not audited, it is Australia’s most comprehensive source of data on air pollution. It revealed soaring toxic emissions from coal-fired power stations and highlighted the need for our ageing fleet of generators to be fitted with readily available emission controls required in most other countries. Our data and findings were reported across media.

The health burden of coal-fired power in NSW

In NSW, there are five coal-fired power stations – Liddell, Eraring, Mt Piper, Bayswater and Vales Point. Two are located on the Central Coast of NSW, two in the Upper Hunter Valley and one in Lithgow.

Power stations emit 30 toxic pollutants and are the single biggest source of dangerous sulfur dioxide (SO₂), oxides of nitrogen (NO_x) and fine particle pollution (PM_{2.5}) in Australia.

Exposure to these toxic pollutants cause premature death, heart attacks, stroke, asthma attacks, low birth weight babies, lung cancer and type 2 diabetes.

We commissioned a report, *The Health Burden of fine particle pollution from electricity generation in NSW*, by leading epidemiologist Dr Ben Ewald to investigate the serious health damage NSW’s five coal-fired power stations cause.

Our clean air team, here visiting the Latrobe Valley in Victoria, travelled throughout the year to help communities fighting coal pollution in Queensland, NSW and Victoria



The findings are far worse than expected and we were able to spread them widely through major metropolitan and regional media.

Air pollution from coal-fired power stations in NSW is hurting communities from Newcastle, Lithgow, Central Coast and the Hunter Valley all the way to Sydney.

Each year, the five coal-fired power stations in NSW cause:

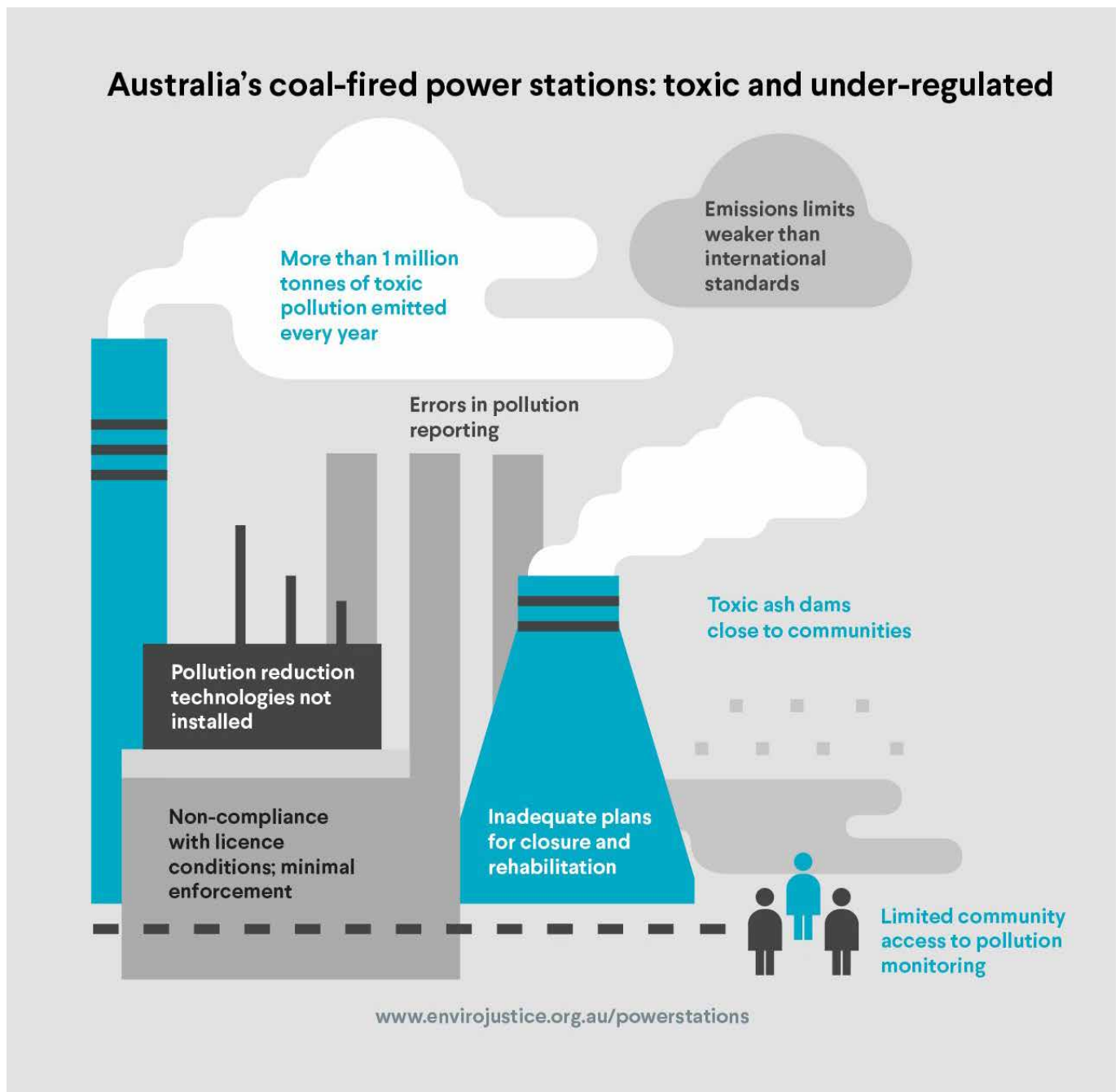
- > 279 premature deaths;
- > 233 low-birthweight babies (less than 2500g); and
- > 361 new cases of type 2 diabetes.

