

# Annual Report 2020-21

Everyone has the right  
to a healthy environment



Environmental justice is the fair treatment and meaningful involvement of all people in the development, implementation, and enforcement of environmental laws, regulations, and policies, regardless of your race, ethnicity, or nationality, where you live, or how much you earn.

It is the sustainable management, preservation and restoration of air, water, forests, lands, and vital ecosystems to benefit all people for the long term. It is also justice for nature – because every living being has a right to thrive.

## Contents

|   |           |
|---|-----------|
| <b>About us</b>   | <b>2</b>  |
| Our vision  | 2         |
| Acknowledgement of Country  | 2         |
| Our history   | 2         |
| How we deliver environmental justice  | 4         |
| Our values  | 4         |
| Our impact  | 5         |
| <b>Message from our Chair &amp; Co-CEOs</b>                                     | <b>6</b>  |
| <b>Justice for communities</b>  | <b>8</b>  |
| Protecting the Gippsland Lakes and Victoria’s food bowl from an open cut mine   | 9         |
| Protecting Toondah Harbour, in the Moreton Bay Marine Park                      | 9         |
| Community stands against AGL gas project in Westernport Bay                     | 10        |
| Co-designing legal protections for the Gippsland Lakes with community           | 12        |
| First Nations water justice in the Murray-Darling Basin                         | 13        |
| National study into health impacts from burning coal                            | 14        |
| New air pollution standards   | 15        |
| The People’s Clean Air Action Plans   | 16        |
| Representing community at the NSW Coal Ask Inquiry                              | 16        |
| <b>Justice for nature</b>   | <b>18</b> |
| Bushfire case to protect unburnt forest habitat                                 | 19        |
| The fight for our native possums  | 20        |
| The old-growth case continues   | 21        |
| Reforming river protection laws   | 22        |
| Standing up for wildlife  | 23        |
| Strengthening the Environment Protection and Biodiversity Conservation Act 1999 | 23        |
| <b>Climate justice</b>  | <b>24</b> |
| Supporting young people to protect the Great Barrier Reef                       | 25        |
| Keeping public money out of fossil fuels  | 26        |
| Challenging Adani’s Carmichael mine development                                 | 27        |
| Australia’s climate inaction on the world stage                                 | 27        |
| <b>Justice, equality, and inclusion</b>   | <b>28</b> |
| Equity and Inclusion Working Group  | 28        |
| Reconciliation Action Plan  | 29        |
| <b>Our People</b>   | <b>30</b> |
| Our staff   | 30        |
| Our board   | 32        |
| Our supporters  | 34        |
| Legacy giving   | 34        |
| Pro bono support  | 35        |
| Volunteers and interns  | 35        |
| Working through the pandemic  | 35        |
| <b>Financial performance – summary</b>  | <b>36</b> |
| <b>Contact us</b>   | <b>38</b> |



# About us

Environmental Justice Australia is a national not-for-profit legal centre using a powerful combination of law and advocacy to safeguard health, protect nature, and tackle climate change.

Our lawyers hold governments and corporations to account with groundbreaking court cases while our campaigners build community power to advocate for law and policy reform.

We partner with community groups and collaborate across the health and environmental sectors to have the most impact. We are not-for-profit, donor-funded, supporter-driven and powered by the community.

**Our vision** A legal system that delivers environmental justice for communities and protects and restores nature.

## Acknowledgement of Country

We acknowledge the Traditional Custodians of the lands on which we live and work. We pay respect to their elders, past and present, and pay tribute to the vital role First Nations peoples play in caring for Country across Australia.

## Our history

Since 1991, we have been a leading environmental law practice for the environment movement. We advocate for environmental justice across Australia. Environmental Justice Australia was formerly the Environment Defenders Office Victoria and provided legal advice and representation to hundreds of people and community groups in Victoria fighting for better protection of land, air, and water.

But in 2014, when the Abbott Government cut all funding to EDOs around the country, we seized this opportunity to build a new type of public interest legal organisation. We recognised that the law can be both a powerful enabler of positive social change but also a powerful blocker. We expanded our legal campaigns to other parts of Australia making us the first national environmental legal organisation.

To effectively build a legal system that delivers environmental justice, we work both inside and outside the courtroom, combining our legal expertise with community partnerships and strategic campaigns that build community power to defend nature, climate, and people.

In recent years, we have pioneered climate risk litigation, filing the world's first legal action against a superannuation fund for failing to adequately consider climate change risks. Our forest litigation has prompted large companies like Bunnings to ban the sale of native timbers and forced governments to end old-growth forest logging in Victoria. We are leading a national campaign exposing the serious health impacts from coal pollution and a push for stronger laws and regulations on pollution from coal-fired power to protect communities. We work alongside Traditional Owners to develop landmark legislation and policy that restores health to both Country and culture for First Nations communities.

We carry forward a proud legacy of working with the community to fight for environmental justice as we continue to tackle the most pressing issues of our time.



# Our impact

## How we deliver environmental justice

We are facing a climate and extinction crisis and disadvantaged communities bear the brunt of environmental harm. From our 30 years of experience, we know that enforcing and strengthening our legal system is the most powerful way to address these issues and drive systemic change.

This can only occur when communities are empowered with legal representation and advocacy tools to protect their health and stand up for the ecosystems and wildlife they love. This means leveraging the legal and political systems to amplify voices not often heard, and ensuring the judicial system is available for all living entities equally.

To achieve this, Environmental Justice Australia’s expert legal strategists wield the power of the law and the strength of partnership to deliver environmental justice where it has the most impact.

### Our focus areas:

- **Nature:** Restore and protect critical habitat and ecosystems to stem the extinction crisis.
- **Climate:** Facilitate a just transition to clean energy for a safe climate.
- **Justice:** Deliver environmental justice to First Nations people fighting for Country and disadvantaged communities facing environmental harm.

### How we work:

- Our lawyers act on behalf of people and community organisations to safeguard health; to protect magnificent forests, rivers, and wildlife; and to tackle climate change.
- We use strategic legal cases to hold business and government to account when they fail to protect our air, water, and wildlife.
- We test the boundaries of existing laws and advocate for law reform, policy change and solutions that make the system fair and just for all.
- We conduct groundbreaking research, build coalitions, and influence public debate to drive systemic change.
- We empower communities with the legal and advocacy tools they need to protect their health and the places and wildlife we love.

## Our values

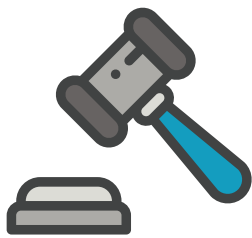
|               |   |
|---------------|---|
| Collaboration | We work in partnership with the community and other organisations because we are in this together                   |
| Respect       | We treat everyone with respect, and we value different perspectives as we know we can learn something from everyone |
| Ambition      | We aim high and are at all times focused on achieving maximum impact for nature, climate, and communities           |
| Positivity    | We maintain hope and a positive approach because we believe we can change the world                                 |
| Justice       | We are driven by our sense of justice – it is at the core of everything we do.                                      |



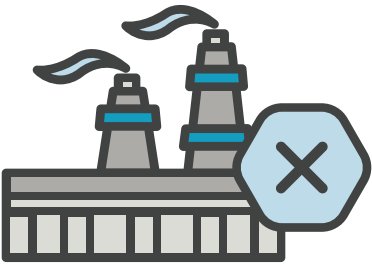
**Delivered**  
*The People’s Clean Air Action Plan* to Victorian and NSW governments in partnership with local communities.



**Provided legal** advice to advocates that helped block the Morrison government’s plans to invest taxpayer funds into fossil fuels projects.



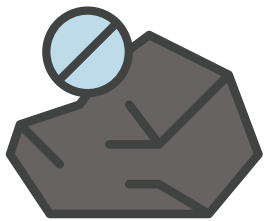
**Defended** threatened native possums with an application for special leave to appeal to the High Court.



**Stopped** AGL’s proposed gas terminal at Westernport Bay, a diverse ecosystem of pristine Ramsar-listed wetlands, seagrasses, and beaches.



**Released the** *Failing our wildlife* report ahead of Victorian Government’s review of the Wildlife Act 1975 (Vic).



**Represented** two young people to bring expert evidence to the Federal Environment Minister to revoke Adani’s Carmichael coal mine approvals.



**Formed strategic** alliances with community groups to advocate for improved environmental laws to protect the Gippsland Lakes.

# Message from our Chair & Co-CEOs

The end of the financial year marks the one-year anniversary of a new and unique co-leadership model at EJA. When we started in these roles together over 12 months ago – Lane as Chair and Nicola and Elizabeth as Co-CEOs – none of us could have imagined the year EJA was going to have. From stopping a huge floating gas terminal in a Ramsar wetland – to the rollercoaster of forests litigation in the Federal Court – to exposing the tactics of NSW power stations trying to get around their toxic emissions limits. And all of that through the incredible disruption of the COVID-19 pandemic.

We know that our laws and our legal system do not adequately protect nature and communities, and that our legal and political systems favour privileged groups. We know that First Nations and vulnerable people often suffer the worst of climate change impacts and other environmental harms. The climate and extinction crises are fully upon us, and yet governments and corporations continue to undermine environmental laws and meaningful action. In the last year, as we do every year, we have done an immense amount of work to address these injustices.

Enforcing and strengthening our country's environmental laws is one of the most powerful ways to fight for environmental justice and a world where people and nature thrive. To do this, our team equips and empowers the community with legal and advocacy tools to fight for their health, and the places and wildlife they love; enforcing our existing laws in the courts and advocating for stronger laws where our laws fall short.

