



Using the law to create
a better world

Acknowledgement of Country

We acknowledge the Wurundjeri, Bunurong, Wathaurong, Taungurung, Dja Dja Wurrang, Gadigal, Awabakal, Worimi, Larrakia, Dagoman, Wardaman and Jawoyn peoples, the Traditional Owners of the lands on which our team works and lives.

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 peoples.

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

Because this is about all of 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 your race, ethnicity, or nationality, where you live, or how much you earn.





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, today and tomorrow.

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This year has brought the need for environmental justice – and the consequences of its absence – **into sharp focus.**

A MESSAGE FROM OUR CHAIR AND CO-CEOS
The future is not yet written. We are writing it together.



Elizabeth McKinnon
Co-CEO



Nicola Rivers
Co-CEO



Lane Crockett
Chair

This year, expecting the unexpected started to feel normal. Together, we have weathered another year of disruption and plot twists. Another year of communities doing extraordinary things to take care of each other and their cherished corners of our ecosystem. A year of social movements growing and intersecting. A year that has brought the need for justice – and the consequences of its absence – into sharp focus.

This year marked the first year of EJA’s new strategic plan, building our team capacity and supporting an even stronger focus on justice. We have welcomed new staff members and now provide committed legal support to clients in Victoria, the Northern Territory, Queensland, and New South Wales. Our expanded climate team has been able to launch a massive national legal intervention for Australia’s Living Wonders while also twice defeating the federal government’s attempts to funnel public funds to fossil fuel projects through Australia’s dedicated renewable energy fund. Our Clean Air team also launched litigation against the Victorian Environment Protection Authority and the three largest coal-fired power stations in Victoria.

We were also thrilled to launch two new projects focusing on justice for communities hit hardest by environmental harms and climate impacts. In partnership with the Federation of Community Legal Centres and the Climate Council, we launched the Climate Justice Legal Project to help lawyers and communities better identify climate justice issues. What initially look like an isolated legal issue – such as a credit, housing, or debt matter – is often a symptom of climate disruption. The project seeks to identify and address these impacts of climate injustice and make legal and policy responses equitable, fair, and inclusive.

We have also expanded our investment in First Nations justice, to provide legal support for First Nations communities fighting for Country and return legal rights over its management. To support this work, we secured funding for two First Nations staff members to build relationships with new clients and support their legal matters.

With an ambitious focus on our impact over the next few years, we are dedicated to taking on the big fights in the future. With the help of two generous supporters, we have set up a Future Fund, to ensure EJA’s long-term financial sustainability and independence, as well as having funds to draw on when new threats or urgent legal actions arise. We believe public interest environmental lawyering will become even more important as the climate crisis deepens.

We are so proud of our team and how our Co-CEO leadership model can support them. We have also supported other women and organisations to put a similar model in place, promoting flexible working and a pathway for women to take on executive roles.

We have huge ambitions and assembled a talented and bold team to deliver our goals. Environmental justice unites us and helps articulate the kind of society we all want to live in.

As we all roll up our sleeves, adapt to large-scale disruption and get to work building a better world, the law has never been a more crucial tool to keep environmental justice front and centre.

To everyone who worked alongside us, partnered with us, and supported us this year, thank you. We look forward to continuing to build on our progress.

Together we can rebuild our legal system, so it has environmental justice at its core.

Elizabeth McKinnon and Nicola Rivers, **Co-CEOs**
Lane Crockett, **Chair**

HOW WE WORK

Environmental justice is the sustainable management, protection, and regeneration of air, water, forests, lands, and vital ecosystems to benefit all people for the long term. This looks like healthier, empowered communities, thriving ecosystems, access to justice, and First Nations people being legally recognised for their vital role in protecting Country.

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.



OUR VISION

A legal system that delivers environmental justice for communities and protects and regenerates nature. An Australia where First Nations people lead and are recognised for their vital role in protecting Country. Where communities right across Australia are empowered to participate in decision-making and have access to justice. Where our laws, policies and institutions enable people and nature to thrive, today and tomorrow.



30 years using the law for environmental justice

OUR VALUES

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

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.

Ambition

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

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 are living
in a climate
& extinction
crisis, but
**the impact of
environmental
harm is not
felt evenly.**



HOW WE DELIVER ENVIRONMENTAL JUSTICE

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

Instead, it 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.

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 the judicial system respects, and values and enforces the rights of all people and all living things.

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: We use the law to regenerate and protect critical habitat and ecosystems to stem the extinction crisis.