The community that bears the greatest health burden is Sydney as weather conditions push much of the pollution into the Sydney basin. In Sydney, each year, pollution from

coal-fired power stations causes 153 premature deaths – more than half of the state's total.

If the NSW government doesn't act now, thousands more people will die from exposure to toxic coal pollution before the state's five power stations close. And thousands more will suffer from heart attacks, stroke, asthma attacks, low birthweight, lung cancer and type 2 diabetes.

The shocking health burden of coal-fired power stations on our communities is entirely preventable. The companies that own these power stations have the technology to reduce toxic pollutants from coal-fired power stations by more than 85% – they just don't install it and the government doesn't make them. We continue to work towards making companies rather than communities bear the cost.



Communities

Toxic ash waste alongside communities

This year we have begun a critical campaign to highlight the problem of toxic ash dumps at coal-fired power stations. Coal ash is linked to asthma, heart disease, cancer, respiratory diseases and stroke.

Australia produces 13 million tonnes of toxic ash waste annually from coal combustion. At most coal-fired power stations coal ash is mixed with saline waste water and pumped to a muddy, toxic lake near the facility. It is a toxic cocktail of substances including mercury, lead, arsenic, selenium and chromium.

This sludge can leak into rivers and aquifers, contaminating water needed by farmers and the environment.

When it is left to dry out, winds can blow the toxic dust onto nearby communities.

This problem was brought into sharp relief in March when the owner of the NSW Eraring power station, Origin Energy Eraring, announced that in the event of an earthquake its ash dump would be a threat to the adjacent Myuna Bay Sports and Recreation Centre and recommended the centre be closed. With no notice to the community, the NSW Office of Sport did so. This raised significant questions about why the earthquake threat had not already been addressed, how long it had been a threat to the community, why the Dams Safety Committee – who oversee the structural integrity and safety of the Eraring ash dump – hadn't alerted the public or required Origin Eraring to do so, and why the community had no warning that the dump was unsafe in the first place.

We will continue working towards community and regulator understanding of the toxic threats, rehabilitation and tougher regulation.

The coal ash dump at the Gladstone coal-fired power plant



Nature

Defending old-growth forests

In December we went to the Supreme Court of Victoria, on behalf of the Flora and Fauna Research Collective, to stop logging in over thirty areas of old-growth forest in Victoria's East Gippsland.

We sought Supreme Court orders to compel the Department of Environment, Land, Water & Planning to protect the minimum required area of old-growth forest in East Gippsland and to stop government agency VicForests from logging areas of intact old-growth forest that have never been logged before.

Previously we had filed the case to protect the ancient Kuark forest and a temporary injunction was ordered by the Supreme Court to halt logging until the case was determined in Court. This protection expanded to include over thirty areas of old-growth forest earmarked for logging.

We argued that the Environment Department had not protected the minimum area of old-growth forest in East Gippsland required by law (60%), and that until it did so, logging in these areas of old-growth forest was unlawful and should not go ahead.

Under cross-examination by our client's barrister, a key witness for the Environment Department agreed that logging old-growth forests should be stopped altogether.

Their own policy document reveals the Department think logging old-growth forest is not environmental best practice, does not have the support of the Victorian community, and recommended it be stopped six months ago.

Despite this, the Department remains determined to allow VicForests to continue until their planned phase out of native forest logging in 2030. We await the Court's decision.



Protecting the possums

We also took VicForests to the Federal Court on behalf of Friends of Leadbeater's Possum, challenging their logging in areas of habitat vital for the critically endangered Leadbeater's Possum and the vulnerable Greater Glider.

The case seeks court orders to stop VicForests from logging in 41 forest areas (coupes), home to Greater Gliders and Leadbeater's Possums. It also seeks to protect an area of forest to mitigate for 26 areas alleged to have been unlawfully logged in the past.

The logging in question is in an area covered by a Regional Forests Agreement between the federal and Victorian governments. Regional Forests Agreements give VicForests a limited exemption from national environment laws. If this exemption applies, logging the habitat of species like the critically endangered Leadbeater's Possum is allowed to occur without having impacts assessed or approved under national law.

We argued that VicForests has not complied with the code of practice for timber production as required by the Regional Forests Agreement and therefore is not covered by the exemption.

If the case is successful, it would mean logging proposed in the areas in question would be subject to national environment laws (the Environment Protection and Biodiversity Conservation Act 1999), and could not proceed without impact assessment and Federal Ministerial approval under that Act. It would also mean that the past logging in question contravened that Act, and could require permanent protection of additional areas to mitigate for that unlawful conduct.