We are extremely proud of our team and what we have achieved together over this year, under what continues to be trying circumstances. In the following pages, you will read about just a few of the many remarkable victories EJA secured on behalf of our clients this year, from standing with the community to protect farmland from open-cut mining through to applying to appeal in Australia's highest court to safeguard threatened native wildlife on the brink of extinction.

With our partners, we have brought Australia's inaction on climate change before the United Nations Human Rights Council. At home, we stood with two young women from North Queensland to present the federal government with new expert evidence and a strong legal argument to revoke Adani's controversial Carmichael coal mine. Additionally, we partnered with advocates to provide legal advice that convinced key Senators to block the government's attempt to funnel taxpayer funds meant for renewables to non-renewables projects.

Our three forest litigation matters continued. We were back in court to defend threatened native possums from logging after VicForests appealed our landmark Federal Court win. Key factual findings from the original trial that withstood the appeal include that logging is permanently destroying habitat critical to the survival of the Leadbeater's Possum and Greater Glider. The court upheld that logging is a cause of the decline of important populations necessary for their long-term survival and that current reserves are inadequate to protect the species from their high risk of extinction. However, VicForests was successful in one ground of appeal, so we have applied for special leave for our client to appeal to the High Court. If leave is granted, this will be the first time the High Court of Australia has scrutinised Australia's national environmental protection laws. The trial to protect forests following the deadly bushfires in 2019–20 continues and at the time of publishing is due to be heard in March 2022.

In collaboration with Tati Tati Traditional Owners, we designed legal and policy pathways for Aboriginal control of water and Country on the Murray River floodplain. We produced a documentary and a website to help the Tati Tati people promote their innovative work and educate people on the importance of cultural flows in water entitlements and rights for First Nations communities. This year we secured seed funding to expand our legal support for First Nations groups seeking justice in the management of their Country, a project that will kick off immediately.

Throughout 2021, we developed a new three-year strategic plan to sharpen our focus and investment in our team to have the greatest impact on the most important environmental injustices we face. We are building a sustainable funding model and focussing on ensuring equity and inclusion is embedded throughout our organisation, from staff and board to the communities we serve.

The EJA Board has been focused on supporting the organisation to realise its potential. During the year, the Board reviewed the organisation's strategy, assessed its own skill base and diversity, welcomed two new directors, and attended training in fundraising skills and strategies.

None of these achievements would be possible without the formidable strength and commitment of our clients, partners, and supporters. Your commitment holds the promise that we can turn the tide and start to create a healthier and more just world for everyone. Thank you for standing with us!



We are living in a moment of massive change. The combined crises of climate, rampant inequality, and extinction mean there is no time to waste in fixing the current systems that are failing us all. The global pandemic has amplified the links between social, environmental and health disparities. This collective experience also connects us to the substance of environmental justice.

Environmental justice is about so much more than preserving the natural world. As environmental lawyers, we advocate for everyone to have the same protections from health hazards, no matter where we come from, or where we live, work or play. We look forward to another year, fighting for equity and justice and for a world where people and nature thrive.

***Elizabeth McKinnon and  
Nicola Rivers, Co-CEOs***

***Lane Crockett, Chair***





# Justice for communities

Our vision is that healthy communities have access to justice and enjoy their democratic and cultural rights. We are committed to supporting and empowering communities with legal and advocacy tools to fight for their right to a healthy environment and a thriving natural world.

Tati Tati Wadi Wadi community near Margooya Lagoon. Photo Courtesy of Tim Herbert.



## Protecting the Gippsland Lakes and Victoria's food bowl from an open cut mine

Our lawyers represented a local community group in Gippsland opposing a proposal for the Fingerboards Mineral Sands Mine. The proposal included the construction of a 1,675-hectare open-cut mineral sands mine 20km northwest of Bairnsdale in East Gippsland by Kalbar Operations Pty Ltd.

EJA represented a dedicated and passionate community group, Mine Free Glenaladale, in public hearings for the Environmental Effects Statement (EES), to argue that the environmental impacts of the project are unacceptable. Barrister Emily Porter generously appeared for our client on an entirely pro bono basis.

The proposed mine is in proximity to two major waterways that flow into the Gippsland Lakes (which are recognised under the Ramsar Convention as a wetland of international significance) as well as the highly productive horticultural area of the Lindenow Valley.

Locals are concerned about the project for many reasons, including contamination of – and excessive extraction from – waterways, exposure to chemicals and radiation, loss of native vegetation and habitat for threatened species, and general dislocation from a community and landscape that they love and call home.

On behalf of Mine-free Glenaladale, EJA cross examined the proponent's experts, led evidence from eight independent experts on the topics of ecology, hydrogeology, economics, radiation, health, tailings, centrifugation and rehabilitation, and made oral and written submissions to strongly oppose the project at the public hearings.

Hearings commenced in May 2021 and were expected to run for nine weeks. However, the timetable was disrupted by COVID-19 restrictions and hearings finished in July 2021. At the time of writing, we are still awaiting the outcome.

*EJA represented a dedicated and passionate community group... to argue that the environmental impacts of the project are unacceptable.*

## Protecting Toondah Harbour, in the Moreton Bay Marine Park

We acted on behalf of the Australian Conservation Foundation (ACF) to protect Toondah Harbour in the Moreton Bay Marine Park from a marina and apartment development by the Walker Group.

Toondah Harbour forms part of an internationally protected Ramsar wetland and provides habitat for turtles, dugongs, dolphins, and Eastern Curlews. The development proposal was originally rejected by the Australian Department of Agriculture, Water, and the Environment because of the damage it would do to the protected wetland. However, the proposal was subsequently accepted for assessment by the then Environment Minister, Josh Frydenberg.

ACF requested access to records of meetings between the Department of Agriculture, Water and the Environment, and the Walker Group but its application was refused, and the documents were withheld. Our team represented ACF in the Administrative Appeals Tribunal arguing that the release of the documents was in the public interest and the reasons for refusal were overstated. Dealings between Australia's largest property developer – also a major political donor – and our national environmental regulator should not be kept secret.

At the time of writing, the Tribunal is yet to hand down its decision.



## Community stands against AGL gas project in Westernport Bay

Representing Environment Victoria, Victorian National Parks Association, and Save Westernport, EJA took on the fight over AGL's plan to build a gas terminal and regasification unit in a Ramsar-listed wetland at Westernport Bay.

The AGL proposal included a floating gas terminal off Crib Point, importing liquefied natural gas and using sea water to warm it back up to a gaseous state before piping into Victoria's gas network. This would have resulted in a significant increase in greenhouse gas emissions as well as a staggering volume of chlorine-derived compounds being dumped into the internationally protected Westernport Bay.

EJA, together with a team of barristers, represented the community coalition over ten weeks of hearings, which rapidly moved online during Melbourne's COVID-19 lockdown, and called seven expert witnesses to combat

the 11,000-page Environmental Effects Statement put together by AGL.

The intervention was a success and resulted in the Victorian government's rejection of AGL's plan. The planning minister's reasons for rejection were consistent with the issues we raised on behalf of our clients that the Floating Gas Terminal posed unacceptable risks to the environment, especially given this is an internationally recognised wetland under the Ramsar Convention.

This is only the second time a proposal has been rejected by a Minister under the Environmental Effects Statement legislation. Shortly afterward AGL withdrew several key approval applications, confirming that the project was dead in the water.

This victory is testament to overwhelming and sustained opposition from the community. We congratulate all of those involved for their perseverance and dedication.

*This is only the second time a proposal has been rejected by a Minister under the Environmental Effects Statement legislation.*

Local residents celebrate successfully stopping AGL's gas project. Photo Courtesy of Jai/justallimages



## How the community won

### 2017

- AGL settles on Crib Point in Westernport Bay as the site for their giant Floating Storage and Regasification Unit (FSRU) gas import terminal.

### 2018

- Local residents start organising as Save Westernport Inc. to stop the project.
- Environment Victoria (EV) and the Victorian National Parks Association (VNPA) start working with community to organise and campaign to stop the project.
- Local residents and EV contact EJA for legal advice. EJA provides strategic legal advice on why a full EES (Environmental Effects Statement) assessment was in fact required, persuasive grounds as to why the FSRU and the associated pipeline should be assessed as one project under the law, and how to navigate the various legal processes to ensure a full EES was undertaken.
- Following huge community pressure, Minister Wynne announces that a full EES is required for the whole project. This is the first win in the campaign.
- The Federal Minister's delegate decides the project is a 'controlled action' requiring assessment and approval under the Environment Protection Biodiversity Conservation Act 1999.

### 2019

- The local community organises 'Peninsula's Biggest Paddle Out', and the community turns out to the event in their thousands, making headlines across Victoria.
- The community seeks further advice from EJA, this time specific to the State Environment Protection Policy regarding the legality of the proposed FSRU discharges of chlorine to the high conservation value waters of Westernport Bay.
- In the lead-up to the 2019 federal election, the community mobilises to make the gas import terminal a key election issue, with all major candidates making commitments to oppose the project.

### 2020

- Save Westernport, EV, and VNPA contact EJA to represent them throughout the EES process. The three groups form a coalition and become EJA's joint client in the matter.
- The 11,000-page EES is released for public consultation between 2 July and 26 August 2020. During that time, the community prepares written submissions while EJA briefs barristers and independent expert witnesses in preparation for the public hearings.

- More than 6,000 formal submissions are lodged in response to the public exhibition of EES. This is the highest number of submissions ever lodged as part of an EES process, demonstrating the fierce public opposition to the project.
- Public hearings before the Inquiry and Advisory Committee commences on 12 October and runs until 17 December. EJA represented Save Westernport, EV, and VNPA throughout the entire 10 weeks of public hearings, working with barristers to cross-examine AGL's experts, present evidence from independent experts called on behalf of the community, and make submissions strongly opposing the project. Due to the COVID-19 pandemic, this is all conducted online by video link.