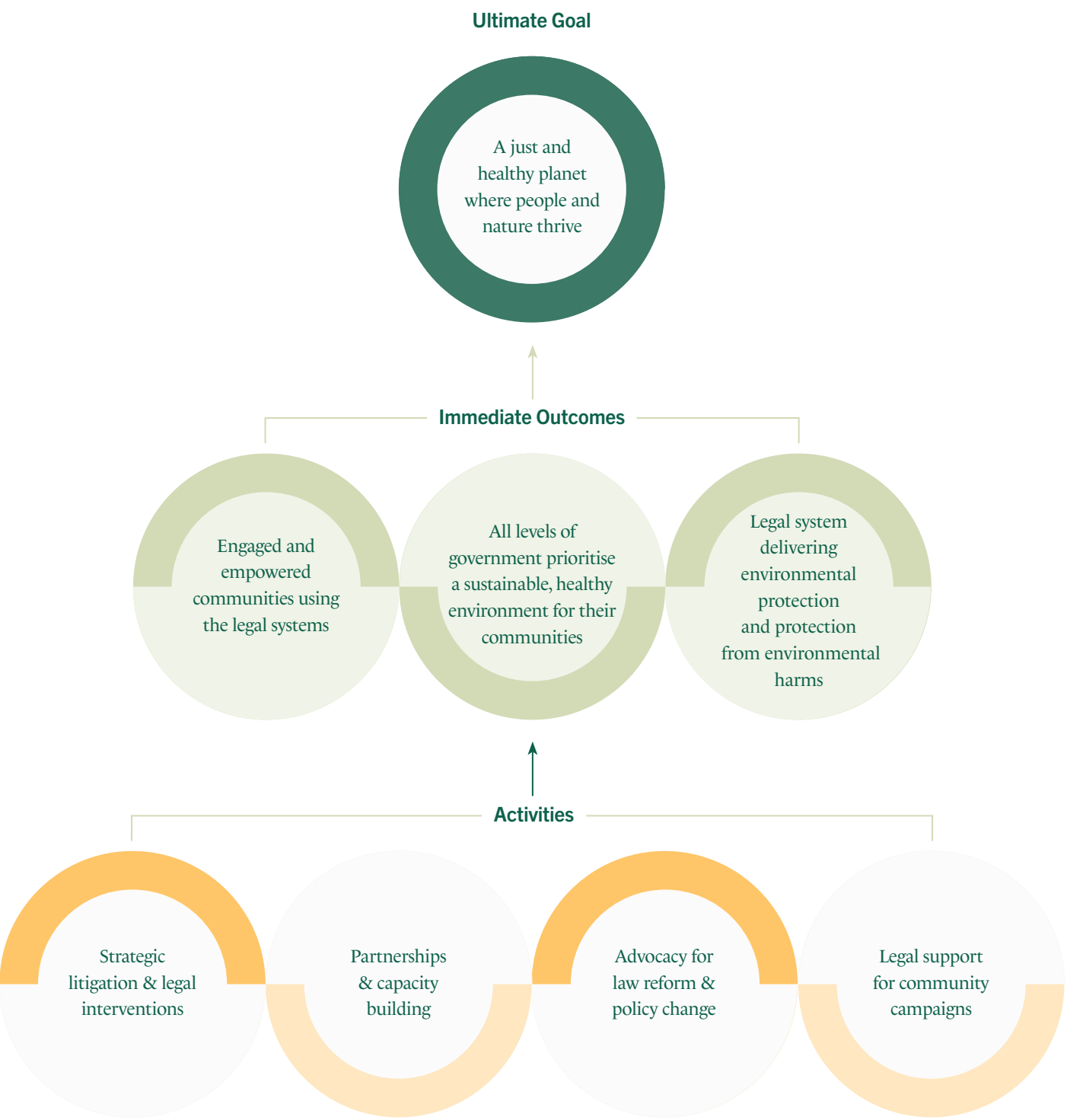
Climate: We litigate and advocate for a fast and fair transition to clean energy for a safe climate.

Justice: We seek environmental justice for First Nations people fighting for Country and marginalised communities experiencing environmental harm.

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



We believe the law is powerful tool to create **solutions that work for all of us,** not just some of us.



THRIVING ECOSYSTEMS

We share this continent with some of the most extraordinary animals, plants, and ecosystems on the planet.

These ecosystems underpin all our lives. We depend on them for the food we eat, the water we drink, our livelihoods, our health, and happiness.