This is only the second time a court case has challenged the Regional Forest Agreement exemption from federal protections for threatened species.

If the case is successful, it could have ramifications for Regional Forests Agreements across the country and change the way that forests and threatened species are managed and protected.

“Logging that kills threatened species which are apparently ‘protected’ under State and Federal law cannot be permitted in 21st-century Australia”

– Danya Jacobs, Senior Lawyer, Forests

Left: the Greater Glider

Nature

Involving the community in the future of the Yarra

A requirement of the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* is to establish a strategic plan which will be the central instrument guiding the protection of the Yarra. Working with the Yarra Riverkeeper, this was an opportunity for us to bring together various community-based organisations involved in practical custodianship and conservation of the river and its environs, to workshop priorities and proposals for plan content.

This resulted in a comprehensive report, *Yarra Community Roundtable*, with diverse proposals ranging from regional infrastructure to 'swimmable' Yarra. This was fed into the consultation process. The next step will be the draft Strategic Plan, which will also offer an opportunity for input.

A better future for the rivers of the west?

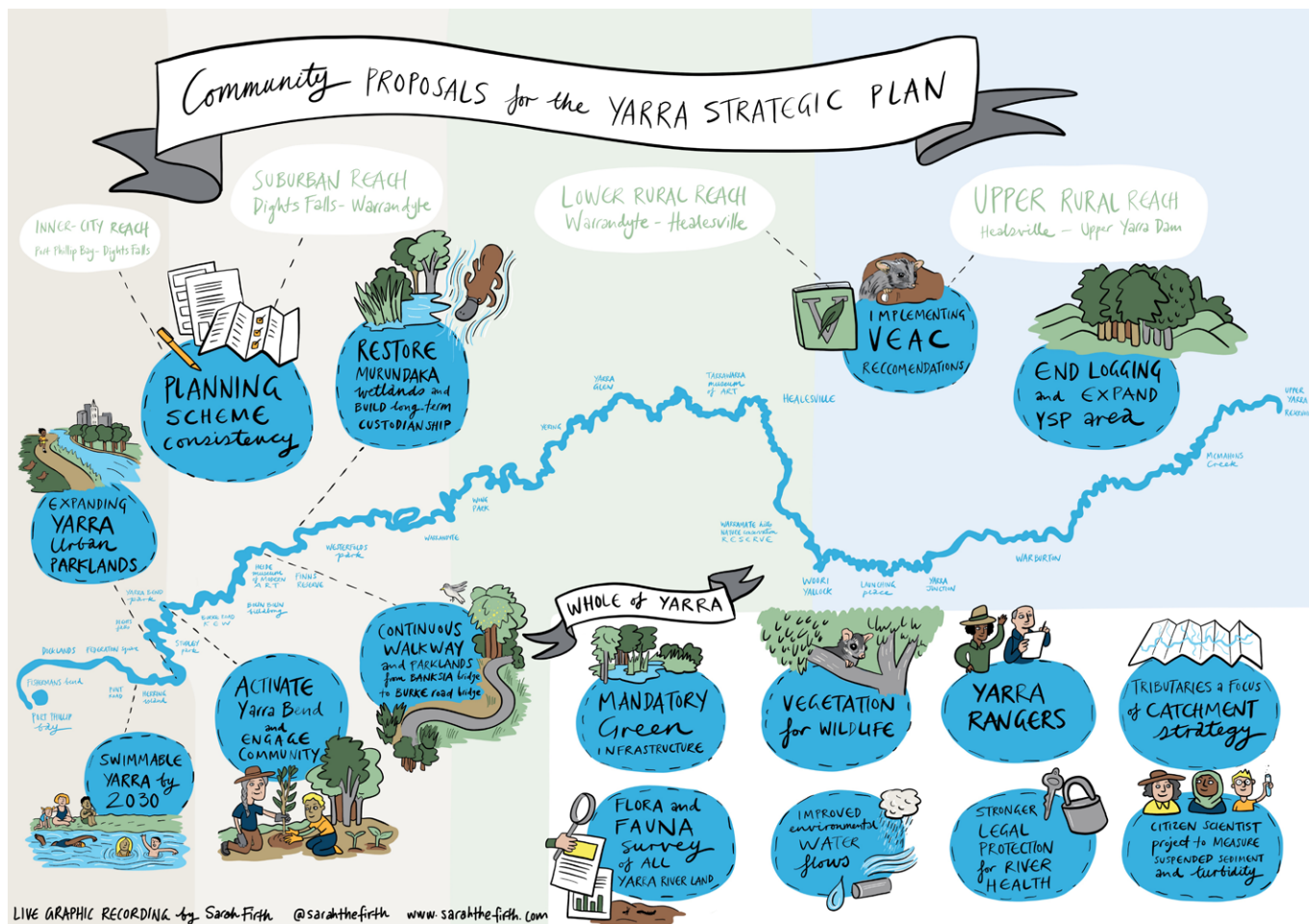
Following our successful campaign for legislative protection of the Yarra River, we turned our attention to the neglected waterways of Melbourne's west. After a series of collaborative community workshops considering issues and visions for change in urban (and peri-urban) waterway protection, we published *A new deal for the rivers and waterways of Melbourne's west: law and policy reform for waterway protection and new models of urban*

design. This report proposes legislative and policy reforms for the protection and repair of the rivers and creeks across Melbourne's west.

