



Using the law for justice,  
people and planet



### **Acknowledgement of Country**

We acknowledge the Awabakal, Bunurong, Dja Dja Wurrung, Gadigal, Punnilerpanner, Taungurung, Wadawurrung and Wurundjeri peoples, the Traditional Owners of the lands on which our team live and where the EJA office is located.

We pay our respects to Elders past and present and recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded.

We acknowledge the role of the legal system in establishing, entrenching and continuing the oppression and injustice experienced by First Nations people. We also acknowledge that the law has been an avenue for resistance and a critical framework of action for First Nations justice. It is an inherently complex space; we seek to contribute to using and developing laws in ways that lay foundations for just outcomes for First Nations people across the continent.

**WARNING:** This document may contain images or names of people who have passed away.

No matter who we are, where we live, where we have come from or how much we earn, **we all deserve a healthy environment, a stable climate and a say in the decisions that affect us.**

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 their race, ethnicity or nationality, where they live or how much they earn.

It means we all have clean air and water, healthy forests and flourishing biodiversity, and homes free from toxic pollution – through sustainable management, protection and regeneration of our environment.

Together, we are advocating for healthier, empowered communities, thriving ecosystems, access to justice for all, and legal recognition for First Nations people in their vital role protecting Country.





It's time to **use**  
**the law to change**  
**the game.**

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Together, we are  
making sure **our laws**  
**work for people and**  
**the planet.**

## A MESSAGE FROM OUR ACTING CHAIR AND CO-CEOS

### We Are In This Together



Elizabeth McKinnon  
Co-CEO



Nicola Rivers  
Co-CEO



Tony Kelly,  
Acting Board Chairperson

Change often takes longer than you think. You push. You wait. You sweat. You despair. But then things happen suddenly, when you don't expect them, and in ways you never imagined.

In May, when the news broke of a historic decision for Victoria – the end of native forest logging! – we were elated. Even the most serious of EJA's lawyers were dancing. For more than 30 years, we have fought to protect our native forests and all of the creatures and people who call them home. Together with our clients, citizen scientists, fellow campaigners and communities, we've investigated. Exposed. Organised. Advocated. Litigated. And won.

Community actions in the courtroom halted logging operations in large swathes of East Gippsland and the Central Highlands. Holding VicForests to account in court for their unlawful logging was the final straw for a destructive industry. From 2024, 1.8 million hectares of forest will be protected from logging for generations to come. Of course, there are communities to support, logging loopholes to close, and a lot of damage to regenerate. But it's an astonishing relief to write this.

For all of us at EJA, it's also been a year of firsts. We launched our first case in the Northern Territory, to halt the cotton industry's plans to bulldoze vast parts of the world's largest intact tropical savanna. Our Clean Air and Coal Pollution team successfully made our federal Environment Minister scrutinise Engie's 'pit lake' rehabilitation plans for Hazelwood mine in Victoria's Latrobe Valley – the first time the water trigger from the Environment Protection and Biodiversity Conservation (EPBC) Act has ever been applied to a mine rehab project. This important precedent means operators of end-of-life coal mines cannot just walk away from toxic sites without scrutiny. Meanwhile, our First Nations program continues to work with an ever-expanding number of partners, advancing legal pathways for Traditional Owners to care for Country.

Our client's landmark Living Wonders climate legal intervention is also one of firsts. Thanks to our client, the Environment Council of Central Queensland (ECoCeQ), Australia's federal Environment Minister agreed for the first time in history to reconsider the climate

impact of new coal and gas projects. However, Minister Plibersek soon refused to act on the overwhelming weight of scientific evidence submitted by our client. Despite the Minister accepting our client's argument that she must consider the impact of climate harm from coal and gas across the country, she ultimately decided the climate harm that would result from these projects did not change her predecessor's risk assessment. Our courageous client is now taking the Minister and two fossil fuel giants, Whitehaven Coal and MACH Energy Australia, to court – the first legal challenge of new coal and gas decisions by this government.

Behind the scenes at EJA, we're tracking our impact using our newly developed Monitoring and Strategic Learning Framework. This vital tool will provide valuable evidence and insights to drive strategic decision-making and ongoing improvement, which in turn will lead to greater impact and effectiveness. We have grown our staff team, our premises and our endowment fund, and developed our leaders.

Finally, Lane Crockett has decided to step down as Chair after three-and-a-half years at the helm. Lane has made an enormous contribution over a time of huge growth and change for EJA. His unerring support of our Co-CEO model, leadership and guidance have been such a gift.

We would also like to thank you – and everyone who is part of the EJA cosmos. To all of the people across this continent who so generously give their time, money, ideas and energy. All of our clients and partners, allies and friends. All of the people who tirelessly push and wait. Sweat and despair. And then dance.

The law is a powerful tool, and we're using it, together, to create a future that's even better than we can imagine.

Thanks for being part of this,

Elizabeth McKinnon and Nicola Rivers, **Co-CEOs**  
Tony Kelly, **Acting Board Chairperson**

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## WHO WE ARE AND HOW WE WORK

Environmental Justice Australia is a national not-for-profit legal organisation. We use the law to empower communities, protect and regenerate nature, safeguard our climate and ensure justice is at the heart of this continent.

# Because this is about all of us.

Our team has some of the best lawyers and campaigners in the country.

**Together we litigate. We advocate.  
We collaborate.**

For more than 30 years, we have used a powerful combination of litigation and legal advocacy to deliver long-lasting protections for nature and community.

We are proudly non-profit, non-government and funded by donations from the community.





We use the law to  
**empower communities,**  
**protect and regenerate**  
**nature,** safeguard our  
climate and ensure  
justice is at the heart  
of this continent.

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## OUR VISION

A legal system that delivers environmental justice for communities and protects and regenerates nature. This looks like an Australia where:

- First Nations people lead and are recognised for their vital role in protecting Country.
- Communities are empowered to participate in decision-making and have access to justice.
- Our laws, policies and institutions enable people and nature to thrive, today and tomorrow.



**30+ years using the law for environmental justice**

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## OUR VALUES

**Environmental justice unites us**  
and helps articulate the kind of society  
we all want to live in.

### **Ambition**

We aim high and always focus on achieving maximum impact for communities, nature and our climate.

### **Collaboration**

We work in partnership with the community and other organisations because we are stronger together.

### **Respect**

We treat everyone with respect and value different perspectives as we know we all hold a piece of the puzzle.

### **Positivity**

We stay hopeful and seek solutions because we believe a better tomorrow is possible.

### **Justice**

We keep justice at the core of everything we do so no-one is left behind, as our struggles are interconnected and we can only solve them together.



**We believe the legal  
system should deliver  
environmental justice  
for communities.**

## HOW WE DELIVER ENVIRONMENTAL JUSTICE

Our legal system does not currently deliver environmental justice, protect our environment or safeguard the systems we all depend upon.

The impact of environmental harm is not felt evenly across society. Too often the law gives privileged groups special treatment and a bigger say and denies nature and affected communities a voice.

