

Environmental Defender's Office (ACT) Inc.



ANNUAL REPORT 2000-2001

**Level 1 Centre Cinema Building
1 Bunda St Canberra A.C.T.
GPO Box 574 Canberra A.C.T. 2601
Telephone: (02) 6247 9420 Fax: (02) 6247 9582
Email: edoact@edo.org.au
Website: www.edo.org.au**

A BRIEF HISTORY OF THE EDO NETWORK

The Environmental Defender's Office (ACT) Inc. is one of a network of community legal centres across Australia which specialise in environmental law. The first EDO was established in Sydney in 1985 followed later by the opening of offices in Brisbane and Melbourne. In more recent years, following a Commonwealth Government commitment in May 1995 to fund a national network of environmental lawyers, the other States and Territories have established their offices to complete the EDO network across Australia.

THE GROWTH OF ACT EDO

The EDO (ACT) was established in 1995 and was operational by mid-1996. Essentially the EDO performs three functions. The first is to give legal advice about environmental law to members of the community and community groups interested in preserving the environment. Secondly, the EDO undertakes community education about legal issues related to the environment particularly to community groups and schools and colleges. The third function is to research and make submissions to government about environmental law and policies. In all three areas the EDO has had a productive history.

In 1996 and 1997, the EDO held workshops on ACT environmental law, including the new ACT Environment Protection Act 1997, as well as giving a range of environmental presentations for many community groups. In 1997, the EDO made submissions to government concerning the Environment Protection Bill 1997 and amendments to the Land (Planning and Environment) Act. Several of the EDO's suggestions have resulted in constructive changes to the law. In 1998 a major seminar was held on the ACT's new integrated pollution control and environment management legislation, as well as presentations on tree protection legislation and presentations to schools. Detailed submissions were also made on the Commonwealth Environmental Protection and Biodiversity Conservation Act.

In 1999 and 2000 written submissions were made on Utilities Policy and the ACT Environmental Impact Assessments and the National Competition Review of the Land (Planning and Environment) Act. In 2001, submissions were made on the Statutory Review of the Water Resources Act 1998. The Review resulted in a Report being tabled in the Legislative Assembly in June 2001. A proposal for legislative change will be prepared during the first half of 2002.

The EDO also publishes a quarterly newsletter, 'EDO Talk', and distributes monthly bulletins on current environmental law issues to Friends of the EDO.

Specific EDO services to the ACT and regional community include:

- Providing legal advice and assistance to people seeking to protect the environment;
- Providing advice to people and groups wishing to appeal against planning and other environmental related decisions;
- Presenting environmental law seminars for the community and interested professions;
- Providing community legal information, such as printed materials, Fact Sheets etc;
- Researching public interest matters in environmental law;
- Promoting laws and law reforms that help protect the environment; and
- Assisting the community to participate in environmental decision-making.

HOURS OF OPERATION

The general hours of operation of the EDO is from 9.30 am to 4.30 pm on Tuesday, Wednesday and Thursday each week with a telephone and e-mail message service available at all times. Legal advice on any matter involving environmental law is given face to face or, if appropriate, over the telephone. Pre-arranged interviews with the solicitor are available outside the normal office hours, including weekends.

OVERVIEW OF 2000/2001

During the year the activities of the EDO were restricted by the fact the Office was without a solicitor with a practicing certificate for about 6 months. This was at a time of a significant increase of contentious development and legislative changes in the Territory with the attendant demand for advice from the EDO. As a result, the figures for matters handled overall are slightly down over the whole 12-month period in comparison with last financial year but significantly up over the 6-month period the EDO had a permanent solicitor available.

LEGAL ADVICE AND ASSISTANCE SERVICES 2000/2001

During the year, 146 information activities and 41 advice activities were undertaken. There were 11 new files opened which required more extensive advice and assistance. A majority of matters were resolved with advice and assistance without the necessity for the opening of a file. The information and advice occurrences involved planning, pollution, tree protection, environmental impact and other environmental issues. These cases concerned:

- Objections to development incompatible with residential use particularly relating to dual occupancy;
- Impact of road development proposals;
- Potential noise pollution from aircraft and motor sports;
- Pollution from pesticides;
- Air pollution from wood burning heaters;
- Native vegetation protection and preservation;
- Significant Tree protection legislation;
- Legal and process advice on planning, including appeals to the AAT;
- Objection to intensive farming techniques;
- Legal analysis of government leasing processes; and
- Incorporation and legal issues for environmental groups.