These waterways are essential green infrastructure, which unfortunately continue to be degraded and overlooked. We propose potential legislative arrangements across a complex geographic and policy landscape, tied together by strengthened protection and deepened resilience of urban green spaces in Melbourne's west, of which waterways are the focal point.

Our report reveals a new way of seeing how Melbourne and surrounding towns can better care for waterways, with the aim of mechanisms contributing to the emerging, greener and more human approaches to urban waterway management.

A promising outcome of the Rivers of the West campaign, led by Environmental Justice Australia and two local community groups, Friends of Steele's Creek and the Werribee River Association, has been the Victorian Government establishing a Ministerial Advisory Council to advise the Victorian Planning and Water Ministers on protection and enhancement of waterways in Melbourne's West. A similar process led to the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*.



Next generation environmental laws

Environmental Justice Australia is one of the organisations leading the work of the Places You Love Alliance to advocate for new federal environmental laws. The Places You Love Alliance includes more than 50 organisations representing more than 1.5 million Australians.

EJA has two decades of experience working with the current federal environmental law – the Environment Protection and Biodiversity Conservation Act – and we are acutely aware of its failings.

It is clear that the Act is not capable of reversing the decline we are experiencing in many areas of our environment. For example, Australia leads the world on extinction, with the highest number of mammals declared extinct since European settlement. Twenty years of the EPBC Act has done very little to address this species decline.

The Act is almost silent on climate change, allowing incredibly carbon-intensive projects to go ahead. It provides little assistance when a state government allows mass tree clearing for agriculture or other industry, and its regional forestry agreement process has not given the protection to native forests and forest-dwelling species that was originally lauded.

It is completely silent on pollution issues, meaning it is impossible to have nationally consistent and effective regulation of air pollution and plastic pollution, instead leaving it to the politics of seven state governments.

We and other groups in the Places You Love Alliance have called for a new generation of federal environmental laws – a federal Environment Act – that will address these inadequacies and protect and restore our natural environment, strengthen our democracy and support community involvement in the protection of the environment.

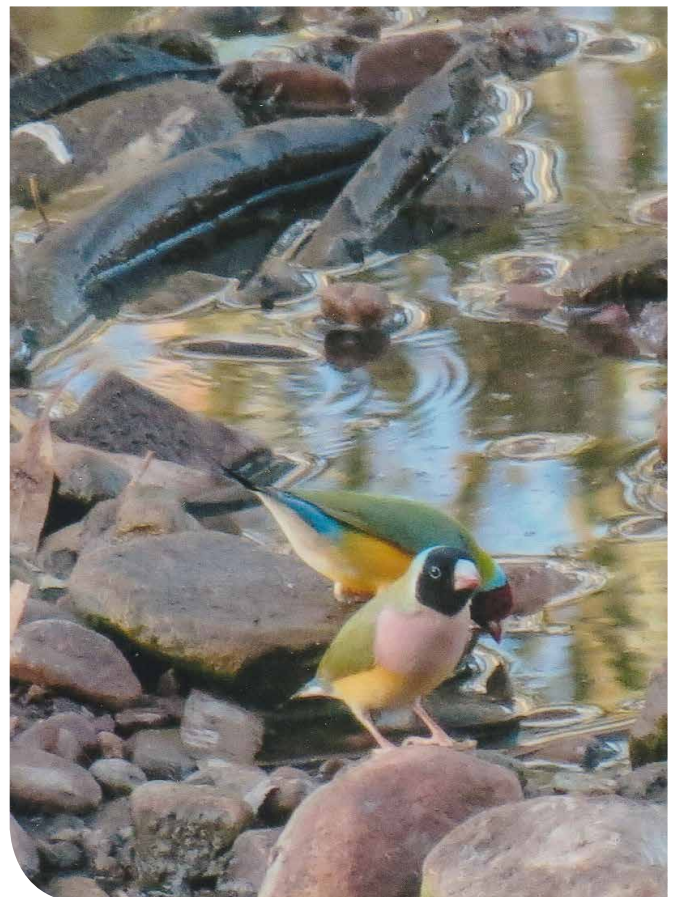
We are asking the federal government to take a much greater leadership role in the protection of our environment, and develop a national framework for the protection and restoration of our environment through new laws. We are also calling for the establishment of a two new independent institutions to administer the laws – a National EPA and a National Environment Commission.

Prior to the federal election the Labor Party had committed to work on new laws if they came to power, but the election result has meant no progress was made. We will continue to work with the Places You Love Alliance to secure the new generation of environmental laws that Australia so desperately needs.