We seek to change this by targeting the laws themselves, the way they are made and how they are applied and enforced by our governments and courts. To drive this, we support individuals and communities to use the law to defend their health and stand up for the people, ecosystems and wildlife they love. This means leveraging the legal and political systems to amplify voices not often heard, and ensuring that the judicial system respects, values and enforces the rights of all people and all living things.

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

**Clean Air and Coal Pollution:** We empower communities experiencing environmental harm from coal pollution to seek justice.

**First Nations:** We provide legal support to First Nations people caring for Country.

**Ecosystems:** We use the law to protect and regenerate vital ecosystems on the brink of collapse.

**Climate:** We run public interest litigation and legal interventions to put justice at the heart of climate action.

### OUR TOOLS

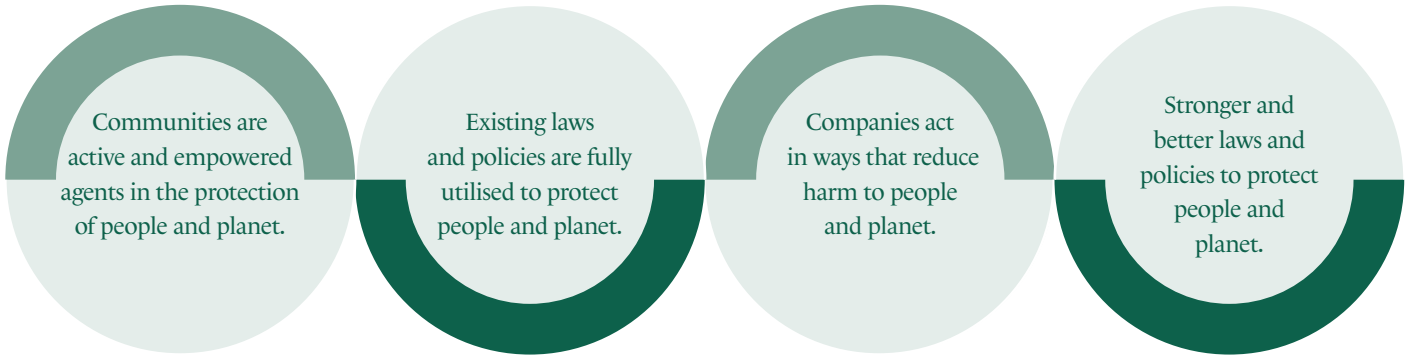
We empower communities to access our legal system and advocate for justice.

We hold the powerful to account via the courts and community campaigns.

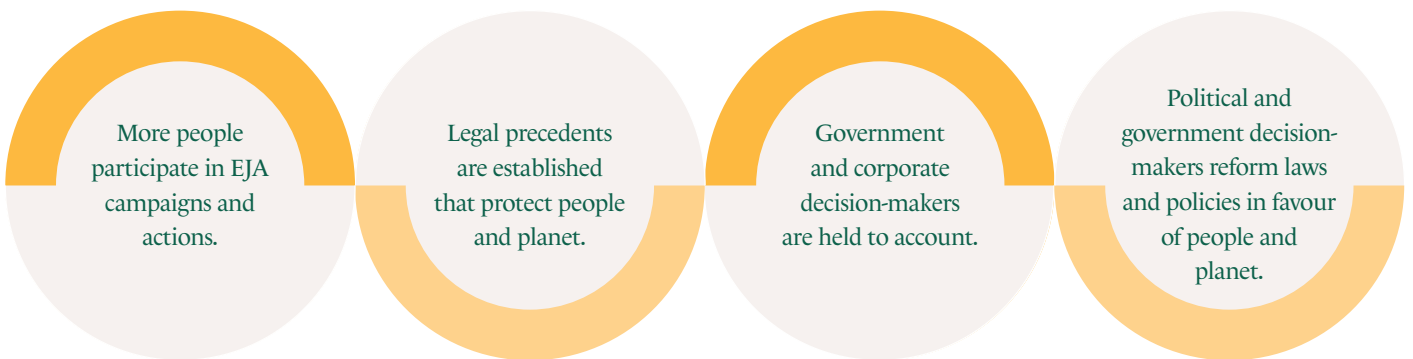
We fix flaws in our legal system, changing the way laws are made and enforced.

# THEORY OF CHANGE

## Ultimate Outcomes



## Immediate Outcomes



## Influencing Strategies





**We all deserve a safe climate, protection from environmental harms and the preservation and restoration of nature.**

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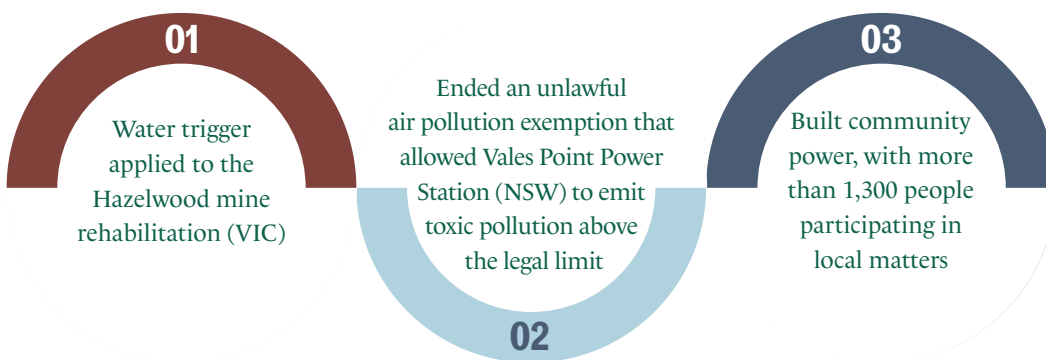
## CLEAN AIR AND COAL POLLUTION

We envision empowered communities free from toxic air pollution and justly transitioned to a sustainable future.

That is why EJA supports communities to participate, advocate and litigate for real pollution controls and to protect their regions from destructive industries.

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## THIS YEAR'S HIGHLIGHTS







‘The communities that have powered our homes, schools and offices for decades **deserve a future free from the health and environment impacts of toxic coal pollution.**’

Ally McAlpine,  
EJA Senior Lawyer

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## CLEAN AIR AND COAL POLLUTION

### A TOXIC PIT LAKE

When we heard Engie, operator of the former Hazelwood mine, was planning to flood the disused mine with billions of litres of water from local waterways in the Latrobe Valley to ‘rehabilitate’ the site, we were concerned.

We commissioned two independent reports that found Engie was pursuing the cheapest option – and in doing so, would leave behind a giant toxic pit lake, risking contamination for decades to come.

We supported community groups to participate in the Environment Effects Statement scoping consultation and facilitated 145 submissions against this ill-conceived plan.

After significant community pressure, the federal government enacted the ‘water trigger’ under the Environment Protection and Biodiversity Conservation (EPBC) Act. This is the first time the water trigger has been applied in a mine rehab project and will mean Engie’s plan to use 638 billion litres of water to fill the mine will be further scrutinised.