### 2021

- The community organises a day of action, flooding the Minister for Planning, the Hon Richard Wynne, with messages on social media as well as delivering over 5,000 handwritten postcards to State Parliament.
- The Inquiry and Advisory Committee, having considered the EES, submissions, and evidence presented and tested at the public hearings, reports its findings and conclusions on the environment effects of the project to the Minister for Planning.
- The Environment Protection Authority (EPA) requests further information from AGL, including submissions on the legality of the FSRU chlorine deposits into the high conservation waters of Westernport Bay.
- Save Westernport, EV and VNPA instruct EJA to make further submissions to the EPA in response to AGL's submissions on chlorine discharges to high conservation waters.
- In March, the Minister for Planning releases his assessment of the environmental effects of the project. Minister Wynne rejects the gas project citing 'unacceptable environmental effects' to the internationally significant Westernport Bay.
- EJA lodges a further submission with the EPA on behalf of Save Westernport, EV and VNPA.
- On 9 April, the EPA received notification that AGL had withdrawn its application for a work approval.
- On 29 April, the Federal Department for the Environment received notification that AGL had withdrawn its application under the Environment Protection Biodiversity Conservation Act 1999.



**Co-designing legal protections for the Gippsland Lakes with community**

Our lawyers with expertise in water law and policy continued to work with several community groups in Gippsland to explore how we improve environmental laws and governance impacting the Gippsland Lakes and catchment. The Gippsland Lakes are a network of coastal lagoons and marsh environments and are the largest estuarine lagoon system in Australia. They consist of three large coastal lagoons (Lake Wellington, Lake Victoria, and Lake King) and fringing wetlands, and are internationally protected under the Ramsar Convention because of their importance to global biodiversity. The Gippsland Lakes are home to many threatened species and ecological communities.

Current governance of the Lakes is highly fragmented and has so far proven ineffective in preventing ongoing environmental deterioration in the Lakes. Without intervention, the Lakes face the possibility of irreversible ecological damage.

We worked with the community groups to strengthen their capacity and capture their aspirations for law and policy reform in the Gippsland Lakes area through a participatory design process. We developed legal analysis of the unsustainable water management practices in the Lakes catchment. This collaborative process contributed to draft law reform options for the protection, restoration, and governance of the Gippsland Lakes. We continue to promote law and governance reform ideas for the Lakes.

By taking part in the participatory design process, communities are empowered to better advocate for waterways and engagement with government and public agencies. This has culminated in the formation of an ongoing working group to advocate for the Lakes.

In addition, EJA gave legal advice to an environmental organisation in Gippsland seeking to challenge a government decision impacting the ecological health of the Gippsland Lakes.

EJA lawyers with members of the Gippsland community working to protect and restore the Gippsland Lakes.



**First Nations water justice in the Murray-Darling Basin**

EJA continued to support First Nations communities and organisations in the Murray-Darling Basin in their fight for water justice. Aboriginal people have cared for Country for over 65,000 years and yet they own less than one percent of all water rights in the Murray Darling Basin – a gross injustice that must be corrected.

Our Senior Lawyer Bruce Lindsay, an expert in water law and policy, worked closely with Tati Tati Traditional Owners and the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) on a project that would see cultural flows – Aboriginal water rights and entitlements – implemented for the first time in the Murray-Darling Basin.

The cultural flows concept, developed by First Nations groups in the Basin, is defined as a way of translating Indigenous people’s water rights, needs and aspirations into the language of modern water management. It is described in MLDRIN’s 2007 Echuca Declaration as ‘water entitlements that are legally and beneficially owned by the Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, natural, environmental, social and economic conditions of those Nations’.

Our lawyers developed a report for Tati Tati that sets out proposed legal and policy pathways to implement cultural flows on Country at Margooya Lagoon, also known as Tol Tol to Tati Tati. The report is supporting the Tati Tati community in their advocacy to government for the delivery of cultural flows at the site – a culturally significant wetland on the Murray River floodplain. We also produced a mini documentary to assist with the launch of the Tati Tati community’s proposal for Margooya Lagoon and grow community awareness and government support for the project.

If this project at Margooya Lagoon is successful, it would be a huge milestone for First Nations’ water justice and would provide a template for other First Nations communities in the Basin seeking cultural flows.

We have also continued to work with and provide legal advice to MLDRIN on water resource planning in the Basin. Related to this work, we collaborated with the Environmental Defenders Office and Wentworth Group to prepare detailed submissions on the environmental assessment of works project intended to be implemented as part of the Basin Plan.

Tati Tati Elder, Brendan Kennedy shows EJA Senior Lawyer Bruce Lindsay and Margooya Lagoon. Photo Courtesy of Tim Herbert.





National study into health impacts from burning coal

In 2020, we supported the first comprehensive national study into the health impacts of coal-burning power stations in Australia by Greenpeace Australia, which followed our similar health study for New South Wales in 2018.

The report revealed that every year air pollution from Australia’s ageing and increasingly unreliable coal-burning power stations is responsible for 800 premature deaths, 14,000 asthma symptoms among children and 850 cases of low birth weight in newborns.

To complement the Greenpeace report, we worked with a team of actuaries to produce a report on the economic cost of the health impacts of coal-fired power stations.

The actuaries’ analysis found that the government’s failure to make coal-fired power stations install best practice pollution controls costs Australians around \$2.4 billion in health costs annually.

These two reports have brought significant new information to the public about the health burden of coal-fired power and provide critical evidence in the fight to reduce pollution and protect impacted communities.



Every year, approximately  
**2600-4800**  
people in Australia die as a result of exposure to  
toxic air pollution, at an annual health cost of  
**\$24 billion**

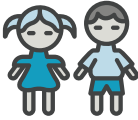
The most recent analysis of health impacts caused by coal-fired power stations in Australia found that they contribute to:

**845** BABIES BEING BORN WITH LOW BIRTH-WEIGHT  
**14,434** CHILDREN WITH ASTHMA  
**785** PREMATURE DEATHS EACH YEAR  
**AT A COST OF 2.4 BILLION DOLLARS TO THE ECONOMY**

Some of our most vulnerable people are hardest hit by air pollution:



ELDERLY



CHILDREN



PREGNANT WOMEN AND UNBORN BABIES



PEOPLE WITH CHRONIC DISEASES

New air pollution standards

Our team continued our long-term work advocating for stronger national air pollution standards in our efforts to reduce the health burden of toxic air pollution from coal-fired power stations and other industrial sources to protect community health.

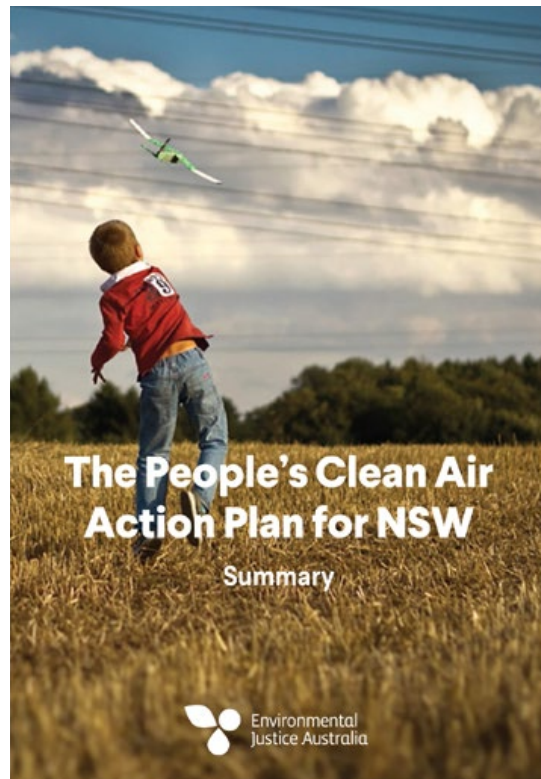
In April 2021, state and federal environment ministers finally met to revise Australia’s outdated national air pollution standards. The decision, delayed two years, came after a lengthy ten-year process including a review of air pollution standards. During the public consultation, we mobilised 18,000 submissions from community, environment, and health groups, which overwhelmingly supported a move to health-based standards.

While the new standards do lower the pollution coal fired power stations can emit, they are still too high to drive any significant reduction in pollution or minimise health impacts on the community. So, with our alliance of health advocates, we mobilised again with strong criticism of the new standards in the media. We also moved our focus for securing strong air pollution regulation to the NSW Clean Air Strategy and Victorian Air Quality Strategy, where we still have an opportunity for influence.

Yallourn Power Station, one of the coal-fired power stations in the La Trobe Valley. Photo Courtesy of Max Phillips







*The Latrobe Valley community bears the brunt of pollution from the state's coal-fired power stations and the health impacts that come with it. No one's postcode should determine how clean their air is."*

WENDY FARMER, PRESIDENT OF VOICES OF THE VALLEY, QUOTED IN THE VICTORIAN PEOPLE'S CLEAN AIR ACTION PLAN.

## The People's Clean Air Action Plans

Our team's sustained advocacy campaign calling for best practice pollution controls led to the Victorian EPA strengthening coal-burning power station pollution licences, including new licence conditions, rehabilitation planning, and monitoring requirements.

In February 2021, we released The People's Clean Air Action Plans for Victoria and NSW. This represented the culmination of 12 months' work alongside community groups impacted by air pollution, health professionals, environment groups, as well as both international and domestic regulatory experts.