24 cases were finalized during the year. Most cases involved ACT laws. Some cases concerned activities in areas surrounding the ACT that involved NSW law as well. Overall 141 clients were assisted of which 119 were new clients.

These figures were drawn from reports provided through the National Information System Database.

COMMUNITY LEGAL EDUCATION

In total, 70 non casework projects were active during the year.

Community education matters included:

- A presentation on environmental law by the solicitor to the Field Naturalists Association of Canberra Inc. and to the National Parks Association and to students at Carolyn Chisholm High School;
- Letters were sent to 40 ACT schools and colleges advising of the availability of the EDO to give presentations on ACT environmental and planning law to students;
- A project funded by the ACT environment grants program was the development of Plain English Fact Sheets on ACT environment and planning law. The Fact Sheets were launched by the Minister for Urban Services and were distributed to Schools, Colleges and community environmental groups and organisations. The Facts Sheets are available on the EDO ACT web page and hard copies are available from the EDO Office;
- 4 newsletters were produced and distributed during the year providing the ACT community with up to date information concerning local and national environmental and planning law issues and developments;
- Newsletters were also distributed at information stalls conducted at community events associated with World Environment Day and Canberra Day;
- The website continues to be a tool for legal education and information. The Facts Sheets and newsletters together with copies of EDO law reform submissions are placed on the EDO website. The website can be found at www.edo.org.au; and
- A free monthly e-mail bulletin has been produced and they are available on the website. Access to these bulletins is available by contacting the EDO office.

LAW REFORM

The EDO was involved in various Law Reform Campaign projects including:

- A written submission to Government in relation to Water legislation reform;
- Verbal and written submissions and drafting instructions regarding reform of the ACT Environment Protection Act;
- A submission on the operation of the interim Tree Protection Legislation;
- A submission on proposals for introduction of new ACT Heritage legislation;
- A submission on proposed pests and invasive species legislation;
- The office contributed to EDO network submissions on regulations under new Commonwealth Environment Protection and Biodiversity Act; and
- The office contributed to the consideration of various environment matters through attendance at meetings of the National Environment Law Association, the Environment Institute of Australia and the Planning and Environment Committee of the Law Society of the ACT.

ACCESS AND EQUITY

The services of the EDO are available to any individual or organization in the ACT or surrounding areas with environmental law concerns, subject to the EDO's casework guidelines. The guidelines include an assessment of the ability of the entity to pay for the services. The EDO is centrally located in Canberra with easy access by public transport. An answering service is available for inquiries outside existing office hours. Our website is located at www.edo.org.au and is an important tool for obtaining information. The solicitors and volunteers are willing to travel to other venues to give presentations and workshops to schools and community groups.

Membership of “Friends of the EDO” available to anyone who wishes to support the work of the EDO. “Friends” receive a regular newsletter, invitations to social events and discounted admission to EDO seminars and activities.

RESEARCH

Research is an integral part of the EDO’s legal advice and assistance service, community legal education and law reform activities. The results of such research is published by way of advice to clients, publication in seminar papers, law reform submissions, contributions to national handbooks, fact sheets, bulletins and newsletters.

COMMUNITY DEVELOPMENT WORK

The seminars and presentations conducted as part of the Community Legal Education program also contribute to community awareness of the EDO and environmental and planning law issues, as does production and distribution of the EDO newsletters. EDO information pamphlets are regularly distributed through public libraries, the Community Information and Referral Service and at information stalls at community events such as World Environment Day and Canberra Day.

The EDO participated actively in meetings of the ACT Free Legal Advice Forum, the ACT Community Legal Centres Group, the ACT Division of the National Environmental Law Association and the Law Society’s Planning and Environment Committee.

The EDO further developed contact with the ACT Commissioner for the Environment. This involved regular telephone contact with and visits to the Commissioner’s Office and his staff to discuss matters of concern to clients of the EDO.

The solicitor and management committee members met with Members of the ACT Legislative Assembly to discuss the work of the EDO. Explaining the role of the EDO to politicians provides

further opportunities for exposing the community to the EDO's services.