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

THIS YEAR’S HIGHLIGHTS

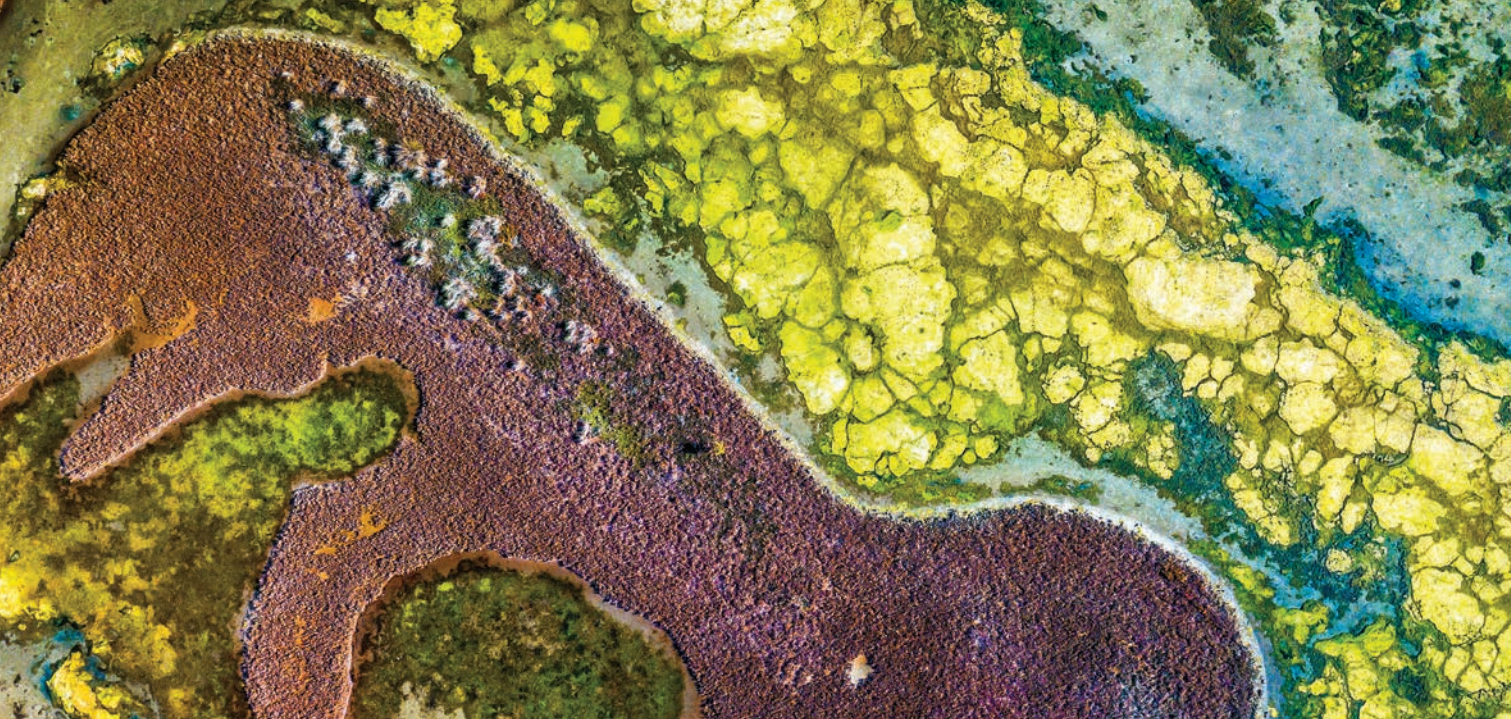


If current management approaches are maintained – what might be described as sleepwalking into ecosystem collapse – the outcome will be a far more impoverished & far less biologically diverse place.

Ellen Maybery,
EJA Senior Specialist Lawyer and Ecosystems Lead



THRIVING ECOSYSTEMS



PROTECTING UNBURNT FOREST HABITAT

Representing Wildlife of the Central Highlands (WOTCH), our bushfires case entered its third year. This was the first court case seeking to protect threatened species from logging in the wake of the Black Summer bushfires. Since then, injunctions secured by our client have prevented VicForests from logging large areas of unburnt forest habitat of the endangered Greater Glider and threatened Sooty Owl, Powerful Owl, and Smoky Mouse.

The team completed a mammoth three-week trial in March, with WOTCH presenting a huge amount of lay evidence from many nights spent in the forest surveying. We also presented in-depth expert scientific evidence detailing the impact of logging and the fires on threatened species at risk of extinction, what protections are required to address this threat, and evidence from a forensic accountant on financial impacts. Having this evidence now on the public record is an important step towards transparency of the unsustainability of native forest logging.