‘All we’re asking for is a proper clean-up plan that protects our community and our river system.’

Tracey Anton,  
**Friends of Latrobe Water**

### THE VICTORIAN COAL POLLUTION CASE

In October, we represented the not-for-profit group Environment Victoria in the Supreme Court of Victoria against the state’s Environment Protection Authority (EPA) and three of Australia’s biggest energy companies: AGL, EnergyAustralia and Alinta. This landmark case was the first to test Victoria’s key climate change legislation, the Climate Change Act 2017, and the first to challenge the regulation of air pollution from Victoria’s coal-burning power stations.

To our disappointment, and to the despair of our client and the wider community, the court found the EPA’s decision not to limit greenhouse gas emissions or set proper restrictions on toxic pollution from power stations was legally valid. This has renewed calls for the laws to be fixed and focused significant media attention on how Victoria’s climate and environmental laws are not currently working to protect communities and the climate.

We know that the tides are turning for energy companies and their regulation in Australia. This case and those like it play a significant role in changing the landscape.

### THE RIGHT TO BREATHE CLEAN AIR

Communities who live near coal-fired power stations experience an enormous health burden from air pollution. The National Pollutant Inventory (NPI) is Australia’s annual toxic pollution report. Our analysis of the 93 toxic substances self-reported by coal-fired power stations in the 2021–2022 NPI reporting period uncovered that although power stations are producing less electricity, the release of most toxic pollutants is getting worse. This includes higher levels of mercury, PM2.5 and PM10 particle pollution and sulfur dioxide. Breathing in these invisible killers – or eating food contaminated with them – can lead to a lifetime of health complications.



These pollutants cause serious harm, yet Vales Point Power Station in Lake Macquarie, NSW, held an exemption that allowed it to exceed limits on air pollution – until EJA intervened. Our team made several submissions to the EPA, ratcheted up pressure through media coverage and was the subject of questions by Greens MP Abigail Boyd in NSW budget estimates. The exemption was eventually withdrawn, leaving local communities with cleaner air to breathe and fewer toxins in their lungs.

**‘It’s time for real pollution controls in Australia. Because breathing is non-negotiable.’**

Jocelyn McGarity,  
**EJA Lawyer**

### **WASTE POLLUTION, AN UNCOMFORTABLE PROBLEM**

Pollution comes in many forms – and more and more we are looking at difficult, uncomfortable problems in relation to our pollution and waste crises. Problems like poor water quality, arising from airborne vehicle emissions pollution, are poorly regulated and growing at an unrelenting pace.

An equally pressing issue is that of plastics pollution. We have partnered with NGOs and citizen scientists to develop a legal strategy concerning this ubiquitous threat to the health of people and nature, while also exploring the waste-to-energy sector, pesticides and agricultural chemicals, urban air pollution and per- and polyfluoroalkyl substances (PFAS). We are committed to increasing community capacity to engage with the law so that pollution controls are strengthened.

### **GALVANISING COMMUNITY GROUPS TO FIGHT FOR ENVIRONMENTAL JUSTICE**

Community partnership is at the core of our work. This year we helped more than 1,300 community members flex their democracy muscles on seven local matters. Through submission writing, putting forward public comments, signing open letters and drafting emails to appropriate authorities, communities who experience the brunt of air pollution stood up for their right to breathe clean air and made their voices heard.

We continued to support and mobilise concerned groups and citizens to stand up for their communities and environment by making the law more accessible to them. In Victoria, we co-authored a submission with Environment Victoria and facilitated 70 community submissions on AGL’s Loy Yang mine development licence application. This pressure led to the EPA requesting that AGL address community and technical concerns. In NSW, we supported community groups making public submissions as part of the Chain Valley Environmental Impact Statement process. More than 80 submissions were received citing concerns about the mine expansion. The volume of submissions triggered a referral to the Independent Planning Commission which has since asked the proponent, Delta Coal, to produce additional studies into subsidence impacts. The project is now on hold pending this review.

‘The biodiversity on our continent is like nowhere else on Earth. We must urgently protect and regenerate our life-giving ecosystems.’

Ellen Maybery,  
**EJA Senior Specialist Lawyer and Ecosystems Lead**



## ECOSYSTEMS

We aim to secure meaningful protections that allow nature to thrive while curbing extinction and ecosystem collapse.

That is why EJA is focused on using the law to protect and regenerate key ecosystems on the brink of collapse.

## THIS YEAR'S HIGHLIGHTS



## ECOSYSTEMS

### PROTECTING VICTORIA'S NATIVE FORESTS

Forest litigation was a key factor in the ending native forest logging in Victoria – something we are proud to have had a part in. Our long-running Bushfires case, representing volunteer-run grassroots organisation Wildlife of the Central Highlands (WOTCH), wrapped in March with a five-day hearing in the Supreme Court. This brought to an end a mammoth three-and-a-half years of protracted legal action. The legal challenge sought to prevent VicForests from logging areas of unburnt habitat for threatened species in the wake of the devastating 2019–2020 bushfire season, which saw vast swathes of Victorian forests – and millions of animals – wiped out. Our client argued that logging in bushfire-affected areas is unlawful where threatened species have been sighted or their habitat exists. We secured injunctions over the lifetime of the case which halted logging in several important areas of forest. These protections remain in place while we await the judge's decision.

In announcing the end of native forest logging by 1 January 2024, the Victorian government stated that 'increasingly severe bushfires, prolonged legal action and court decisions' have starved the state of native timber supply. This is a direct reference to our WOTCH v VicForests case and the many other cases brought by other forest groups against VicForests that contributed to native forest logging in the east of the state grinding to a standstill.

While the end of native forest logging is an extraordinary win for our forests, we've seen concerning shifts in the law and the rights of people to stand up for our environment. Just days prior, harsh new penalties came into effect that could impact citizen scientists' ability to enter forests to survey for threatened species. These new penalties include fines of up to \$21,000 or 12 months in jail. EJA lawyers and our partners at Lawyers for Forests subsequently produced the Legal Guide for Forest Protectors, explaining what the new laws mean, and we continued to provide legal education and representation for forest defenders. Over the course of the

year, our lawyers represented and advised 14 clients in relation to matters under the existing laws. No convictions were recorded for any of our brave clients, with one judge stating, 'I respect entirely your motivation [for entering a logging coupe out of concern for wedge-tail eagles in the area].'

**'Victoria's forests are the lungs of regional communities, provide homes for threatened wildlife and are critically important carbon sinks.'**

Nicola Rivers,  
EJA Co-CEO

### CHALLENGING LAND CLEARING IN THE NORTHERN TERRITORY

In February, EJA filed a novel case in the Supreme Court of the Northern Territory on behalf of our client, Environment Centre NT (ECNT). ECNT was challenging a decision of the Pastoral Land Board to grant a permit to a multinational company to clear 923 hectares of savanna woodlands at Auvergne Station, including for cotton cropping trials. Before we even made it to court, the company asked to have their own permit revoked and we successfully prevented this land from destruction. This legal action helped raise the profile of land clearing in the only jurisdiction in Australia without specific native vegetation laws and put the cotton industry and lawmakers on notice.