VOLUNTEERS AND DONATIONS

The members of the Management Committee of the EDO are all volunteers and during the year the EDO had excellent support from legal practitioners, students and other volunteers. Barristers Richard Arthur and David Mossop, gave their unstinting help with legal advice and Susie Brown, Alice Campey, Maggie Kauffman, Sarah Scroope and Tom van Dooren between them did many hours of volunteer administrative, legal research and legal education work. William Raymont has continued development of the website and Judy Jones did all the hard work on the newsletter during the year.

Training was provided for student volunteers in office procedures. They were also familiarized with the contents of the Community Legal Centres Professional Indemnity Insurance Prevention Manual and trained concerning confidentiality.

Gary Williams, Chartered Accountant, of Rosenfeld, Kant and Co provided his services once again to audit the EDO's accounts free of charge.

FUNDING

The EDO is funded by a \$36,727.00 annual grant from the Commonwealth Government, which contains a restriction on litigation related activities. This litigation restriction makes it difficult for the EDO to offer a comprehensive service to the ACT community. The ability to conduct litigation is an essential tool for individuals or organizations concerned with environmental protection. The EDO has made efforts to obtain alternative sources of funding for litigation related activities and will continue to do so.

The EDO received grants totaling \$12,393.00 from the ACT Government under the ACT Environmental Grants Program for

2000/2001 for Environmental Law Submissions and for Community Legal Education and the production of the Facts Sheets. Notification of continued funding for these activities in 2001/2002 has been received from Environment ACT as well as a new grant to develop an environmental law handbook for the ACT.

The EDO itself has raised some funds from membership and “Friends of the EDO” fees.

MANAGEMENT AND STAFF

The Management Committee Members during the period were:

Nicola Davies	Sally Petherbridge
Rod Griffiths	Judith Jones
Fiona Johnstone	Hanna Jaireth
Carolyn Stuart	Sarah Scroop
Andrew Parratt	Lauren Van Dyke
Felicity Tepper	Liz Keogh
Carey Robinson	

The Executive members of the Management Committee were:

Sally Petherbridge	Chairperson
Judy Jones	Secretary
Rod Griffiths	Treasurer

The Office was without a solicitor from 1 July 2000 until 17 October 2000 when Melissa Honner was appointed. Melissa left on 29 May 2001 and Mark Douglas was appointed on 30 May 2001.

The office manager for the year was Susanne Tunks.

THE EDO NETWORK

EDOs are located in every capital city and in Far North Queensland. These offices are in regular contact and collaborate on national issues such as the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*, and on issues of

common concern such as State and Territory law reform proposals and cases raising similar issues. The EDO Network holds a national conference each year to discuss the above. The EDOs also have a web page at www.edo.org.au.

CONCLUSION AND THE FUTURE

The EDO in the ACT has continued to have successful growth. It is consolidating its achievements in its fifth year of operation and is looking to continuing to expand its operations in the coming year particularly through additional funding.

Because Commonwealth funds cannot be used for litigation, additional funding is needed to increase the effectiveness of the EDO by enabling it to take litigation action on behalf of clients. As well, targeted public interest litigation designed to ensure the implementation of environmentally related law is one area that the EDO is seeking to expand both locally and nationally.

Another area of expansion of the EDO's role is in law and policy revision and development. Following elections both nationally and locally in the ACT, the EDO proposes to develop a list of local and national policies relating to the ACT, which may effect our community's legal rights or involve law reform which effects the environment. The EDO proposes to monitor the implementation of the policies and report progress in its bulletins and newsletters. The reports would include changes, successes, problems and concerns. If appropriate, the EDO will then make appropriate submissions to government.

The Committee will be seeking to raise further funds by way of:

- Providing advertising in Newsletters and Bulletins for suppliers that provide discounts;
- Seeking for grants from government, private and commercial organisations both for general funding and for specific projects or litigation; and
- Planning the conduct of other local activities such as an open house weekend of environment friendly/renewable energy houses, involving industry specific sponsors.

The Environmental Defender's Office (ACT) Inc is an independent community legal centre specialising in environmental law. The EDO is funded by the Commonwealth Attorney-General's Department under the Commonwealth Community Environment Legal Program