Preserving remnant vegetation on farms

The ever-diminishing remnant vegetation on farms in the Wimmera region was put under the spotlight when we acted for local residents in opposing the removal of a number of large old paddock trees at Serviceton, near the South Australian border. The issue of ongoing loss of native vegetation and habitat on farms is one highlighted in the West Wimmera Planning Scheme itself and we thought that new planning rules concerning removal of native vegetation (introduced in 2017) promoted a balance in favour of protecting farm trees, especially where these are large old trees associated with an endangered vegetation community. The Victorian Civil and Administrative Tribunal agreed.

The Wimmera, as with many farming areas across the State, has been subject to historic over-clearing, with detrimental impacts on biodiversity, land management and habitat connectivity across the landscape. Planning rules have an important, if limited and specific, role to play in protection of large old trees, in particular where they provide, as the Tribunal recognised in this case, habitat ‘stepping stones’ across the landscapes. These important remnant features of the rural landscape also provide key building blocks on which communities, through Landcare and other restoration programs, are re-establishing habitat corridors and connections. There is a strong public interest in that work, which contributes to regional biodiversity as well as resilience of landscapes in the face of climate change.



Right: the nationally endangered Gouldian Finch

Climate

Holding government accountable for climate inaction

Australia is a laggard on the global stage when it comes to effective climate mitigation and effective climate policy. On our current trajectory, our planet is headed for levels of global warming that are a danger for humanity and all other life forms on the planet. The Managing Director of the International Monetary Fund, Christine Lagarde, has said “Unless we take urgent action now, future generations will be roasted, toasted, fried and grilled”.

Internationally, one powerful intervention has been climate litigation against governments for failing in their duty to protect citizens from climate change. The Urgenda case in the Netherlands and the youth-led Our Children’s Trust cases in the US are well known examples. Closer to home student Sarah Thomson took the New Zealand government to court challenging their emissions targets.

These cases are difficult, especially in Australia where our constitution and other laws do not set out clear duties or responsibilities in relation to the protection of citizens. We and others are however responding to the challenge and working to develop legal interventions that aim to challenge our governments to do more to respond to the climate crisis.

The Adani Brief

This year we updated our in-depth report on the Adani Group’s troubling legal history. This included new details about conduct by the Adani Group and its associated entities related to alleged illegal dealings and corruption, current and past court cases filed against Adani in Indian courts, and failures to comply with environmental laws.

Adani’s global legal compliance record demonstrates a number of serious breaches with adverse consequences for the environment and local people. There are instances such as illegal destruction of land within a wildlife sanctuary, pollution of the Great Barrier Reef and possible alteration of laboratory reports, and attempts to silence critics through the inappropriate use of defamation law.

Our report warned that if the company’s 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.



Climate and finance

We developed our climate and finance program in 2015, responding to the demand for legal expertise to support litigation and advocacy beyond the confines of environmental law.

Since that time we have pioneered cases and legal interventions challenging public and private investment in fossil fuels and pushing fund managers to account for climate risk. This work, led by lawyer David Barnden, has included world-leading litigation against banks and superannuation funds.

We are very proud to have pioneered this work which is now being carried forward by David Barnden in his own practice.

Holding Export Finance Australia to account

On behalf of the Australian Conservation Foundation we asked the Commonwealth Ombudsman to investigate Export Finance Australia's failure to publish its Board's assessment of an Adani-related proposal. This government body, at the time known as EFIC, is a funding body from which Adani sought loans and a guarantee.

On 13 June 2018 EJA filed an official complaint with Export Finance Australia, asking it to publish its Board's assessment of the Adani-related proposal in accordance with Minister Steven Ciobo's direction in the Statement of Expectations. We also sought information on whether or not such an assessment had been performed by the Board.

Export Finance Australia replied, failing to confirm the board had undertaken the assessment and failing to disclose any assessment at all.

The Commonwealth Ombudsman has the power to investigate Export Finance Australia and compel the disclosure of internal documents.



McVeigh vs REST

In a world first, we filed a legal action on behalf of 23-year-old Mark McVeigh alleging the trustee of his retirement fund, the Retail Employees Superannuation Trust (REST), breached the fiduciary duties owed to him by failing to adequately consider climate change risks. The unique case has global ramifications and received attention from media across the world.

With almost \$40 billion under management, REST is one of Australia's largest asset owners. It is in the top 150 pension funds in the world. A judgment will make law on how a major asset owner should address climate change risks when managing other people's money.

Making the climate risk real for financial institutions

Managing the trillions of dollars Australians have invested in banks and superannuation funds is vitally important to the transition to a clean energy economy. Our team has been hard at work providing legal support to investors and shareholders who are challenging their financial institutions on climate risk and our hard work has paid off.

In a critical step to bring Australia's corporate sector in line with the extremity of climate risks, the Australian government's accounting and auditing bodies have released best practice guidelines for financial statements that use two of our court cases as key examples.

The guidelines conclude that all industries impacted by climate-related risks, including banks and super funds, must consider those risks when preparing financial statements. Auditors in particular are asked to consider their professional and legal obligations.

The guidelines draw on two landmark court cases brought by Environmental Justice Australia.

The first is *Abrahams v CBA*, a Federal Court case filed in August 2017 by investors against the Commonwealth Bank. In this case, two mum and dad shareholders alleged the bank failed to present a true and fair view of its financial position by not considering climate change risks.