We also attended to various other land clearing matters over the course of the year. This included scrutinising other land clearing proposals submitted to the Pastoral Land Board, as well as correspondence with Minister Plibersek on behalf of ECNT in relation to the impacts of Defence Housing Australia's proposed development at Lee Point in Darwin on endangered Gouldian finches.



‘Land clearing is skyrocketing in the Northern Territory, spurred in part by the cotton industry’s huge expansion plans.’

Kirsty Howey,  
**ECNT Executive Director**

#### **RESTORING FLOODPLAIN ECOSYSTEMS OF THE MURRAY RIVER**

This year we represented our client, Environment Victoria, in hearings about the Victorian Murray Floodplain Restoration Project (VMFRP). VMFRP proposes to artificially engineer natural floodplains along the Murray River through levees, regulators, banks and pumps, with nine areas earmarked.


Our lawyers participated in lengthy Environment Effects Statement and Environment Report hearings for the Hattah North, Belsar-Yungera, Nyah and Vinifera projects. This included interrogating the plans, making submissions and cross-examining experts. We prepared many written submissions to challenge these projects. We argued the projects seek to justify less water for the environment, fail to assess the impact of the project on the function of the ecosystem and neglect the impacts of climate change. These four projects are now passing through relevant assessment processes.

EJA continues to contribute to protecting and regenerating Murray-Darling ecosystems by working with our clients and partners to critique and challenge policy decisions and explore novel legal actions.

#### **OF NATIONAL IMPORTANCE**

Our state- and territory-based work was complemented by acting on nationally important matters relating to ecosystems.

We contributed regularly to media, policy papers, meetings and submissions, including as part of the Places You Love Alliance, in relation to once-in-a-generation federal environmental law reform and the Nature Repair Market Bill.



‘It is essential that our people are central to the monitoring, care and decision-making of all environmental changes ... **This is our responsibility, inherited and bestowed upon us by our ancestors past who have cared for Country and culture since time immemorial.**’

Brendan Kennedy,  
Tati Tati Elder



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## FIRST NATIONS

We are sharing our legal expertise with Traditional Owner clients and partners to improve legal and policy frameworks to exercise their sovereign authority and knowledge to protect and care for Country.

With our Traditional Owner partners, we identify innovative pathways to achieve justice.

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## THIS YEAR'S HIGHLIGHTS



## FIRST NATIONS

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### LAND AND WATER JUSTICE

EJA has expanded and deepened our relationships with Traditional Owners in Victoria. Building on our relationships with Murray Lower Darling Rivers Indigenous Nations and Tati Tati Kaiejin, we continued to advise on engaging with and navigating legal structures to implement cultural flows for a significant wetland site on the Murray River (Margooya Lagoon, near Robinvale). Cultural flows return water and its rights and management to Traditional Owners to improve the spiritual, cultural, natural, environmental, social, and economic conditions of their Nations. We are working with Tati Tati to advance their interests as water and public land managers, ultimately seeking arrangements that give effect to cultural flows on this Country.

We prepared detailed, innovative legal opinion on cultural fire management and burning operations in Victoria on behalf of another Aboriginal corporation client. Several Aboriginal corporations in Victoria are actively engaged in fire management. In a confusing legal space, clear and considered legal advice on Aboriginal Traditional Owner rights is essential to effective Traditional Owner leadership in fire management. Revitalisation of these practices is significant to the fate of fire management generally in Southeast Australia, including in the rapidly changing climate crisis. These matters will be important enablers of land and water justice moving forward, and we have begun to consider how these justice issues will evolve in the context of treaty-making in Victoria.

**‘With real agency and authority of Traditional Owners over their Country – in accordance with their plans, priorities and lore – we can confront ecological crises and conceive of pathways to recovery of our lands and waters.’**

Bruce Lindsay,

**EJA Senior Specialist Lawyer and First Nations & Justice Lead**

### JOINT PUBLIC LAND MANAGEMENT

Traditional Yorta Yorta lands lie on both sides of the Murray River, roughly from Cohuna in the west to Albury-Wodonga in the east, south to Benalla and northwards to just south of Deniliquin. Since 2018, Yorta Yorta Nation Aboriginal Corporation’s traditional ownership has been recognised in joint management of the Barmah National Park. Our team provides legal support for Yorta Yorta in this role.

The floodplain marshes in the Barmah National Park are under threat of extinction due to grazing and trampling pressure from introduced species, particularly feral horses. Together with our supporters, we called for an investigation into Parks Victoria’s handling of a flooding event and a joint review of emergency responses.

Aboriginal leaders continue to be subjected to racial vilification for their role in protecting Country. Rather than engage with the substance of the Barmah Strategic Action Plan, which is backed by science and being implemented by a government agency, some elements of a brumby preservation group have instead chosen to engage in a campaign of personal attacks on and intimidation of Traditional Owners. Racial vilification, a perverse form of violence, is damaging not only to the individuals or groups vilified, but also to the cohesion and harmony of a culturally diverse society. On behalf of our client, we sought unsuccessfully to have this dispute mediated. The matter may now be the subject of legal proceedings at the Victorian Civil and Administrative Tribunal.



‘Larrakia People haven’t been consulted with. We are the custodians of the Country, and our voices need to be heard.’

Lorraine Williams,  
**Larrakia Traditional Custodian and EJA client**

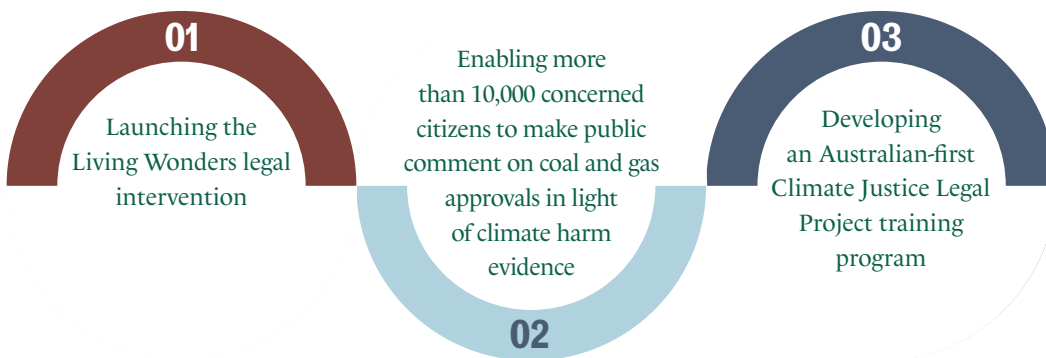
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## CLIMATE

Our vision is for a safe and stable climate, healthier, empowered communities and a legal system that has climate justice as its foundation. That is why EJA is using the law to force governments to act, to transform industries and to ensure that justice for the people most affected is at the centre of solutions.