The Plans inform and guide government policy to reduce the health impacts of air pollution, including by reducing coal-fired power station pollution with best practice pollution controls. The Plans have provided a strong platform for our shared advocacy on the issue of air pollution. The Victorian health minister even attended an action on the steps of Victorian Parliament to receive the Plan.

In addition, a new EPA air pollution monitoring station was installed at Lake Macquarie in NSW. This monitor will provide the community with increased data and information about the air they breathe and detect pollution events from the nearby coal-burning power stations on Lake Macquarie and the Central Coast.

We also won litigation in the Victorian Civil and Administrative Tribunal to access protected documents on the state of Yallourn power station's pollution controls, to increase scrutiny on the power station's operations. This year, Yallourn's owner EnergyAustralia announced Yallourn will close in 2028.

## Representing community at the NSW Coal Ash Inquiry

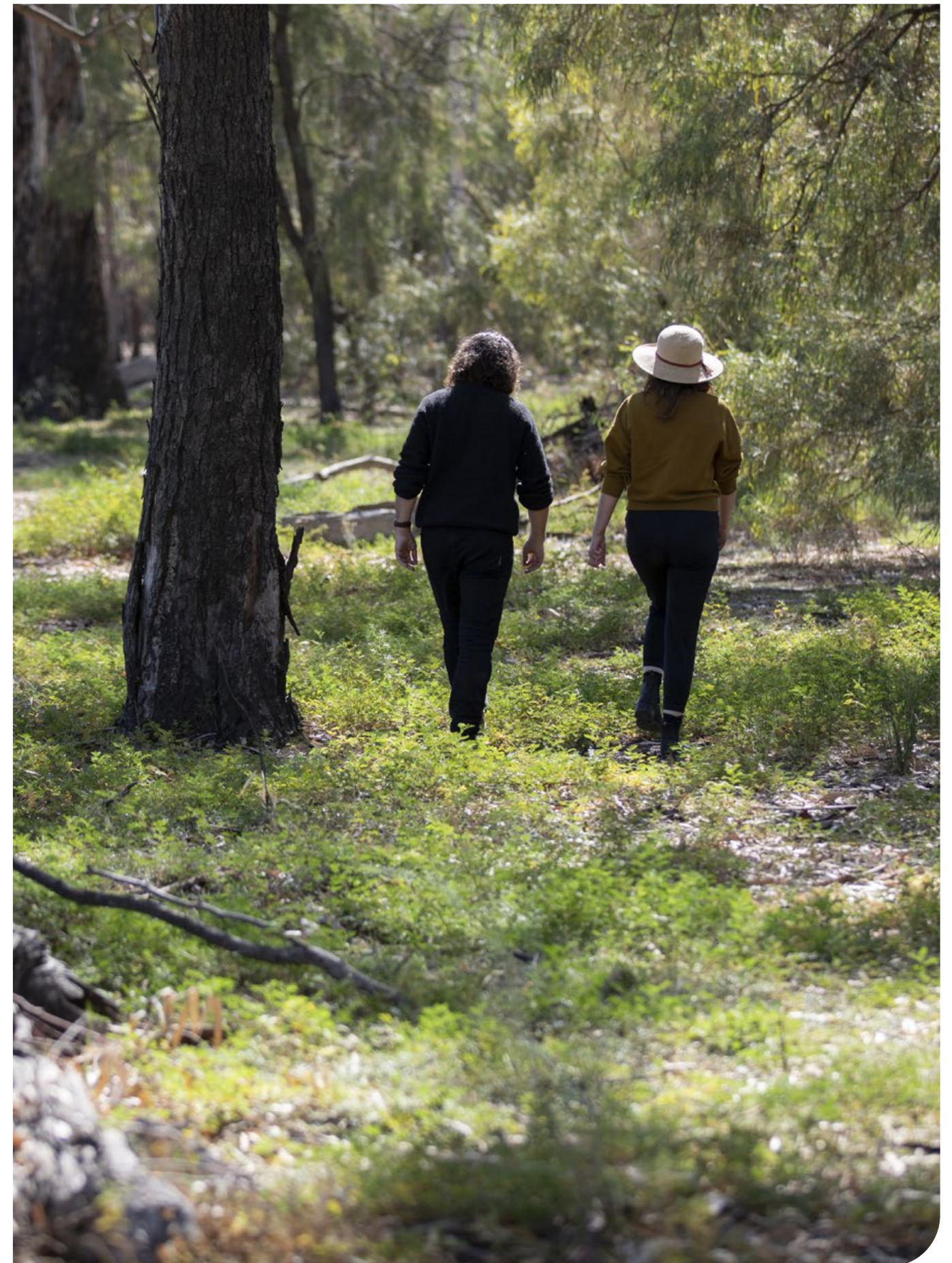
Since we launched our groundbreaking report on coal ash – the by-product of burning coal in power stations – back in 2019, we have continued to advocate for best practice management of this incredibly toxic waste product.

Following a strong campaign by EJA and partner organisations, the NSW government agreed to hold a Parliamentary Inquiry into toxic coal ash waste that took place this year. Government Inquiries are an essential first step in understanding the health and environmental impacts of this enormous toxic waste issue and the regulatory solutions required to fix it. EJA made a submission and gave evidence alongside representatives from affected communities at the hearings.

We argued that coal ash is a major component of NSW's waste stream and is too significant to be relegated to general waste regulations. The best way to ensure that coal ash dumps are comprehensively managed, remediated, and rehabilitated is to develop coal-ash-dam-specific regulations under the Protection of the Environment Operations Act 1997 (NSW) (POEO Act).

The NSW Coal Ash Inquiry adopted many of our recommendations but did not go far enough to minimise health and environmental risk of coal ash dumps. The NSW government has six months to respond to the recommendations and we await its reply.

Photo courtesy of Tim Herbert





# Justice for nature

Our natural world – the air we breathe, the water we drink, and the places and wildlife we love – are facing a pollution and extinction crisis. With our clients and partners, we hold companies and governments to account when they breach environmental laws. We work to help design and strengthen new and existing nature protection laws to halt the degradation of our natural world. We pursue strategic court cases to stop devastation for generations to come.

Photo courtesy of Ed Hill.



## Bushfire case to protect unburnt forest habitat

In early 2020 we filed in the Supreme Court to protect the remaining threatened species habitat unburnt in the deadly bushfires of 2019–20. Representing Wildlife of the Central Highlands (WOTCH), our trial scheduled for October 2020 was adjourned, partially due to COVID lockdown restrictions impacting both parties’ preparation for trial during 2020. The trial is now scheduled for November 2021.

Considerable progress was made over the year to prepare the case for the new trial date. WOTCH has been collecting field and survey evidence since the case began. Our lawyers have worked with WOTCH to collate this evidence into hundreds of pages of affidavits detailing these surveys, with more than 30 affidavits filed on behalf WOTCH in the case, including four extensive affidavits for the trial filed in March and April this year. These include more than 200 videos of threatened species found in unburned forests being logged or earmarked for logging, maps showing where they were found, and photos of the forests before and after logging.

Interlocutory injunctions granted early in 2020 remain in place over 26 coupes, with a further 41 coupes now named in the claim. Our legal team were successful in defending an application from VicForests in April to burn seven of these coupes that had been partially logged when injunctions were granted – ensuring these areas are safe from further damage to important habitat.

In October, the legal team was also successful in establishing standing for WOTCH to seek to protect Greater Gliders in unburnt forests outside the Central Highlands scheduled for logging. ‘Standing’ is the right to bring a legal proceeding in the courts by demonstrating a specialised interest or involvement with the issue. We successfully put together detailed evidence and argued that WOTCH have sufficient interest in the Greater Glider species to bring claims regarding the impact of logging on that species and its habitat across Eastern Victoria.

Successfully establishing standing allows the case to seek to protect more unburned forests from logging beyond the Central Highlands. The case now names coupes in other critical fire refuge areas across Eastern Victoria - near Omeo, Nunniong, and on the Errinundra Plateau in far East Gippsland. This is an important win for the case and the wildlife depending on the case. It also sets an important common law precedent that confirms the scope for other environmental groups to bring public interest cases to court.

At the time of writing, we continue to prepare for the November trial.

WOTCH volunteers collecting evidence of threatened species in forests scheduled to be logged. Photo courtesy of WOTCH.





The fight for our native possums

In October 2020, VicForests filed 31 grounds of appeal against our landmark win in the Federal Court for our clients, Friends of Leadbeater’s Possum. We returned to the Full Federal Court in April to defend the case for possums before three Federal Court judges in Sydney for the three-day appeal hearing. Our team enjoyed appearing together in court after a year of remote court appearances from their bedrooms.

In May, the full bench of the Federal Court found in favour of VicForests on just one of the 31 grounds. They found that even when conducted in habitat critical to the survival of wildlife facing extinction, and in breach of state law, VicForests’ logging operations are still exempt from federal environment law under Regional Forest Agreements.

While this is disappointing, importantly VicForests failed on all other 30 grounds and the Full Federal Court upheld all the other landmark findings from the original trial.

The Full Court also ordered that VicForests pay the costs of Friends of Leadbeater’s Possum in the original case and half of the costs of the appeal. The awarding of costs reflects that Friends of Leadbeater’s Possum were overwhelmingly successful in establishing, as matters of fact, that VicForests

contravened state legislative instruments with respect to the endangered Greater Glider and Leadbeater’s Possum species. Those factual findings were upheld on appeal.

Key findings that stand include that logging is permanently destroying habitat critical to the survival of the Leadbeater’s Possum and Greater Glider, that it is a cause of the decline of important populations necessary for their long-term survival, and that current habitat reserves are inadequate to protect the species from their high risk of extinction.