WOTCH are seeking final orders in the case that would prohibit logging in certain areas altogether, including Errinundra Plateau and other fire refuges, and require stronger protections in other areas. The final decision on whether to grant those orders is yet to come. During this time, all 43 of the forest areas under injunctions and court orders in this case will remain safe from logging.

I think the Victorian public would be horrified to hear that our government-owned logging agency is continuing to clear-fell log the habitat of threatened species given the scale and severity of the recent bushfires in Eastern Victoria.

Jake McKenzie,
WOTCH Citizen Scientist and EJA client

OPPOSING ANTI-PROTEST LAWS

In May, the Victorian government introduced a Bill to make harsh changes to the *Sustainable Forests (Timber) Act 2004*, including seeking to impose fines of up to \$21,000 or 12 months in jail for people protesting logging in native forests. The amendments threatened citizen scientists monitoring logging and searching for endangered wildlife in forests under imminent threat from logging.

EJA joined 67 environmental, human rights, climate, and local community organisations to oppose the Bill. Together with campaign partners, we penned an open letter to the government, launched a petition that was signed by over 3,700 people, briefed media, and advocated to members of parliament. Four unions also wrote to the government to oppose the Bill, citing the climate crisis and the importance in a democracy of the right to protest. But despite this groundswell of opposition, the Bill was passed into law, and is due to come into effect in May 2023.

EJA will continue to support forest protectors, activists and citizen scientists who are charged with these offences, providing legal representation in court, challenging infringement notices, and delivering legal education.

In the wake of devastating bushfires... legitimate political expression is more important now than ever.

Natalie Hogan,
EJA Ecosystems Lawyer

LEGAL SUPPORT FOR THE NORTHERN TERRITORY SAVANNAH WOODLANDS

This year we recruited a new lawyer based in the Northern Territory to build local partnerships to help curb the collapse of the region’s unique savannah woodlands. Covering much of the northern half of the Territory, this ecosystem is home

to numerous endangered species and is an important carbon sink. Its health directly affects the quality of local waterways. Immediate threats are from heavy industry, mining, and pastoral land clearing for irrigated crops like cotton.

We have built relationships with local community groups and are working on several land clearing matters to increase legal scrutiny of land clearing applications on pastoral lands. At the time of writing, we are acting for Environment Centre NT (ECNT) seeking federal government intervention on a proposed development risking the population of the endangered Gouldian Finch. These actions and relationships provide solid grounding for potential new legal strategies and community partnerships to run coordinated legal campaigns for this unique and threatened ecosystem and to ensure greater protection for biodiversity in the beautiful Northern Territory.

POSSUMS CASE CLOSES

This year, our possums case, representing Friends of Leadbeater’s Possum, ended. This case began in 2017 to stop VicForests from logging vital forest habitats for the threatened Greater Glider and endangered Leadbeater’s Possum. We celebrated a landmark win in the Federal Court but then faced an appeal from VicForests shortly after. The Court rejected all but one ground of appeal. Our client sought leave to appeal to the High Court on this single point of law. Unfortunately, leave was not granted, and the case was finalised in December.

Despite this, the case has had considerable impact on the ground in the forest, and on understanding logging impacts and shortcomings of our national environment laws. The case led to national retailer, Bunnings, banning the sale of native timber produced by VicForests. As almost all key findings in the original judgment stand, and were confirmed on appeal, we created important precedents, at both the state and federal level, which have already been applied in other litigation to protect forests across Australia.

ADVOCATING FOR THE HEALTH OF KEY WATERWAYS

This year the Victorian government started preparing a new Sustainable Water Strategy (SWS) for southern Victoria to set the framework for water management for the next decade. To ensure the community had a strong say EJA helped coordinate local environmental groups to advocate for improved water security for communities and local ecosystems. This Concerned Waterways Alliance aims to influence this important policy-setting tool and ran consultations to build a coordinated community voice. Now the opportunity exists to achieve the strongest possible strategy to benefit the environment and communities.

We also continued to provide legal advice to, and develop legal interventions on behalf of, clients to protect critical ecosystems of the Gippsland Lakes and the Murray River floodplain, including by supporting Gippsland Environment Group to call out the unlawfulness of dredging at Lakes Entrance.

We need to move away from the ‘magic pudding’ approach to water management and acknowledge the parlous state of our rivers.