The second is *McVeigh v REST* filed in July 2018, as covered above.

These cases have shown companies they need to take climate risk seriously. Companies are warned that investors like the Abrahams and McVeigh want to know about climate risks in order to choose their investments. Directors and auditors are on notice that climate-related risks need to be incorporated into financial statements.

Left: our work complements and supports other community campaigns

Thanks and acknowledgements

Thank you for your support

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

Environmental Justice Australia warmly thanks the organisations who have provided the financial support that makes our work possible, including:

- > Australian Communities Foundation
- > Department of Justice and Regulation
- > Fremantle Foundation - Duffield-Thomas Family Fund
- > Hume City Council
- > Lord Mayor's Charitable Foundation
- > Rackapace
- > Russell Kennedy Lawyers
- > Victoria Legal Aid, Community Legal Centres Funding and Development Program

Pro bono

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

- > Professor Sarah Bekessy
- > Jim Delany QC
- > Kathleen Foley
- > Marita Foley
- > Robert Forrester
- > Juliet Forsyth
- > Peter Gray QC
- > Geoffrey Kennett SC
- > Patrick Knowles
- > Rowan Minson
- > Kateena O'Gorman
- > Tanya Skvortsova
- > Helen Symon QC
- > Julia Watson
- > Jordan Wright

Law student, lawyer and professional volunteers

- > William Algie-McKay
- > Anneka Atley
- > Kako (Nayri) Black
- > Tom Borland
- > Charlie Davidson
- > Amara Desra
- > Megan Devenport
- > Temby Dodd
- > Lloyd Duncan
- > Garrett Eckerson
- > Ashleigh Feurtado
- > William Field-Papuga
- > Rob Fraser
- > Robert Fraser
- > Isabela Fredheim
- > Sebastian Fuentes
- > Abigail Gedge
- > Crystal Holt
- > Mikayla Hutchins
- > Georgia Keysers
- > Melanie Khongaz
- > Ellen Leishma
- > Sophie Lloyd
- > Qiyu Lu
- > Jack McLean
- > Will McMinn
- > Helen Mefzger
- > Danita Moshinsky
- > Shenaia Nanayakkara
- > Lucy Nash
- > Crystal Nguyen
- > Lucinda Sheedy-Reinhard
- > Jessica Tran
- > Erin Upson
- > Lucas Volfneuk
- > Nick Young
- > Moya Zhang

EJA Awards

Valuable volunteers award

Alice Moore

Ashleigh Feurtado

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

Environmental Justice Award

Julie Flavell

John Forrester and Helen & Jos van den Berg

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.

Helen van den Berg accepts her Environmental Justice Award



Environmental Justice Australia

ABN 74 052 124 375

Financial Report for the Year ended 30 June 2019

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Directors' Report

Your directors present this report on Environmental Justice Australia ("the Company") for the year ended 30 June 2019.

DIRECTORS

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

Kate Allsopp
Andrew Spenser Cox
Chiara Louise Lawry
Sally Margaret Romanes
Elizabeth Jane McMeekin
Hai Chuan Teh
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 \$41,362 (2018: surplus \$26,709).

INFORMATION ON DIRECTORS

Kate Allsopp

*B.Eng (Chem) (Hons), MEnv Eng,
Non-executive Director*

Kate is a manager with Sustainability Victoria. She has worked across a number of sectors in leadership roles including manufacturing, banking and the not-for-profit sector, including as CEO of the Alternative Technology Association and National Accreditation Manager for the Clean Energy Council.

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 national environmental biosecurity advisory group and the national feral cat taskforce and president of 4nature Inc.

Chiara Louise Lawry

*BA, LLB (Hons), GDLP,
MPA Non-executive Director*

Chiara Lawry is a management consultant and policy adviser. Chiara works at Right Lane Consulting where she leads the public sector practice. She has experience in strategy, organisational transformation and business development. Chiara has a deep passion for social impact and has worked with a number of local and international not-for-profit organisations.

Directors' Report

Elizabeth Jane McMeekin

BA, Certificate in Direct Marketing, Certificate in Fundraising

Non-executive Director, Secretary

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.

Sally Margaret Romanes

LLB (Hons)

Non-Executive Director

By training Sally was a corporate and commercial lawyer, however she now works on specific projects ranging from the arts to business transactions, in both for-profit and not-for-profit areas. She was a core member of the community group which campaigned successfully to create an arts and cultural precinct at the Abbotsford Convent and was a founder Director of the not-for-profit Abbotsford Convent Foundation from the time operations began in 2004 until 2017, 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.

Hai Chuan Teh

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

Honorary Treasurer

HC Teh is a Director with EY Melbourne specialising in corporate governance, risk management, statutory and other reporting. HC Teh is committed in contributing to the community and the environment in his 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' Meetings	
	Number eligible to attend	Number attended
Kate Allsopp	7	7
Andrew Spenser Cox	7	5
Chiara Louise Lawry	7	5
Elizabeth Jane McMeekin	7	6
Sally Margaret Romanes	7	5
Hai Chuan Teh	7	6
Megan Katherine Utter	7	7

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 2019, the total amount that members of the Company are liable to contribute if the Company is wound up is \$770 (2018: \$1,000).