The original judgment also found that logging in the 66 areas subject to the case was in breach of Victorian environment law, and in just 17 of the areas investigated, up to 600 Greater Gliders may have been impacted and killed by the state’s logging agency. All appeal grounds relating to those findings were dismissed.

In June, we filed an Application for Special Leave to Appeal to the High Court of Australia and await a hearing. In the meantime, the Court has ordered the injunctions to stay in place to stop further logging in the 66 areas subject of the case while the Special Leave application proceeds.

A threatened Greater Glider photographed during a WOTCH during a spotlighting survey. Photo courtesy of WOTCH.



The old-growth case continues

This case, for our client Fauna and Flora Research Collective, has been running since 2017. The case alleges that VicForests and the Victorian Department of Environment, Land, Water and Planning (DELWP) have not protected the minimum area of old-growth forest required by law, and that until it does, logging in these areas of old-growth forest is unlawful and must not go ahead. This was the first case to test the legal obligations on DELWP to place areas with high conservation values such as old-growth forests in protection zones.

In November 2019, while awaiting judgement on the case, the Victorian government made a forest policy announcement that signalled an end to old-growth forest logging in Victoria. However, despite the positive headline, the devil in the detail showed that the government’s plans do not place the remaining old-growth forests in protection zones as the rules require.

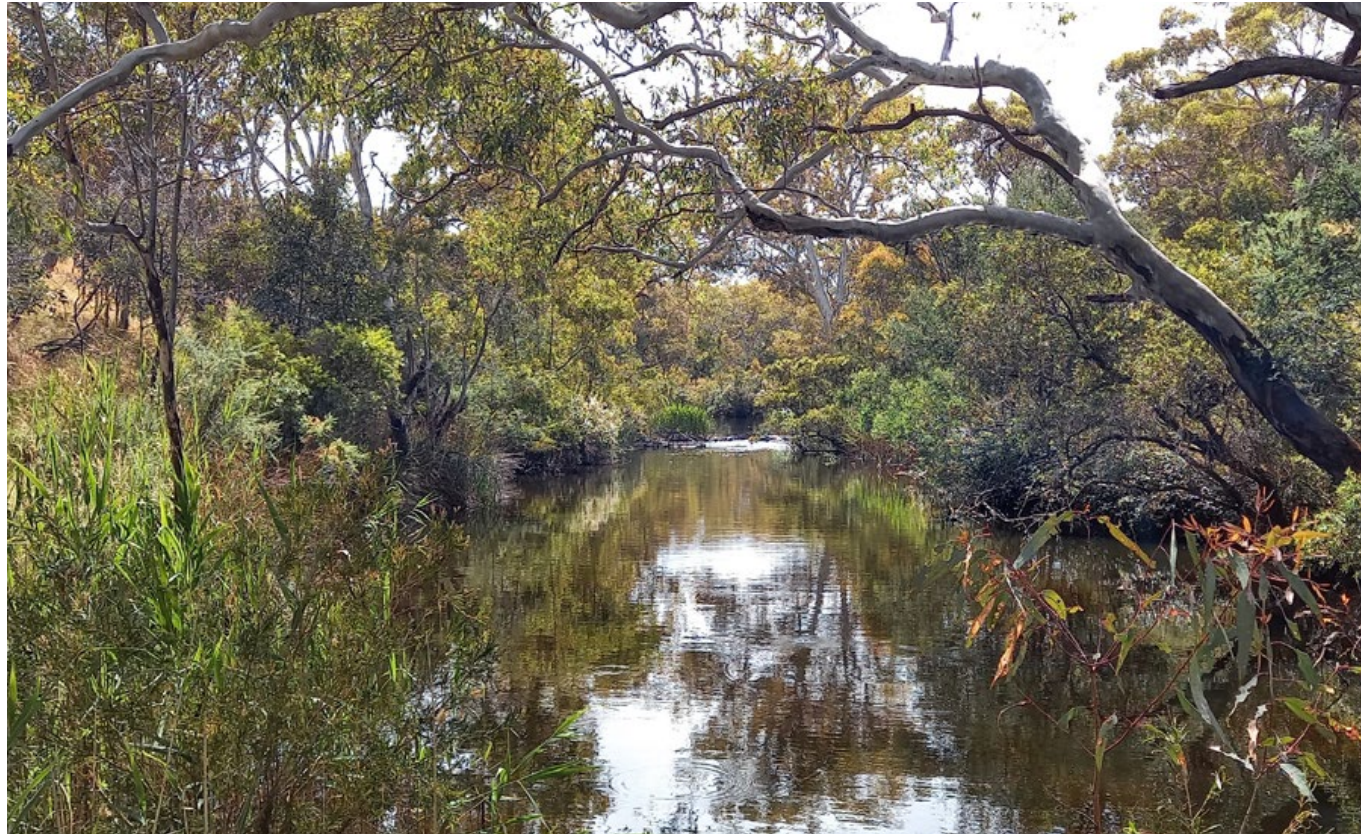
This case was reopened, and we appeared for a further trial in December 2020, involving further evidence from our client, DELWP, and VicForests, and cross-examination of expert witnesses. Evidence presented in this case highlights how critical it is to protect what is left of Victoria’s wet and damp old forest. Old-growth damp forest declined from more than 42,000 ha in 1995, 60% of which was protected at that time, to about 23,000 ha in 2017, just ~14,500 of which was protected, or only 34% of 1995 figures. Since the case started and after the catastrophic bushfires in the summer of 2019–20, this has again declined to only about 12,000 ha, less than 9,000 of which is protected. This means less than 20 percent of the old-growth damp forest that was present in 1995 is currently protected.

We filed final written submissions in February 2021 and at the time of writing await judgement.

Old growth forest. Photo courtesy of Ed Hill.







Moorabool River. Photo courtesy of Cameron Steele.

## Reforming river protection laws

EJA coordinated a coalition of environmental organisations interested in waterway and river health to engage with the Victorian Department of Environment, Land, Water and Planning's (DELWP) drafting of the Sustainable Water Strategy (SWS) for the Central and Gippsland regions.

The SWS is a strategic planning tool for water management in Victoria and it is broadly intended to identify the state of water supply in Victoria and identify pathways to improve water ecosystem health. Victoria is already in a drying climate and water ecosystems are suffering the most as a result. It is critical that governments respond adequately to this and ensure regulations secure water for the environment, not just water for industry. The 'preliminary engagement' phase of the SWS canvasses community preferences and ideas at a high level. Our submission

advocates for greater priority to be given to the integrity and resilience of water ecosystems in southern Victoria to ensure they are ecologically sustainable, and looks to alternative water sources and strategies beyond 'business as usual'.

EJA successfully advocated for an extension of consultation with community environment groups and made a submission to the preliminary consultation. We coordinated the publication of a joint statement on the SWS that aims to influence the final SWS for greater protection of the rivers and waterways of the Central and Gippsland regions.

*Victoria is already in a drying climate and water ecosystems are suffering the most as a result. It is critical that governments respond adequately to this and ensure regulations secure water for the environment, not just water for industry.*

## Standing up for wildlife

The Victorian Environment Minister announced a review of the Wildlife Act 1975 (Vic) amid concerns over the killing of more than 400 wedge-tailed eagles in East Gippsland as well as the deaths of dozens of koalas during the bulldozing of a plantation. These incidents highlighted how Victoria's environment laws are failing to protect the state's wildlife.

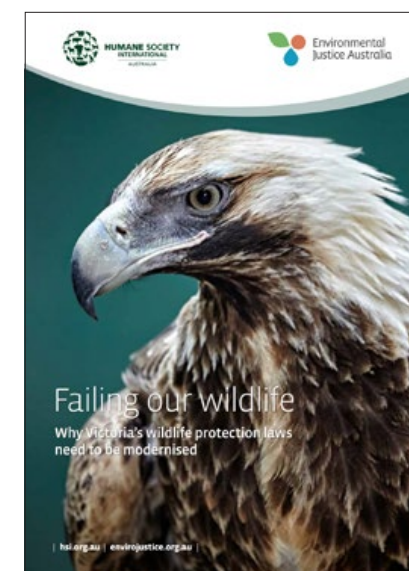
When Victoria's Wildlife Act was introduced in 1975, it was based on incredibly old laws governing hunting, with concerns over conservation and care for native species built into the scheme incrementally. The result is legislation that fails to protect native wildlife and, in many cases, accelerates the demise of wildlife populations.

Under the Act, the government can issue 'authorities to control wildlife', which authorise destruction or harm to animals. In 2019, 3442 of these permits were issued authorising the destruction or harm of 185,286 animals including 966 emus, 3655 wombats, 3152 ravens, 6919 little corellas and 4570 sulphur-crested cockatoos. Even threatened species are killed. In 2019, permits were issued to control 6604 grey-headed flying foxes, a species listed as threatened under Victorian and national laws.

The Wildlife Act has not previously been reviewed and this reform is even more urgent in the face of an accelerating extinction and climate crisis.

In January, we released a report with Humane Society International, *Failing our wildlife*, establishing a clear critique of the existing Wildlife Act and advocating for urgent need to modernise and improve the Act to protect native wildlife.

This report intends to contribute to the public conversation on the framing of reformed laws and sets out proposed responses and solutions as an initial contribution to the review.



## Strengthening the Environment Protection and Biodiversity Conservation Act 1999

EJA welcomed the Samuel Review of the existing Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as part of the ten-yearly review process. The review comes at a time when research shows nearly 50 Australian native species, not currently listed as threatened, are at risk because of Australia's 2019-20 summer bushfires.