Andrew Kelly,
Waterways Network Convenor and EJA client

Our clients deserve a government that is dedicated to securing a safe future, **where people and nature can thrive in a stable climate, for generations to come.**

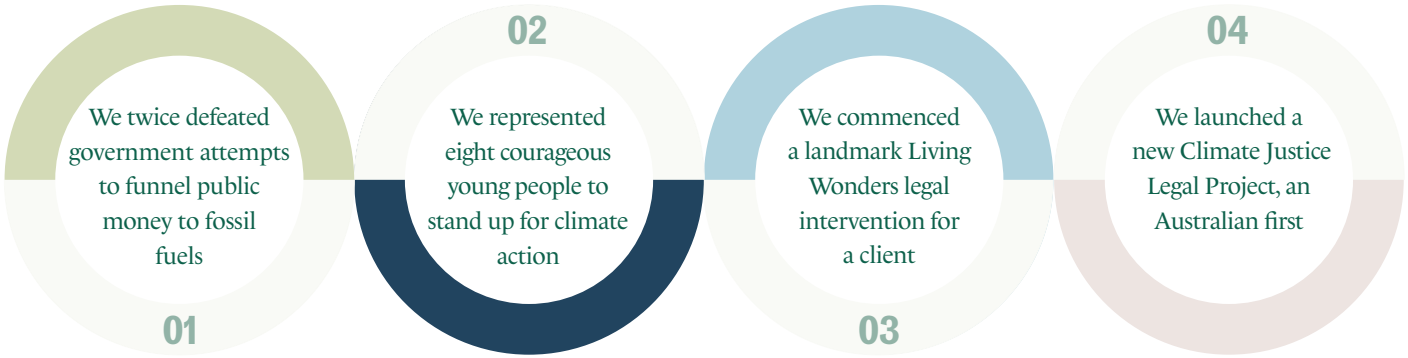
Brittni Dienhoff,
EJA Climate Lawyer

CLIMATE JUSTICE

We all need clean air and water, nourishing food, and secure livelihoods. Our homes should be safe and on stable ground. The ecosystems we are part of should be vibrant and healthy.

That is why EJA is using the law to force governments to act, to transform industries, and ensure justice for the people most affected is at the centre of solutions.

THIS YEAR’S HIGHLIGHTS



Opposite page: Bleached coral at Heron Island, Photo by The Ocean Agency / XL Catlin Seaview Survey / Richard Vevers

CLIMATE JUSTICE



CHALLENGING THE FEDERAL GOVERNMENT'S PUSH TO FUND FOSSIL FUEL TECHNOLOGIES

After EJA and our partners defeated an attempt last year, the Morrison government made second and third attempts to repurpose Australia's dedicated public renewable energy funder, the Australian Renewable Energy Agency (ARENA), to fund fossil fuel and other non-renewables projects. Legal advice sought by EJA showed that federal government's push to invest public money into fossil fuels and non-renewable technologies could be illegal and open to serious legal challenge.

EJA joined other legal organisations, climate and environmental advocates, as well as peak representatives of the renewable energy industry, to challenge the proposal. This advocacy informed a Liberal-led Senate Committee to urge the government to abandon the changes and persuaded senators on both sides of politics to disallow the proposed regulatory changes. The third attempt by the Morrison government was later repealed in the new Parliament.

REPRESENTING YOUNG PEOPLE AT THE UNITED NATIONS

Ahead of COP26, we sent three human rights complaints to the United Nations (UN) Special Rapporteur on Human Rights and the Environment, Special Rapporteur on the rights of Indigenous peoples, and Special Rapporteur on the rights of persons with disabilities, on behalf of five young Australians. The complaint highlighted the climate vulnerability of young people, First Nations people, and people with disabilities, as climate change exacerbates existing inequalities and directly undermines their health and cultural rights.

Our clients made the case that the Morrison government's globally criticised 2030 emissions reduction target fails to uphold the human rights of every young Australian. At the time of writing, we await next steps from the UN Special Rapporteurs.

I am standing up to protect my Country, culture and community to ensure every First Nations person has access to a safe future.

Ethan Lyons,
Wiradjuri teenager and EJA client

PROTECTING THE GREAT BARRIER REEF

We represented 17 year-old Ava Shearer in opposing Clive Palmer's proposed Central Queensland Coal mine because of the impact it would have on the Great Barrier Reef. At the time, Ava worked as a snorkeling instructor living in Port Douglas and was deeply concerned about the new coal mine. At the time of writing, the Environment Minister announced she intended to refuse the mine's development application. Our client's opposition was among the groundswell of opposition informing her refusal due to its impact on the Great Barrier Reef.

The team also escalated a legal request to revoke the Adani mine approval on behalf of two young women from Queensland, Brooklyn O'Hearn and Claire Galvin. This follows the expert evidence and strong legal grounds provided to the federal Environment Minister in 2020 to revoke approval of Adani's controversial coal mine on the basis that its contribution to climate change and the resulting impact on the Great Barrier Reef was not assessed when the mine was approved. To date, the government has not provided a final response to the legal complaint.