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 by the Constitution.

LIKELY DEVELOPMENTS AND RESULTS

No changes are envisaged at present.

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 auditor's independence declaration for the year ended 30 June 2019 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:

24 Sept 2019



Director

Dated:

24 Sept 2019

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 2019 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: 30th September 2019

Sean Denham & Associates

Suite 1, 707 Mt Alexander Road

Moonee Ponds VIC 3039

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Statement of Profit or Loss and Other Comprehensive Income

	Note	2019 \$	2018 \$
Revenue			
Grants		898,757	694,754
VLA Funds		214,976	202,928
VLA Surplus (carried)/brought Forward (incl. ERO State and Extra)		-	26,896
Fee for service		123,259	42,410
Donations, Fundraisings, Lectures		482,164	367,024
Sundry Income		1,495	27,408
Interest Received		8,687	6,143
		<u>1,729,338</u>	<u>1,367,563</u>
Expenditure			
Employee Benefits expenses		1,182,299	1,018,341
Occupancy expenses		64,716	62,834
Depreciation expense		6,737	4,317
Legal Practice expenses		174,958	61,618
IT expenses		53,389	35,595
Consultants expenses		76,623	10,051
Travel expenses		34,070	26,835
Sundry expenses		95,184	121,263
		<u>1,687,976</u>	<u>1,340,854</u>
Surplus before income tax for the year		41,362	26,709
Income tax expense		<u>-</u>	<u>-</u>
Surplus after income tax for the year		41,362	26,709
Total other comprehensive income		<u>-</u>	<u>-</u>
Total comprehensive income for the year		<u><u>41,362</u></u>	<u><u>26,709</u></u>

Statement of Financial Position

	Note	2019 \$	2018 \$
CURRENT ASSETS			
Cash and cash equivalents	2	792,527	655,988
Trade and other receivables	3	87,847	95,487
Financial assets	4	10,000	10,000
TOTAL CURRENT ASSETS		890,374	761,475
NON-CURRENT ASSETS			
Property, plant and equipment	5	21,258	8,996
TOTAL NON-CURRENT ASSETS		21,258	8,996
TOTAL ASSETS		911,632	770,471
CURRENT LIABILITIES			
Trade and other payables	6	76,848	83,446
Project funds received in advance	7	497,295	391,180
Provisions	8	124,268	116,486
TOTAL CURRENT LIABILITIES		698,411	591,112
NON-CURRENT LIABILITIES			
Provisions	8	-	7,500
TOTAL NON-CURRENT LIABILITIES		-	7,500
TOTAL LIABILITIES		698,411	598,612
NET ASSETS		213,221	171,859
MEMBERS' FUNDS			
Retained profits		213,221	171,859
TOTAL MEMBERS' FUNDS		213,221	171,859

Statement of Changes in Equity

	Retained Earnings \$	Total \$
Balance at 1 July 2017	145,150	145,150
Comprehensive Income		
Surplus for the year	26,709	26,709
Other comprehensive income	-	-
Total comprehensive income	26,709	26,709
Balance at 30 June 2018	171,859	171,859
Comprehensive Income		
Surplus for the year	41,362	41,362
Other comprehensive income	-	-
Total comprehensive income	41,362	41,362
Balance at 30 June 2019	213,221	213,221

The accompanying notes form part of these financial statements.

Statement of Cash Flows

	Note	2019 \$	2018 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from grants and customers		1,834,409	1,300,452
Payments to suppliers and employees		(1,687,558)	(1,294,021)
Interest received		<u>8,687</u>	<u>6,143</u>
Net cash generated from operating activities	9	<u>155,538</u>	<u>12,574</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for purchase of property and equipment		<u>(18,999)</u>	<u>(1,218)</u>
Net cash used in investing activities		<u>(18,999)</u>	<u>(1,218)</u>
Net increase in cash held		136,539	11,356
Cash at the beginning of the year		<u>655,988</u>	<u>644,632</u>
Cash at the end of the year	2	<u><u>792,527</u></u>	<u><u>655,988</u></u>

Notes to the Financial Statements

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. Notwithstanding the Company continues to rely on the on-going support from the state government agency and other private organisations and individuals in the form of grant and donation income to fund its principal activities. The level of support while has been strong in the past is inherently uncertain which is not uncommon for a not-for-profit organisation. The Company has put in place a plan to secure the necessary funding for it to execute its principal activities.

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.

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

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.

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 State 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).

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

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 expenses 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 2019 reporting periods.

AASB 9 Financial Instruments

AASB 9 will change the classification and measurement of financial instruments and introduce a new expected loss impairment model that will require more timely recognition of expected credit losses. The Company expects to apply AASB 9 for the first time for the financial year ended 30 June 2020. The Company is currently assessing the impact of AASB 9 however does not expect it will have a material impact on the Company's financial statements.