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## THIS YEAR'S HIGHLIGHTS





‘The fact they [the government] are still approving new fossil fuel projects in the middle of a climate crisis **highlights that they are not in any way committed to effective and science-based climate action.**’

Chris Black,  
EJA Client

## CLIMATE

### THE LIVING WONDERS CLIMATE CASES

Australia's environment ministers have repeatedly failed to take into account the biggest threat of them all: climate change. To address this, our client, the Environment Council of Central Queensland (ECoCeQ), launched the massive Living Wonders climate legal intervention to demand the Minister reconsider the climate impact of 19 coal and gas proposals on matters of national environmental significance.

For the first time in our country's history, the Minister agreed to reconsider coal and gas proposals on climate grounds. This was after our client provided more than 3,000 documents and spreadsheets listing the direct and indirect impacts of climate change on thousands of animal and plant species at risk of extinction.

The evidence was overwhelming, as were the voices of everyday Australians concerned about the coal and gas proposals during the public comment window in November last year. To support the community to participate, our legal team provided guidance to concerned citizens via six live webinars over a three-week period. Our communications team produced extensive online resources for people to navigate the government's difficult-to-use online portal, making it easy to have their say. We estimate that more than 10,000 public submissions were made asking the Minister to listen to the science and act.

The first few dominoes soon fell. Two proponents withdrew their proposals, while the Minister shelved two others and confirmed her rejection of Clive Palmer's Central Queensland Coal proposal on non-climate grounds. However, this was all window-dressing for what was to come.

In May, the Minister made her first three decisions directly engaging with the Living Wonders reconsideration requests, refusing to register the climate impacts of the proposed fossil fuel developments. Our clients sought our advice on the paths available to them. Ultimately, ECoCeQ felt they had no choice but to further their challenge to the Minister and recognise the scientific reality by taking her to court to have the decisions

reviewed. ECoCeQ believe Minister Plibersek has failed in her responsibility to recognise and respond to threats of serious or irreversible environmental damage arising from fossil-fuel-driven climate change.

At the time of writing, we are preparing for the hearing for ECoCeQ's Federal Court challenge to the Minister's assessment of two giant coal projects in NSW – the Mount Pleasant Optimisation coal mine expansion and the Narrabri Underground Mine Stage 3 Extension project. ECoCeQ will argue that the Environment Minister's refusal to accept climate science and what new gas and coal projects mean for the environment across Australia is irrational, illogical and unlawful. Since the cases were filed, the two coal companies pushing for the approval of these projects have also joined the proceedings to defend the Minister's decisions.

If successful, these cases could mean all new coal and gas projects must be properly assessed for their climate risk to our environment. Our client hopes these cases will transform how Australia's Environment Ministers now and into the future assess climate risk – so the climate harm of every new coal mine or gas field can never be ignored again.

**'For all Australians, and our children, we are bringing the fate and future of our Living Wonders before the court.'**

Christine Carlisle,  
**President of the Environment Council of Central Queensland**

### FRONTLINE CLIMATE JUSTICE

The Climate Justice Legal Project (CJLP) is being implemented in partnership with the Federation of Community Legal Centres and the Climate Council. The aim is to train and support community lawyers to identify and address the impacts of climate injustice, as well as to empower clients and communities to advocate for climate justice. This year we have spent significant



*Living Wonders climate cases press conference: EJA climate team with Environment Council of Central Queensland President Christine Carlisle*  
Photography by James Thomas

time building and developing the foundational aspects of the project, including a strength-based climate justice language guide. CJLP is being run as a pilot in Victoria, but state and national community legal centre federations are interested in the findings of the project, with strong potential for the CJLP approach to be replicated nationally. The first advocacy focus of the project is the confluence of extreme heat and public housing, and this will remain the focus for the year ahead. EJA was invited to co-deliver the climate justice masterclass at the 2023 National Community Legal Centres Conference.

**‘As the climate crisis deepens, unless we act decisively to embed justice in all that we do, the lives of communities already facing injustice and oppression will become even harder.’**

Retta Berryman,

**EJA Senior Specialist Lawyer and Climate Lead**

### **ADVANCING CLIMATE LAW AND POLICY**

While Living Wonders and CJLP have been a significant focus this year, the Climate team have also contributed to advancing climate advocacy and law reform for systemic change in a variety of additional areas, including:

- Assisting in the development of a private member’s Bill, which seeks to insert a duty of care for politicians and policymakers to consider the way decisions will impact the future climate for young people and generations to come.
- A submission to the Independent Review of Australian Carbon Credit Units Scheme (the ‘Chubb Review’), highlighting serious concerns around integrity, transparency and governance.

- A submission on ‘Australia’s Methane Reporting Problem’ to the Department of Climate Change, Energy, the Environment and Water’s 2023 National Greenhouse and Energy Reporting Scheme consultation.

Additionally, a submission was made to a Senate Committee on ensuring that the new Labor government’s Climate Change (Consequential Amendments) Act keeps the role of ARENA – the Australian Renewable Energy Agency – climate safe and future focused. The team also continued its previous work as key legal advisors and advocates with a coordinated, multi-organisation coalition working to brief and advocate to political decision-makers, as well as members of the community, to preserve ARENA’s role. These efforts resulted in a legislative amendment to the Australian Renewable Energy Agency Act 2011 (Cth) intended by the Parliament to close a loophole that the previous federal government had been trying to exploit by attempting to reshape ARENA’s role using regulations, to channel its funding into fossil fuel technologies.



SUPREME  
COURT



*Hollie Kerwin* *ÉJA* *Principal Lawyer*  
Photography by James Thomas



## JUSTICE, EQUALITY AND INCLUSION

### EQUITY AND INCLUSION WORKING GROUP

#### Our goals for Equity and Inclusion are:

- Environmental justice for communities that bear the brunt of environmental harms.
- Powerful and diverse community collaborations that tackle injustice and win.
- A legal and political system that is fair and just for all.
- Justice for First Nations communities.
- A workplace that is safe, inclusive and accessible for all.
- A team that learns from mistakes and evolves every day.

#### Some initiatives we undertook this year to help us achieve our Equity and Inclusion goals included:

- Staff training and workshops on Anti-racism, Allyship in the Workplace, Neurodiversity and LGBTQIA+ and Gender Diversity
- Finalising our EJA Inclusive Employment Handbook and Framework for Solidarity Actions
- Developing a draft of a comprehensive Accessibility policy
- Worked to adjust meeting norms at EJA to cater for staff needs
- Continued to share opportunities to learn through EJA's book and film club and quarterly discussions.

### RECONCILIATION ACTION PLAN

We have recently had our latest Innovate Reconciliation Action Plan endorsed by Reconciliation Australia. This is accessible to the public via our website.