THE CLIMATE JUSTICE LEGAL PROJECT

This year we launched a new justice program to build the capacity of community lawyers to support people on the frontline of climate harms. Lawyers in community legal centres work every day with people who are more likely to experience climate harm because of where they live, their mental or

physical health and how resilient their houses are to extreme weather. When people seek help at a community legal centre, what initially looks like an isolated legal issue – such as a credit, housing, or debt matter – can often miss the connection with climate change as a driver of their situation. Katelyn Jones, our Climate Justice Legal Project Lawyer, said the project “shines a light on the connection between climate change and social inequality, working with people and communities disproportionately impacted by the climate crisis to amplify their voices and take action.”

The Climate Justice Legal Project is the first of its kind in Australia and works in partnership with the Federation of Community Legal Centres and the Climate Council to train and support community lawyers to identify and address the impacts of climate injustice as well as act in the courts. By identifying trends from community legal centre cases, people's lived experiences can inform potential climate litigation to force change, and in turn, shape legal and policy reform.

We all deserve to have a say in issues that impact us.

Katelyn Jones,
EJA Climate Justice Legal Project Lawyer

DEVELOPING A LANDMARK LEGAL INTERVENTION

The team also spent a significant part of this year preparing a novel, far-reaching climate legal intervention to address a major flaw in our federal environment law for a brave Central Queensland client. To date, Australia's environment ministers have failed to account for climate change when assessing and approving new developments. Under a rarely used section of the Environment Protection and Biodiversity Conservation (EPBC) Act, we represented the Environment Council of Central Queensland to submit reconsideration requests on 19 new coal

and gas proposals awaiting federal approval. This 'Living Wonders' legal intervention aims to radically reshape how Australia's environmental law accounts for the climate impacts of proposed developments across the country.

These requests were supported by an enormous bank of the best, most up-to-date scientific and expert evidence, which sets out with excruciating clarity the climate risk from these fossil fuel proposals to several thousand matters of national environmental significance. We made most of this evidence available to the public via www.livingwonders.org.au along with stories and opportunities for people to act in support of climate action. At the time of writing, we await the Minister's response of our client's requests.

This is about all of it... all the natural wonders we want our children and their children to know and love.

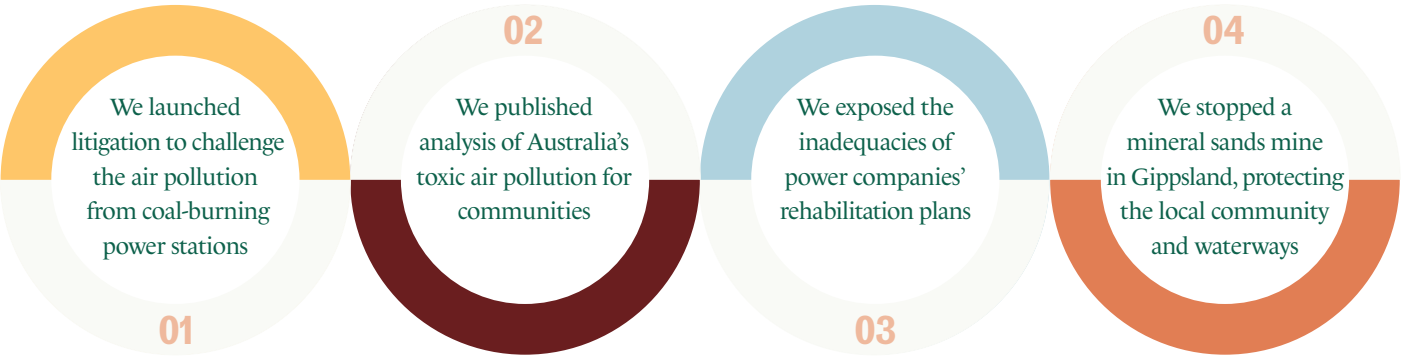
Christine Carlisle,
President of the Environment Council of Central Queensland and EJA client

HEALTHY COMMUNITIES

Whether we live in the bush, the suburbs or in the middle of a city, all of us want clean air and water, a healthy environment, and a safe future for our kids. We should all be able to be involved in decision-making about what is best for the communities we are a part of.