The Review highlighted that Act is failing to protect Australia's environment, is 'not fit to address current or future environmental challenges,' and 'does not enable the Commonwealth to protect and conserve environmental matters that are important for the nation'.

A team of senior lawyers acted quickly when early indications showed that the Morrison government would misapply the review findings. Responses from the Federal Environment Minister, Sussan Ley, suggested withdrawing from regulatory responsibilities and cherry-picking recommendations to suit a corporate agenda to fast-track big industrial projects that accelerate environmental destruction.

Our client the Australian Conservation Foundation (ACF) sought access through Freedom of Information to emails from Minister Ley's office with respect to 15 fast-tracked projects announced by the Department of Environment. Access to two relevant documents were denied on the basis that they revealed the deliberations of cabinet, so we then acted for ACF in an application for review in the Administrative Appeals Tribunal.

There is widespread public interest in the review of the EPBC Act, evidenced by over 30,000 submissions received by the review panel. Many of these submissions came from those wanting to see national environmental law reform that will deliver environmental outcomes rather than environmental failures. For these reasons, we are arguing that deliberations by the National Cabinet are very much in the public interest and therefore do not attract confidentiality and cannot allow documentation about these fast-track developments to be withheld.

This case is about ensuring the EPBC Act is strengthened and can win back public trust in the law to deliver environmental protection. We filed this case in March 2021 and at the time of writing are awaiting a hearing date.

*The Wildlife Act permits destruction and 'take' of thousands of native animals every year...and is in serious need of reform." Failing our Wildlife report.*



# Climate justice

Climate change is the greatest challenge of our time. Without urgent action to slow dangerous global warming, what we stand to lose is unimaginable. EJA uses our legal expertise to stop projects that will make climate change worse, support the transition to clean, renewable energy and protect people and nature from the devastating impacts of rising global temperatures.

Photo courtesy of Lindsay Imagery



EJA clients, Claire Galvin, 19, and Brooklyn O'Hearn, 17.

## Supporting young people to protect the Great Barrier Reef

On behalf of two Queensland teenagers and community leaders, we formally presented the federal government with new expert evidence and strong legal grounds to revoke approval of Adani's controversial Carmichael coal mine. The evidence established the proposed mine would increase global greenhouse gas emissions and have a significant impact on the Great Barrier Reef.

EJA lawyers argued the three independent expert reports provide compelling evidence for Environment Minister, Sussan Ley, to exercise her discretionary powers under section 145 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to revoke the mine's environmental approval.

In June, we escalated the complaint after the Federal Court found that the Minister for the Environment has a duty of care to avoid causing injury to young people while exercising her powers to approve a new coal project in the Sharma vs Minister for the Environment case. In addition, the Court found that the Reef would no longer exist 'as we know it today' at 2°C of global warming. Evidence in the case showed that to avoid that, it would not be enough to merely avoid further new approvals of mines.

In addition, on behalf of our clients Claire and Brooklyn, we urged the State Bank of India to halt their billion-dollar funding of the mine. EJA lawyers advised the bank that Minister Ley is currently reviewing a legal request for her to consider new expert evidence that provides strong legal grounds to revoke approval of the controversial mine.

In November 2020, Minister Ley advised EJA that she is reviewing our client's request to exercise her discretionary powers under Section 145 of the EPBC Act to revoke the mine's approval to protect the Reef and the communities who rely on it.

As at the time of writing, our clients are awaiting her decision and considering their further options.



Keeping public money out of fossil fuels

EJA lawyers were engaged by the Australian Conservation Foundation (ACF) to advise on the legality of changes proposed by the Morrison Government to expand the Australian Renewable Energy Agency's (ARENA) remit to include funding for fossil fuel projects and adjacent technologies.

ARENA was established in 2012 to improve the competitiveness and supply of renewable energy in Australia by financially supporting renewable energy technologies.

Energy Minister Angus Taylor sought to bypass the parliament and implement new Regulations to expand ARENA's investment remit to fund non-renewable projects. This included carbon capture and storage (CCS), blue hydrogen projects and 'low-emission' technologies.

'Low emission' technologies were left undefined by the proposed Regulations. CCS prolongs fossil fuel dependency, as it operates in conjunction with projects with high emissions profiles, actively precluding any efforts to transition away from fossil fuels.

Our lawyers were able to provide advice on how this change may be inconsistent with the agency's legislated purposes – supporting renewable energy – and was used by advocates including ACF in their successful campaign to secure enough support to block the regulations in Parliament. In June 2021, the Senate blocked the Morrison Government's plans to invest taxpayer funds into fossil fuels and adjacent technologies.

This was a huge win for our environment, ensuring ARENA could continue driving innovation in the renewables space. As of 31 March 2021, ARENA has invested \$1.67 billion into 579 projects across Australia, which has contributed to unlocking a total investment of almost \$6.84 billion in Australia's renewable energy industry. It is also a win that polluting technologies will not be able to draw on this public funding.

However, after this major win for the movement, in July 2021, the Morrison Government made another attempt to introduce very similar Regulations to again change ARENA's remit to fund CCS and blue hydrogen. The parliamentary disallowance period for these latest Regulations is still running at the time of writing, and we continue to work with the movement to resist these changes.

Challenging Adani's Carmichael mine development

Throughout this year, we worked with affected communities to challenge the continued development of the Adani rail corridor and mine.

Acting on behalf of Mackay Conservation Group, we made a formal legal complaint to the Queensland Government about multiple breaches by Adani in not mitigating contamination of waterways. Mackay Conservation Group exposed failing erosion and sediment controls at the site of the Adani Carmichael Coal Mine and Rail Project in Central Queensland, breaching federal, state, and local environmental obligations.

The complaint brought to light Adani's contamination of key water sources and prompted an independent investigation by the Queensland Coordinator-General of Adani's conduct along the whole of its rail corridor. We also attracted nationwide positive media attention linking people's livelihoods, the Great Barrier Reef and Adani's poor regulatory track record. This legal intervention has resulted in greater regulatory restrictions on the mine. Ongoing investigations and monitoring continue.

Australia's climate inaction on the world stage

We continue to tackle Australia's climate inaction on the world stage. We contributed to calls for UNESCO, the United Nations peak environmental heritage body, to highlight Australia's weak climate action and its threat to the Great Barrier Reef.

Concerned about the alarming moves to weaken legal protection for 20 World Heritage-listed properties in Australia through changes to the EPBC Act, we urged UNESCO to oppose the federal government's bid to devolve the approvals process for projects to state and territory governments.

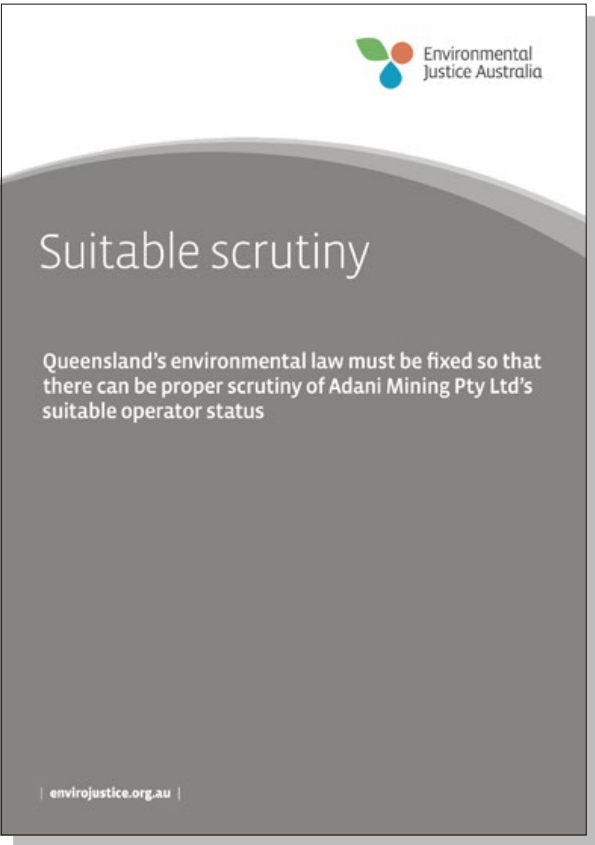
We also, together with other Australian and overseas organisations, brought Australia's inaction on climate change before the United Nations Human Rights Council. Our team presented to the Universal Periodic Review process, where Australia gets a 'report card' for its human rights record, highlighting the Australian government's continued refusal to halt global warming at 1.5°C by cutting fossil fuel reliance. Not doing more to reduce emissions risks violating the rights of people in Australia and around the globe.

In our presentation, we stated:

*'Not stopping at 1.5 degrees and going beyond means triggering significant and known human rights violations. In June Australia's Federal Court accepted evidence that with only 2 degrees of warming, people in Australia will be exposed to extreme heat, with severe impact on human health and wellbeing, longer fire seasons and an increase in the number of dangerous fire weather days.'*

*The court highlighted that with a plausible climate future at two degrees and beyond in Australia, 'the capacity to grow and prosper... will be greatly diminished... life will be cut short... trauma will be far more common, and good health harder to hold and maintain.'*

*First Nations people, young people, and people with disability will experience human rights impacts of climate harms acutely. We owe each other a different, just future. We urge Australia to comply with its obligations and commitments to do everything possible to achieve its fair share of limiting global warming to 1.5 degrees Celsius. This step is essential to the fundamental rights of all people, both in Australia and beyond its borders.'*





# Justice, equality and inclusion

## Equity and Inclusion Working Group

Environmental justice is inextricably linked with issues of social justice, equity, and inclusion. It is an overwhelming fact that minority communities across the globe are disproportionately affected by climate change and environmental degradation. In Australia, First Nations and vulnerable communities are disproportionately impacted by environmental injustice. As an organisation we are continuously training, improving, monitoring and evaluating our progress. We are putting measures in place to achieve our organisational goals for equity and inclusion. We are working to ensure we have accessible and equitable recruitment and intake, with measures in place to determine their success.