#### Building relationships

- EJA appointed two new external members to our RAP Working Group – Brooke Scobie and Clint Lingard.
- Clint has also joined as a Board observer on the EJA Board.
- We continued regular staff workplace giving to Seed Indigenous Youth Climate Network and increased financial support to Seed's climate justice programs as a way of Paying the Rent.
- EJA staff members had the opportunity to hear about the First Peoples' Assembly of Victoria from Treaty for Victoria staff.
- EJA has developed a position of 'Yes and More' towards the Voice referendum and has been engaging with our clients and partners on how we can promote and advance the aims of the Uluru Statement from the Heart.
- EJA worked with two new First Nations clients and continued working with five existing clients.

#### Respect

- Engaged in anti-racism and allyship training for all staff.
- Presented by social justice organisation, Hue, the workshop POC: Power & Resilience was hosted by EJA for staff and other people in the environment movement who identified as Persons of Colour.
- Held a National Reconciliation Week virtual screening of Richard Bell: You Can Go Now for all staff, followed by a reflection and discussion session.

#### Opportunities

- Our first intern through our Aboriginal and Torres Strait Islander Internship program joined us in June 2023. Rita Tomlins joined us from Alice Springs for a week and will complete the rest of her internship remotely during the remainder of 2023.
- We continued to direct as much of our purchases and consulting spend as possible to Aboriginal businesses and individuals (\$28,890 in FY2022-23 in total).

## OUR PEOPLE

### Our board



Lane Crockett,  
**Chair (until June 2023)**

Lane was recently appointed Executive General Manager Commercial at the newly reforming State Electricity Commission of Victoria. Previously he led the development of renewable energy investment funds at Impact Investment Group and Sentient Impact Group. Prior to that, Lane was the Executive General Manager at Pacific Hydro, now known as Pacific Blue. He led the growth of the company to become a clean energy utility with a portfolio of operating wind and hydro power facilities and a growing base of retail electricity customers. He has over 35 years of experience in energy industries in Australia, Asia, the UK and New Zealand and worked in energy regulation and risk management. He has a Bachelor of Mechanical Engineering and a Graduate Diploma in Commercial Law.



Tony Kelly,  
**Acting Chair (since June 2023)**

Tony is a lawyer and CEO of First Nations Legal & 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.



Kate Allsopp,  
**Deputy Chair**

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



Ann-Maree Smith  
**Treasurer**

Ann-Maree is the Company Secretary of Good Shepherd Australia New Zealand. Prior to that she was Chief Financial Officer and Company Secretary of Conservation Volunteers Australia and New Zealand. She has held a number of board and/or executive finance, governance and compliance roles with not-for-profit charitable organisations. Ann-Maree is a Fellow of CPA, a member of the Australian Institute of Company Directors and an associate member of the Governance Institute of Australia.



Arjuna Dibley,  
**Secretary**

Arjuna is a former corporate lawyer and now a researcher who specialises 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.



Elizabeth McMeekin,  
**Secretary (until  
November 2022)**

Libby is an experienced fundraising and direct marketing consultant, working with both not-for-profit and commercial organisations. She was the Grants Manager at the Epworth Medical Foundation. She holds a Bachelor of Arts, a Certificate in Direct Marketing and a Certificate in Fundraising.



Victoria Marles AM,  
**Non-executive Director  
(appointed June 2023)**

Victoria trained as a lawyer and has worked across the private, not-for-profit and public sectors in media/communications and consumer law. Victoria was CEO of Trust for Nature for 13 years, and currently serves as Chair of the Australian Land Conservation Alliance and is a director of Yarra Valley Water Corporation. Victoria has recently finished terms as the chair of the Consumer Action Law Centre, and chair of the Abbotsford Convent Foundation. Victoria has held the positions of CEO of the Legal Services Board (Victoria), Legal Services Commissioner (Victoria), and Deputy Telecommunications Industry Ombudsman and has been a trustee of the Victorian Arts Centre Trust. Victoria brings relevant expertise in the areas of biodiversity conservation and regulation including the development of environmental markets.



Sally Romanes,  
**Non-executive Director**

Sally was a corporate and commercial lawyer; however, she now works on specific projects ranging from the arts to business transactions, in both for-profit and not-for-profit areas. She was a core member of the community group that campaigned successfully to create an arts and cultural precinct at the Abbotsford Convent and was a founding 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).



Clint Lingard,  
**First Nations Board Observer  
(appointed June 2023)**

Clint is a Murri man from far north Queensland, with Ewamian and Kuku-Yalinji ancestry. Clint is a lawyer, solicitor advocate, academic, consultant, artist and writer. Clint has over 20 years of legal experience across a diverse portfolio of roles, including at the Australian Taxation Office, NSW Legal Aid, Victorian Aboriginal Legal Service and Arts Law amongst others. He also has accounting, academic and consulting experience, and has volunteered for many community organisations including Fitzroy Legal Service. Clint is a Board Observer and Reconciliation Action Plan Working Group member.

## OUR PEOPLE

### Our staff



Elizabeth McKinnon  
Co-CEO



Nicola Rivers  
Co-CEO



Thea Lange  
Chief Operating Officer



Hollie Kerwin  
Principal Lawyer



Charley Brumby-Rendell  
Senior Specialist Lawyer, Clean Air  
and Coal Pollution Lead



Ally McAlpine  
Senior Lawyer, Clean Air  
and Coal Pollution



Joy Toose  
Senior Campaigner, Clean Air  
and Coal Pollution



Alycia Gawthorne  
Senior Campaigner, Clean Air  
and Coal Pollution (until August)



Chloe Badcock  
Lawyer, Clean Air and  
Coal Pollution



Jocelyn McGarity  
Lawyer, Clean Air and  
Coal Pollution



Dr Bruce Lindsay  
Senior Specialist Lawyer,  
First Nations and Justice Lead



Semisi Tapueluelu  
Senior lawyer,  
First Nations



Virginia Trescowthick  
Lawyer, Justice



Elke Nicholson  
Lawyer, Justice



Juliet Le Feuvre  
Campaigner, Justice  
(until December)



Jay Peluso  
Community Outreach,  
First Nations (until January)



Ellen Maybery  
Senior Specialist Lawyer  
and Ecosystems Lead



Danya Jacobs  
Special Counsel



Jane Quinlan  
Senior Lawyer,  
Ecosystems



Emily Giblin  
Senior Lawyer,  
Ecosystems (until August)



Natalie Hogan  
Lawyer, Ecosystems



Laura Dreyfus  
Lawyer, Ecosystems



Nicola Silbert  
Lawyer, Ecosystems



Bronya Lipski  
Lawyer, Ecosystems  
(until August)



Luke Chamberlain  
Campaigner and Policy  
Officer, Ecosystems



Retta Berryman  
Senior Specialist Lawyer  
and Climate Lead



Hannah White  
Senior Lawyer, Climate



Brittni Dienhoff  
Lawyer, Climate



Katelyn Jones  
Lawyer, Climate



Sam Moorhead  
Lawyer, Climate



Dr Tessa Fluence  
Communications  
Manager



Greer Allen  
Development Manager



Ashley Bulgarelli  
Grants Officer



Emer Diviney  
Fundraising Specialist  
(until October)



Sam Sweeney  
Digital Campaigner



Rachael Szumski  
Digital Engagement  
Coordinator



Jem Wilson  
Media and Communications  
Coordinator



Kathryn Lewis  
Media Advisor  
(until March)



Olivia Sasse  
Paralegal (until June)



Shannon McGrellis  
Paralegal



Kathryn Hannan  
Paralegal



Deepa Subbian  
Database Administrator  
(until July)



Mandy Johnson  
Operations Specialist



Hong Vu  
Office Administrator



Ling Toong  
Office Assistant



Aaron Goldberg  
ICT Project Officer

## OUR PEOPLE

### STRONGER TOGETHER

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 2022–23 financial year and acknowledge all those who choose to remain anonymous.