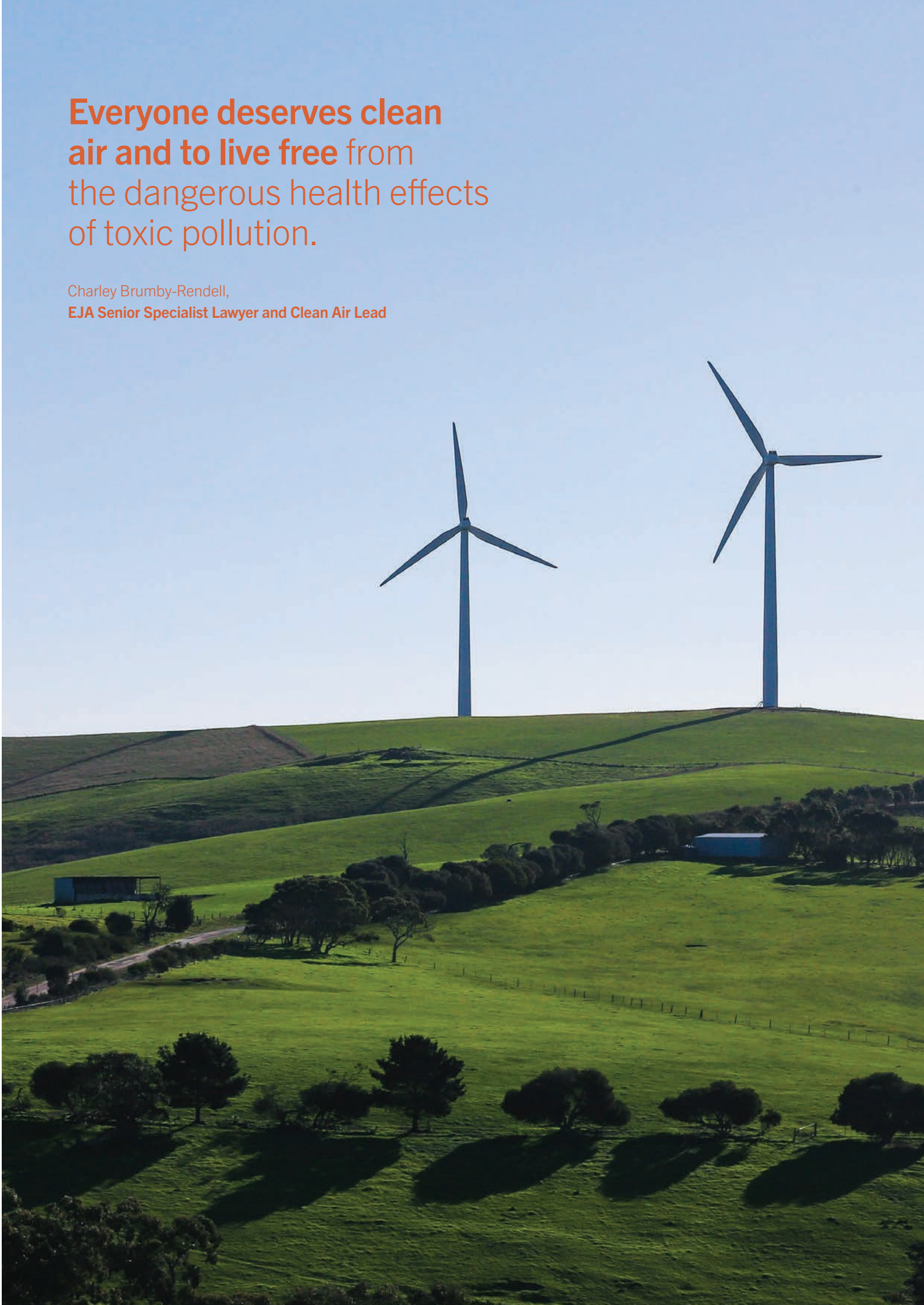
That is why we are working with communities to advocate and litigate for real pollution controls and to protect their regions from destructive industries.

THIS YEAR’S HIGHLIGHTS



Everyone deserves clean air and to live free from the dangerous health effects of toxic pollution.

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



HEALTHY COMMUNITIES

TAKING AUSTRALIA’S LARGEST POWER STATIONS TO COURT

Acting on behalf of the local community, our client Environment Victoria launched litigation to challenge Victoria’s Environmental Protection Agency’s (Victorian EPA) recent decision to grant licences allowing three coal-burning power stations in the Latrobe Valley to continue releasing harmful and dangerous levels of pollution. The case is arguing that the Victorian EPA, Victoria’s pollution watchdog, is failing to protect the community and environment from coal pollution. The owners of three of the largest power stations in Australia are also named as defendants in the case.