AASB 15 Revenue from Contracts with Customers

AASB 1058 Income of Not-for-Profit Entities

AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-For-Profit Entities

AASB 1058 and AASB 2016-8 defer income recognition in some circumstances for not-for-profit entities, particularly where there is a performance obligation or any other liability. In addition, certain components in an arrangement, such as donations, may be separated from other types of income and recognised immediately. The Standard also expands the circumstances in which not-for-profit entities are required to recognise income for goods and services received for consideration that is significantly less than the fair value of the asset principally to enable the entity to further its objectives (discounted goods and services), including for example, peppercorn leases.

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

I. New Accounting standards for Application in Future Periods (cont.)

AASB 15 Revenue from Contracts with Customers

AASB 1058 Income of Not-for-Profit Entities

AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-For-Profit Entities (cont.)

The Company has considered the impact of AASB 15 and 1058 on recognition of income for current and anticipated revenue streams. A policy has been developed and adopted implementing the new standards, the impact of which is anticipated to be minimal except in a small number of cases where grant and donation income previously categorised as income in advance will now be recognised as income in the year of receipt.

AASB 16 Leases

AASB 16 requires lessees to account for all leases under a single on-balance sheet model in a similar way to finance leases under AASB 117 Leases. The standard includes two recognition exemptions for lessees – leases of 'low-value' assets (e.g., personal computers) and short-term leases (i.e., leases with a lease term of 12 months or less). At the commencement date of a lease, a lessee will recognise a liability to make lease payments (i.e., the lease liability) and an asset representing the right to use the underlying asset during the lease term (i.e., the right-of-use asset). The Company has not yet begun assessing the impact of AASB 16. However, the Standard is not expected to have a material impact on the Company's financial statements.

	2019 \$	2018 \$
Note 2: Cash and cash equivalents		
Cash on hand	200	200
Cash at bank	792,327	655,788
	<u>792,527</u>	<u>655,988</u>
Note 3: Trade and other receivables		
Accounts receivable	<u>87,847</u>	<u>95,487</u>
Note 4: Financial Assets		
Term deposits	<u>10,000</u>	<u>10,000</u>
Note 5: Property, plant and equipment		
Office equipment - at cost	65,288	46,289
Less accumulated depreciation	(44,030)	(37,293)
	<u>21,258</u>	<u>8,996</u>
Movements in carrying amounts		
Carrying amount at beginning of year	8,996	12,095
Additions at cost	18,999	1,218
Disposals	-	-
Depreciation expense	(6,737)	(4,317)
Carrying amount at end of year	<u>21,258</u>	<u>8,996</u>
Note 6: Trade and other payables		
Accounts Payable	22,641	21,422
Sundry creditors and accruals	54,207	62,024
	<u>76,848</u>	<u>83,446</u>
Note 7: Project funds received in advance		
Project funds received in advance	497,295	385,884
VLA Innovation and Transformation	-	5,296
VLA Surplus carried forward - ERO Extra	-	-
VLA Surplus carried forward - Surplus	-	-
	<u>497,295</u>	<u>391,180</u>
Note 8: Provisions		
Current		
Provision for annual leave	82,925	89,189
Provision for long service leave	41,343	27,297
	<u>124,268</u>	<u>116,486</u>
Non-current		
Provision for long service leave	-	7,500

Notes to the Financial Statements

	2019 \$	2018 \$
Note 9: Reconciliation of Cash Flow from Operations with Surplus from Ordinary Activities after Income Tax		
Surplus after income tax	41,362	26,709
Non-cash flows in profit		
- Depreciation	6,737	4,317
Changes in assets and liabilities;		
- (Increase)/decrease in trade and other receivables	7,640	(34,286)
- (Decrease)/increase in creditors	(6,598)	23,465
- Increase/(decrease) in amounts received in advance	106,115	(26,682)
- Increase in provisions	282	19,051
Net cash generated from Operating Activities	<u>155,538</u>	<u>12,574</u>

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	45,660
- between 12 months and five years	53,270	98,930
- greater than five years	-	-
	<u>98,930</u>	<u>144,590</u>

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 3054

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 2019 the number of members was 77 (2018: 100).

Note 13: Related Party Transactions

Thea Lange was employed by the Company from 28 September 2017 due to operational needs and the employment arrangement was on market rates. Thea Lange resigned as director on 26 March 2018.

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 *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 2019 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 *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: 24 Sept 2019



Director

Dated: 24 Sept 2019

ENVIRONMENTAL JUSTICE AUSTRALIA

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 2019, statement of changes in equity, statement of cash flows and the statement of profit or loss and other 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 2019 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 Regulation 2013*.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the 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: 30th September 2019
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

Environmental Justice Australia


Telephone: 03 8341 3100

Email: admin@envirojustice.org.au

Website: www.envirojustice.org.au

Post: PO Box 12123, A'Beckett Street VIC 8006

Address: Level 3, the 60L Green Building, 60 Leicester Street, Carlton

A large, solid green curved shape that starts from the left edge and curves upwards and to the right, filling the bottom half of the page. It has a slight gradient, being darker green on the left and lighter on the right.