AET Foundation – the Coalition (Solutions)	Brian Snape AM	Melliodora Fund, sub-fund of Australian Communities Foundation	The Bowden Marstan Foundation
Albert & Barbara Tucker Foundation	Capricorn Foundation	Naylor Stewart Foundation	The Fox family
Australian Communities Foundation	Groundswell Giving	No Maccas in Tecoma	The Myer Foundation
Australian Ethical Foundation	Isaacson Davis Foundation	Patagonia	TREE – The Regenerative Empowering Earth Fund
Australian Philanthropic Services Foundation	Kaplan-Dascalu Regenerative Fund	Perpetual Foundation – Jenny and Michael’s Sharing Hope Endowment	Tripple
BB&A Miller Foundation	Katherine Barraclough and Ashu Jhamb	Philip and Jenny Henty	Vermilion Foundation
Bluesand Foundation	Keuneman Foundation	PMF Foundation	Victoria Legal Aid
Bob and Bronwyn Baird	Lenko Family Sub-fund	Sally Romanes	Wartook Foundation
Bonnie Gelman	Lord Mayor’s Charitable Foundation	SM Robinson PAF	
	McKinnon Family Foundation	Spinifex	

### 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, advocating 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.

You can leave a gift in your Will by simply adding the following words when you next review your Will.


The wording below is a guide for your solicitor or trustee:

‘I give to Environment Justice Australia (ABN: 74 052 124 375) of Suite 3-01, 60 Leicester Street, 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.



**Together we can  
build a legal system  
with environmental  
justice at its heart**

SAVE  
LEE  POINT



We work in partnership with community and other organisations **because we are stronger together.**



## PRO BONO AND IN-KIND 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.

Matthew Albert	Kathleen Foley SC	Chris Kaias	Maya Narayan	Geoffrey Watson SC
Serena Armstrong	Juliet Forsyth	Russell Kennedy	Emrys Nekvapil SC	Rupert Watters
Glyn Ayres	Daye Gang	King & Wood Mallesons	Norton Rose Fulbright Australia	Dr Kylie Weston-Scheuber Wotton + Kearney
Jamie Blaker	Tim Goodwin	Richard Knowles KC	Emily Porter SC	
Katharine Brown	Frances Gordon KC	Jonathan Korman	Sarah Pritchard SC	
Gregory Buchhorn	Alexandra Guild	Lander & Rogers	Shawn Rajanayagam	
Daniel Cash	Jim Hartley	Christopher Lum	Dr Laura Schuijers	
Adam Chernock	Perry Herzfeld SC	Daniel McCredden	Raelene Sharp SC	
CIE Legal	Laura Hilly	Ronald Merkel KC	Brendan Sydes	
Patrick Coleridge	Michael Hodge KC	Tessa Meyrick	Diana Tang	
First Nations Legal & Research Services	Veronica Holt	Colette Mintz	Julia Wang	
	James Hutton SC	Sophie Molyneux		

We would also like to thank SkyDiscovery for their ongoing pro bono assistance on our complex litigation matters over several years, as well as CJLP partners the Climate Council and the Federation of Community Legal Centres.

## 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.

Thomas Bailey	Yoon Kim	Thea Shields
Merryn Cagney	Tanmay Kulkarni	Liv Swift
Ho Wang Chan	Nick May	Ji Yong Teo
Nick Cheek	Sean O'Beirne	Shambhavi Thakur
Maya Cook	Dana Pjanic	Rita Tomlins
Emily Dong	Isabelle Powell	Anara Watson
Rachelle Douglas	Celia Pratt	Evelyn Zhang
Sadie Fitton	Lillie Priede	
Simone Gagatam	Baneen Saberi	
Tess Gladding	Katherine Sasser	
Richard Goodlad	Nithya Sathyamurthy	
Ruby Issell	Sarah Jayne Saunders	



## VOLUNTEER STORIES

Volunteers and interns make a valuable contribution to our work, undertaking legal research, assisting on cases and helping with administration. We aim to support legal student volunteers and interns to gain experience in public interest environmental law. Here are some of their experiences:



Tanmay Kulkarni  
**Volunteer**

I wanted to make a positive impact in the environmental justice space, having always possessed a strong passion for addressing environmental and social issues. I felt that EJA was the ideal place to do this considering their involvement in key cases such as WOTCH v VicForests.

My favourite part of the role was working with the EJA team. Everyone in the organisation is so friendly and approachable. I learned so much about what it takes to be a good lawyer from them.

Environmental justice means the fair distribution of benefits and burdens across society and the environment. It includes implementing fair processes to ensure that all peoples and species are recognised and respected.



Ruby Issell  
**Volunteer**

I felt that volunteering at EJA would be a fantastic opportunity to combine my passion for the environment and the law and gain professional experience in an area I would love to pursue. I value the way EJA prides itself on using legal action to empower communities to safeguard the environment.

I have been volunteering in the Ecosystems team and have thoroughly enjoyed the diversity of work and have particularly enjoyed matters in the Northern Territory. I was also thrilled to be volunteering at EJA when the Victorian government announced the end of native logging.

To me, environmental justice is heavily interrelated with social justice, as often those most vulnerable are most susceptible to the impacts of climate change. Environmental justice is also about taking holistic and collaborative action to sustain the environment and natural world for the generations to come.

‘...a fantastic opportunity to combine my passion for the environment and the law...’





*Pre-dawn light at Uluru-Kata Tjuta National Park*  
Photography by Simon Bradfield

## EJA AWARDS

Each year we give out three awards to outstanding people or groups who have gone above and beyond in their environmental justice work.

Our winners for 2022/23 are:



Future Sooner  
**The Environmental Justice Award**

Future Sooner is a grassroots Lake Macquarie (NSW) based group that formed due to air pollution concerns stemming from the Vales Point coal-fired power station.

Their members represent the collective concerns of the many communities that breathe toxic air in the region. Future Sooner have worked with us on many air pollution actions, including by writing numerous submissions calling for the better regulation of coal-fired power stations. They have secured a meeting with the United Nations Special Rapporteur on Toxics, drawing global attention to air pollution concerns. Future Sooner are courageous and unyielding, and we acknowledge their wonderful partnership and ferocious desire for clean air.



Dana Pjanic  
**Volunteer award**

Dana volunteered during Semester 2, 2022, and returned again in 2023.