We want our staff, volunteers, Board, supporters, and clients to reflect the diversity of the community, and to practise equity and inclusion in our day-to-day work, and the services we offer.

Some initiatives we undertook this year to improve our equity and inclusion goals include:

- we strengthened our organisational commitment to equity and inclusion by incorporating tangible goals in our new 2021–24 Strategic Plan, including specific commitments to provide services to underrepresented groups and those worst impacted by environmental injustice;
- all staff attended two training sessions with Hue Consulting on anti-racism in February 2021: What do you know about Race & Racism 101 and Allyship in the Workplace;
- some staff members also participated in Climate Justice and Intersectionality Training run by Edith Cowan University in September 2020; and
- we started a reading group for staff to work through the Me and White Supremacy workbook, a practical guide by Layla Saad to aid readers in identifying the impact of white privilege and racism in their lives.

Image courtesy of Tim Herbert.



## Reconciliation Action Plan

EJA's Reflect Reconciliation Action Plan (RAP) was launched in February 2020, with a commitment to building reconciliation opportunities: for awareness, collaboration, action, and positive change. COVID-19 restrictions made initial progress difficult because of the inability to meet and build relationships face to face, but we are still pleased with our progress from the year.

Our activities for the year included the following.

### Building relationships

- Welcomed Lauren Houthuysen, a Cultural Flows Officer from Murray Lower Darling Rivers Indigenous Nations, to our RAP Working Group in October 2020.
- During NAIDOC week, met members of the First Nations Hub recently established in the 60L Green Building where our Carlton office is located.
- Began regular staff workplace giving to Seed Indigenous Youth Climate Network and financially supported Seed's climate justice programs as a way of Paying the Rent.
- Secured philanthropic funding, through a joint application with First Nations Legal and Research Services, to recruit two new positions for Aboriginal and Torres Strait Islander staff and support environmental justice for Indigenous people fighting for Country.

### Respect

- Engaged in training with Koorie Heritage Trust and Hue, and built relationships with Tarwirri, the Aboriginal Lawyers and Law Students Association in Victoria, the Federation of Victorian Traditional Owner Corporations, and First Nations Legal and Research Services.
- We planned a staff trip on Country to Budj Bim, the traditional Country of the Gunditjmara Aboriginal people. This trip had to be postponed due to COVID restrictions but will take place as soon as possible.

### Opportunities

- Commenced the design of our Aboriginal Internship Program and secured funding to provide stipends to Aboriginal and Torres Strait Islander law students in the coming year.
- Increased our spending with Aboriginal businesses from \$3,800 in FY2019–20 to \$35,000 in FY2020–21. This included moving our fundraising mail house to Indigi-Print, acquiring office furniture and paper from Winya and WINC, and consulting with Dhiira Pty Ltd on cultural safety.



# Our People

## Our Staff



**Nicola Rivers**  
CO-CEO



**Elizabeth McKinnon**  
CO-CEO



**Thea Lange**  
CHIEF OPERATING OFFICER



**Bruce Lindsay**  
SENIOR SPECIALIST LAWYER



**Nick Witherow**  
PRINCIPAL LAWYER



**Hollie Kerwin**  
SENIOR SPECIALIST LAWYER



**Danya Jacobs**  
SPECIAL COUNSEL



**Ariane Wilkinson**  
SENIOR LAWYER



**Bronya Lipski**  
LAWYER



**Emily Giblin**  
LAWYER



**Jocelyn McGarity**  
LAWYER



**Virginia Trescowthick**  
LAWYER



**Elke Nicholson**  
LAWYER



**Nicola Silbert**  
LAWYER



**Sasha Brady**  
PARALEGAL



**Rahul Ramesh**  
LAW GRADUATE



**Mandy Johnson**  
OFFICE MANAGER AND PUBLICATIONS



**Max Smith**  
CAMPAIGNER



**Livia Cullen**  
COMMUNICATIONS DIRECTOR



**Greer Allen**  
DEVELOPMENT MANAGER



**Georgia Rowles**  
DIGITAL MARKETING AND  
DATA COORDINATOR



**Anuskha Batu**  
DIGITAL CAMPAIGNER



Our Board



Lane Crockett  
CHAIRPERSON



Andrew Cox  
VICE-CHAIRPERSON



Elizabeth McMeekin  
SECRETARY



Ricky Teh  
TREASURER



Chiara Lawry  
NON-EXECUTIVE DIRECTOR



Sally Romanes  
NON-EXECUTIVE DIRECTOR



Kate Allsopp  
NON-EXECUTIVE DIRECTOR



Tony Kelly  
NON-EXECUTIVE DIRECTOR



Arjuna Dibley  
NON-EXECUTIVE DIRECTOR

Lane Crockett

Lane is head of the renewables business at the Impact Investment Group (IIG), a fund manager focusing on shifting capital towards investments that blend financial returns with deep social and environmental impact. In his career he has over 25 years of international experience in the energy industries in Australia, Asia, the UK and New Zealand. He worked in energy regulation and risk management. Lane has a Bachelor of Engineering, Mechanical from Canterbury University in New Zealand and a Graduate Diploma in Commercial Law from Deakin University.

Andrew Cox

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. Andrew has a Bachelor of Science and a Graduate Diploma (Environmental Studies).

Elizabeth McMeekin

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. She holds a BA, Certificate in Direct Marketing and Certificate in Fundraising.

Ricky Teh

Until the time of his resignation, Ricky Teh was a Director with EY Melbourne specialising in corporate governance, risk management, statutory and other reporting. He holds a BCom in Accounting and is a member of the CPA Australia and the Malaysian Institute of Accountants.

Chiara Lawry

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 several local and international not-for-profit organisations. She holds a Bachelor of Arts, Bachelor of Laws (Honours), Graduate Diploma in Legal Practice, and Master of Public Administration.

Sally Romanes

By training Sally was a corporate and commercial lawyer, however, she now works on specific projects ranging from the arts to business transactions, including as a founder Director of the not-for-profit Abbotsford Convent Foundation from 2004 until 2017. Sally has specific experience in fundraising, corporate governance, and the operation of enterprises in the primary production sectors. Sally holds a Bachelor of Laws (Honours).

Kate Allsopp

Kate is a manager with Sustainability Victoria. She has worked across several 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. Kate holds a Bachelor of Engineering in Chemistry (Honours) and a Masters of Environment in Engineering.

Tony Kelly

Tony Kelly is a lawyer and CEO of First Nations Legal and Research Services. He has over 10 years’ experience working to advance Traditional Owner rights and interests. Tony has extensive board and governance experience and is currently a director of the National Native Title Council. Tony also has an environmental science background and has worked as a park ranger in the Northern Territory.

Arjuna Dibley

Arjuna Dibley is a former corporate lawyer and now a researcher who specializes in climate change law and economics. He is currently a research fellow at Stanford University. He has experience working with for profit and not for profit boards on strategy, corporate governance, and legal issues.



Our supporters

Thank you to everyone who invested in our team to fight for environmental justice. We are proud to be funded by the community for the community.

Your ongoing and generous support ensures our independence to stand up for a world where our laws help people and nature thrive.

Below we recognise those who contributed \$10,000 or more in the 2020-21 financial year and acknowledge those who choose to remain anonymous.

- Albert & Barbara Tucker Foundation
- Australian Communities Foundation
- Australian Ethical Foundation
- B B & A Miller Foundation
- Bob and Bronwyn Baird
- Bonnie Gelman
- Bowden Mastan Foundation
- D G Blaxland
- Gayle Osborne
- Heather McGregor and Andrew Hopkins
- Isaacson Davis Foundation
- Kirsten Bauer
- Koshland Innovation Extension Fund
- Lord Mayor's Charitable Foundation
- Patagonia
- R E Ross Trust
- Sally Romanes
- The Coalition®
- The Helen Macpherson Smith Trust
- The Regenerative Empowering Earth Fund (TREE)
- Victoria Legal Aid, Community Legal Centres Funding & Development Program
- Wartook Foundation
- Western Region Environment Centre

Legacy giving

Environmental Justice Australia was founded on the belief that everyone has the right to a healthy environment. Since 1991, we have been a leading environmental law practice for the environment movement. We advocate for environmental justice across Australia. This important work to protect the places we love is only possible because of generous acts of giving. And the most extraordinary gift you will ever give us is in your Will.

A legacy gift to EJA will help protect Australia's unique plants and animals, cut the pollution that causes climate change, and ensure future generations can enjoy our home as much as we do. Thank you to our supporters who have left a gift in their Will.

Leaving a future gift to EJA in your Will is an exceptional legacy for future generations who will inherit our incredible world and unique environment. You can leave a legacy gift to EJA when you next review your Will. The wording below is a guide for your solicitor or trustee:

*'I give to Environmental Justice Australia (ABN: 74 052 124 375) of Suite 3-01, 60 Leicester St, Carlton, VIC, 3053 for the purpose of safeguarding the environment [whole/residue of my estate] or [...% of my estate] or [the sum of \$...] or [specified property...] free of all debts, duties or taxes and declare that the receipt of an authorised officer shall be a sufficient discharge for my executor(s).'*

Please let us know if you are interested or have already left a gift to EJA in your Will.

Pro bono support

A huge thank you to the fierce barristers and legal partners who have offered our clients their services pro bono or at generous reduced rates. Adding the weight of your expertise to our cases has been invaluable.

- |                  |                              |
|------------------|------------------------------|
| Adam Chernok     | Kathleen Foley               |
| Alex Marcou      | Matt Gledhill                |
| Chris Horan QC   | Matthew Albert               |
| Colette Mintz    | Melanie Szydzik              |
| Craig Lenehan SC | Patrick Coleridge            |
| David Hume       | Penny Neskovic QC            |
| Emily Porter     | Richard Beasley SC           |
| Emrys Nekvapil   | Richard Knowles QC           |
| Fiona Cameron    | Robert Forrester             |
| Jane Sharp       | Roshan Chaile                |
| Jeremy Kirk QC   | Rowan Minson                 |
| Jonathan Korman  | The Hon. Richard Attiwill QC |
| Julia Watson     | Rupert Watters               |

Sean McArdle  
Shawn Rajanayagam  
Suganya  
Pathanjali Manoharar

We would also like to thank SkyDiscovery for their ongoing pro-bono assistance on our complex litigation matters over several years. Also, thank you to Paoli Smith Creative for their pro bono creative design of this Annual Report.

Volunteers and interns

Our work would not be possible without the dedicated support of our volunteers and interns. We are so grateful to all of you who volunteered this year.

- |                    |                   |                      |
|--------------------|-------------------|----------------------|
| Ainsley Halbmeijer | Areeb Rizvi       | Mats Manallack       |
| Alana Ticchi       | Harrison Jones    | Monika Hermann       |
| Alexander Baird    | James Radlow      | Rashini Perera       |
| Alexander Buck     | Jessica Lynch     | Susheena Subramaniam |
| Alexandra Valerio  | Joel Blashki      | Tanushree Khurana    |
| Andy Bennett       | Julian Grimm      | Victoria Chen        |
| Anna Wotherspoon   | Julian Wainwright | Yu Wang              |
| Anvita Nair        | Lucas Volfneuk    |                      |





# Financial performance – summary

## Note on surplus

EJA achieved a financial surplus for the 2020–2021 financial year. For many years, the EJA Board and executive have been working towards raising funds in the current year to support programs in the following year. This is in order to provide stability for our multiyear programs, and this year has provided a strong start for our new programs, under our new Strategic Plan.

Achieving that aim in 2020–2021 is a testament to the generosity of our supporters including the significant bequest we received. This was boosted by the fundraising efforts of our Co-CEOs and fundraising manager, after two years without dedicated fundraising support.

Our financials have looked a little different for the past two years, because in line with changes to the Australian Accounting Standards, we now recognise grants as income in the year they were received, rather than as they are expended.

We have retained earnings of \$2,090,105. The majority of this is committed to EJA programs in 2021–2022, and can be broken down as follows:

\$1,125,265 in funds received from grants or philanthropic donations that are funding specific programs in the coming year(s), including a bequest of \$558,090 which is providing the seed funding for our new nature-focused program.

\$483,000 in donations received in 2020–2021 that are being used to employ new staff in our Climate and Nature teams, expand the operational support available to our growing team of lawyers, and supplement our new First Nations program while we seek additional grant funding for it.

The remainder comprises our actual unrestricted reserves of \$481,840 (23% of the total retained earnings), an increase from \$409,759 in 2020, supporting our financial sustainability goals.

## General statement on financials

Under the new Co-CEO leadership, we have continued to foster strong philanthropic relationships, which make up a critical source of income. In the lead-up to the implementation of our new strategic plan, we retained existing funding relationships and secured new funding, particularly to support further investment in our nature and climate litigation.

Revenue from fundraising and donations grew from \$595,449 to \$920,282, an increase of 55%, in part due to a successful pilot of a new key donor program raising \$265,000 for our forests program, which will be continuing into 2021–2022. We increased the number of people donating compared to last year by 10%. We also received a generous bequest from a long-time supporter of our forest work and with the agreement of the family, we will spend the funds over two years to increase the impact of this legacy gift.

Income from fees for service and client reimbursements also increased due to the larger matters we ran this year, particularly our Crib Point case, Fingerboards matter and our three active forest cases.

Funding from government funding remains steady through Victoria Legal Aid for our community environmental legal service (CELS) program. In the first quarter of the financial year, we also received additional government funding for frontline services and IT support in response to the COVID-19 pandemic. Other income includes membership fees, interest received, and Commonwealth support payments.

Our total employee expenditure grew by 25% as we recruited new lawyers for our rivers program and clean air team, as well as a paralegal to support our law team’s growing caseload. We also appointed a digital campaigner to support public engagement with our cases and campaigns. We made temporary savings in the cost of fundraising due to one of our two fundraising roles becoming vacant in the second half of the year.

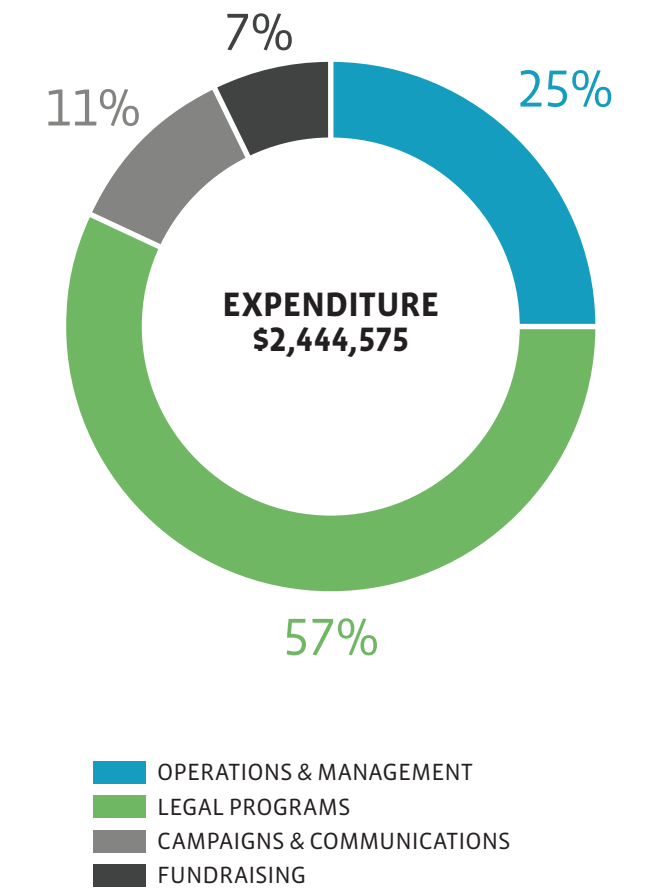
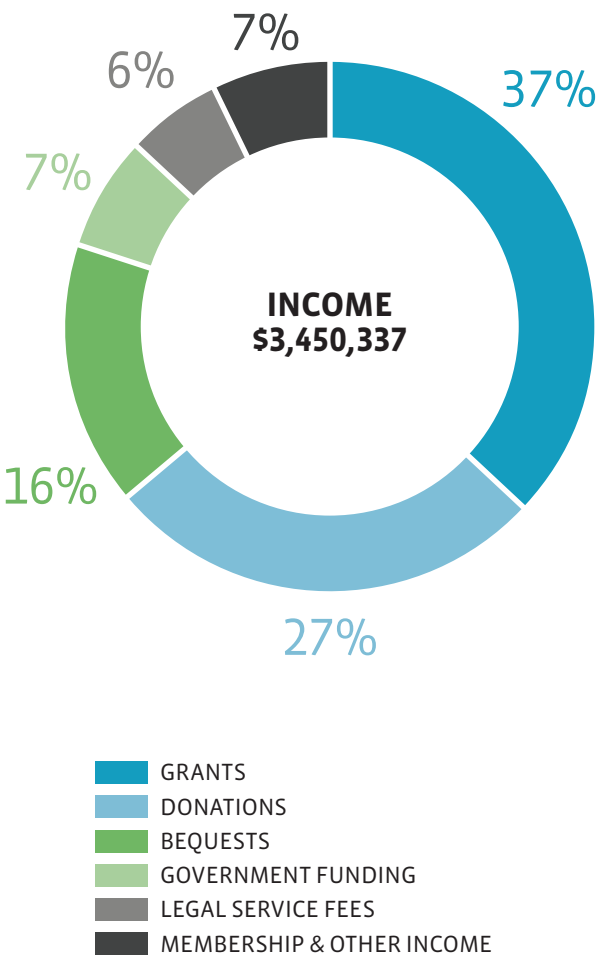
Our legal practice costs more than doubled on 2020 expenses, due to the increased delivery of cases this year, including three forest cases and legal interventions into some of Victoria’s large fossil fuel infrastructure projects. Similarly, our occupancy costs increase reflects the full year in our new larger office.

We made significant investments in our programs with the support of external consultants, including cultural safety training as we develop our First Nations Justice projects. A commitment to equity and inclusion is now enshrined in our organisational strategic plan and key performance indicators. A significant portion of our consultant costs this year were for external media advisors while we attempted to recruit a permanent staff member.

Please see our full Financial Report 2020–2021 on our website for more details or reach out to our team who would be happy to discuss this further.

Thank you for your generous and continued financial support.

Margooya Lagoon. Photo courtesy of Tim Herbert.





## **Contact us**

Telephone: 03 8341 3100

Email: [admin@envirojustice.org.au](mailto:admin@envirojustice.org.au)

Website: [www.envirojustice.org.au](http://www.envirojustice.org.au)

### **Address:**

The 60L Green Building  
Level 3-01, 60 Leicester Street  
Carlton, VIC, 3053

### **Post:**

PO Box 12123  
A'Beckett Street PO  
Melbourne, VIC 8006

ABN 74 052 124 375

Report Design: Paoli Smith Creative

Printed on 100% post-consumer recycled paper