She was reliable, helpful and even came in extra days to help the Justice team undertake laborious yet necessary research. Dana's work across the Justice and Coal teams was vitally important, and we are grateful for everything that she contributed to both teams and to life at EJA.



Maya Narayan  
**Pro bono award**

Maya has been an invaluable Counsel member on the Living Wonders team since the inception of this work.

Everyone who has worked with Maya has felt so lucky to have her on the team. Maya is incredibly intelligent and applies a careful, considered and critical lens to all decision-making points. Maya has shown an unbelievable amount of commitment, being generous with her time, often working long hours on the matter to ensure the best arguments are put forward and always being open and available to questions. The matter would not be where it is without her wisdom, skill and generosity.

## EJA AWARDS

Our previous winners for 2021/22 were:



Youth team in the Climate Change United Nations complaint:  
Leila Mangos, Ethan Lyons, Shylicia McKiernan, Chris Black, Adrien Edward  
**The Environmental Justice Award**

In October 2021, these five young people lodged a trio of human rights complaints with the United Nations over the Australian government's failure to act to meaningfully to cut greenhouse gas emissions by 2030. They showed so much courage in submitting the complaint and being brave enough to tell their stories and share their hopes for a safe future with the world. All with the aim of making the future a better place. All with incredible maturity.



Thea Shields  
**Volunteer award**

Thea undertook two semesters of volunteering with us. Thea also stepped in to help us out when we were urgently putting together the evidence for our Living Wonders matter. Thea was always enthusiastic about any task – on one occasion she tracked down a government report from over 20 years ago which only seemed to be held in the Werribee government library! Thank you, Thea!



The WOTCH counsel team: Richard Knowles KC, Kathleen Foley SC, Colette Mintz and Shawn Rajanayagam  
**Pro bono award**

We could not have run our WOTCH case without these amazing barristers contributing thousands of hours. There were huge amounts of expert evidence and 15 witnesses over the three-and-a-half-week trial in March 2022. On top of that there were countless twists and turns including injunctions, standing disputes and many other skirmishes. These resulted in rulings that have themselves already set important precedents that are useful and cited in other environment cases. Their work on that case also procured the undertaking from VicForests which prohibited logging in the entire unburnt Errinundra/Bendoc region – protecting thousands of hectares of incredibly important climate refugia habitat for Greater Gliders and many other species.



**The law is a powerful lever to disrupt the status quo, change the overarching systems driving destruction — and create a fairer future for people and nature.**

## FINANCIAL PERFORMANCE

### Summary

In 2022/23, Environmental Justice Australia achieved a surplus of \$2,431,785. This was well above the surplus in the previous 2021–22 financial year, including for the following reasons:

- We received a generous \$2 million gift. Of this, \$1.2 million was allocated to core and program funding over three years and \$800,000 invested in EJA's Future Fund. This allocation of funds to future years leaves a large surplus in the 2022/23 financial year but will strengthen future sustainability.
- We achieved Future Fund earnings of \$45,127 and interest income of \$41,016.
- We received \$620,180 in legal fees pursuant to a Federal Court order in one of our cases. This is one-off extraordinary income for the 2022/23 financial year, which EJA put towards replenishing reserves and investing in various core parts of our work over the next three years.

### FUTURE FUND

In 2021/22, EJA was supported by a generous donor to establish an endowment fund to ensure the long-term financial sustainability and independence of EJA. One of the aims of the Future Fund is to provide an annual distribution to EJA to cover core operating costs and help seed new or urgent legal actions as they arise.

The Future Fund is governed by the Reserves and Investments Policy and is overseen by a committee made up of EJA Board members. The Future Fund endeavours to invest in organisations and products that align with EJA's values and adhere to our ethical investment overlay. Investment types are also chosen to balance ethical considerations and financial returns to the Future Fund. Donations to the Future Funds are tax-deductible.

### GENERAL STATEMENT ON FINANCIALS

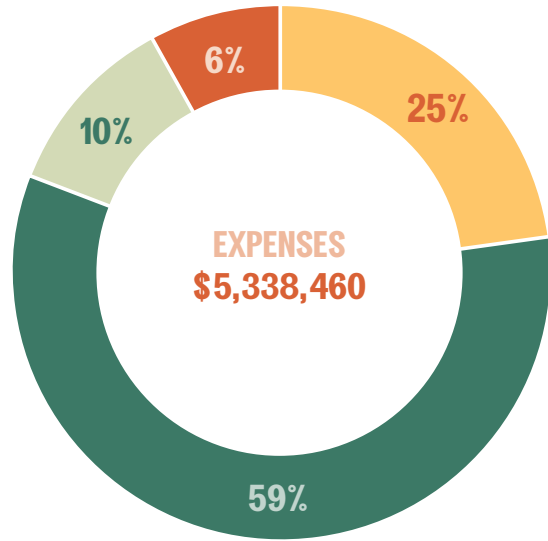
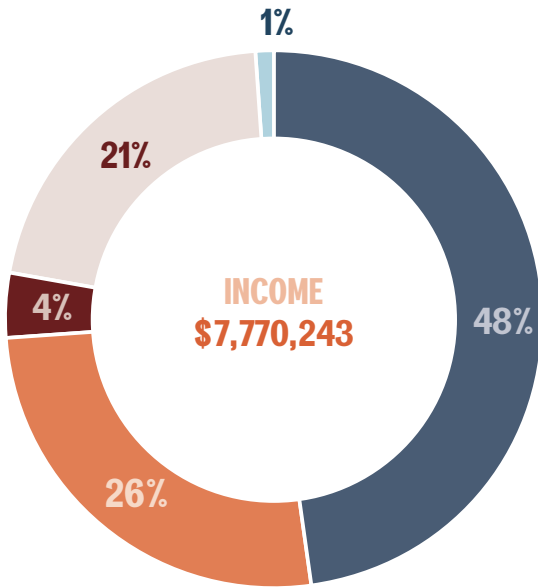
EJA expanded its staff team over the year to align with the ambitions of our strategic plan, which saw salaries increase by 38%, bringing full time equivalent staff to 33.5. Due to the growing breadth of our work, there were subsequent increased spends in IT, legal practice costs and expert consultants.

Grants income increased to \$2.0 million, primarily driven by the strengthening of two major partnerships, and investment in capacity with a new Grants Officer position bringing in new grants to meet the growing needs of the team.

Donations significantly exceeded previous years with the total number of donations increasing by 17%, from 5,344 donations last financial year to 6,275 donations this financial year, and with donation income growing 63% to \$3.7 million (including the Future Fund).

State government funding through Victoria Legal Aid remained steady.





- Donations
- Grants
- Government
- Legal Service Fees & Disbursements
- Membership & Other Income

- Legal Programs
- Operations & Management
- Campaigns & Communications
- Fundraising



**We believe public  
interest environmental  
lawyering will become  
even more important  
as the climate crisis  
deepens.**

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**Because this is about all of us**  
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