This landmark case will be the first test of 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. If the case is successful, it could lead to much stronger pollution limits on power stations and reduce the toxic health burden that coal-burning power stations have on our communities. It could also set vital legal precedents that have long-lasting impacts.

We’re putting the matter before a judge to decide.

Jono La Nauze,
CEO of Environment Victoria and EJA client

NATIONAL POLLUTANT INVENTORY

In April, we analysed the National Pollutant Inventory data and found alarmingly high rates of toxic air pollution from coal-fired power stations across NSW and Victoria. Every year, EJA undertakes this vital analysis to ensure the community has better access to information about pollution to hold government and industries accountable.

We found that shockingly, despite several power stations decreasing their energy generation, many reported significant increases in toxic pollutants harmful to health. Substances like sulfur dioxide, fine particles (PM2.5), and mercury have significant, cumulative, and irreversible effects on the environment and human health. We met with the political advisors of both the NSW Environment and the Health ministers to discuss the data and relay the community’s call for an investigation into what may have given rise to the reported pollution increases.

There is no safe level of exposure to air pollution.

Jocelyn McGarity,
EJA Clean Air Lawyer

HAZELWOOD MINE REHABILITATION

As coal mines and power stations close, EJA has been working with local communities to ensure the companies that ran them rehabilitate the sites, ensuring they are safe and stable, before they leave. EJA has been working with the Latrobe Valley community since the closure of the Hazelwood Mine, scrutinising Engie’s plans to flood the former Hazelwood mine pit, turning it into an artificial lake using natural water sources including groundwater.

Engie’s proposal would put the already stressed Latrobe River system and surrounding ecosystems under threat. We provided legal support for the community to successfully call for an Environmental Effects Statement (EES). Our legal team provided the Latrobe Valley community with expert analysis exposing serious flaws in Engie’s proposal and supported the community to engage in the government processes that will shape rehabilitation outcomes at the Latrobe Valley mines for years to come.



The operators that profited must be held accountable for cleaning up their mess.

Chloe Badcock,
EJA Clean Air Lawyer

CALLING FOR BEST AIR POLLUTION LAWS

When the NSW EPA announced reform to Clean Air Regulation, our Clean Air lawyers hosted an online seminar and provided guidance to the local community to make submissions. As a result, the community went on to have their say on managing air quality in NSW and controlling air pollution. EJA made a submission on the draft laws calling for air pollution to be reduced, for coal-fired power stations to have more stringent air pollution standards imposed on them, and for exemptions for coal-fired power stations to be scrapped. This built on the community campaign throughout 2021 to stop Delta Electricity’s Vales Point Power Station from being granted an exemption by the EPA.

Despite over 1800 objections from the community and from groups such as the Nature Conservation Council of NSW, Doctors for the Environment Australia, and Healthy Futures, the EPA in December gave Delta another 5 year exemption from stricter pollution standards. On behalf of our clients the Nature Conservation Council of NSW and the Australian Conservation Foundation, we have raised questions about the lawfulness of the EPA’s decision, and we continue to work with the community on this matter.

MAKING LEGAL PROVISIONS WORK FOR THE COMMUNITY

Our team has delivered a series of workshops to the community outlining opportunities to use the new *Environment Protection Act 2017* (Vic) to protect human health.

Key changes to these pollution laws, were the result of an EJA led community campaign, and now give the community rights to challenge anyone putting them at risk of harm from waste or pollution as well as the right to challenge polluters if the issue is in the public interest. We have provided these workshops to communities impacted by chemical waste and groups concerned about their local waterways. The legislation also gives communities a pathway to challenge the Victorian EPA if it does not act. We are working with groups to develop test cases to use the General Environmental Duty for the benefit of people and places.

STOPPING MINING IN GIPPSLAND

We represented Mine Free Glenaladale who opposed the proposed development of a mineral sands mine near two major waterways and highly productive farming areas. On behalf of our client, we raised these concerns and presented expert evidence to contest an EES prepared by the developer, Kalbar Operations Pty Ltd. After months of public hearings and on-the-ground campaigning, the Minister for Planning assessed the environmental effects of the Fingerboards mineral sands mine as unacceptable, meaning that the 1,675 hectare open-cut mine is now unlikely to proceed. This was a massive win for our client who led a strong community campaign to stop this mine.



The work we do puts
the voices of community
at the forefront of
environmental justice

Jay Peluso,
EJA Community Outreach – First Nations Program

JUSTICE FOR FIRST NATIONS

First Nations peoples have been caring for Country for tens of thousands of years. However, the violence of colonisation and decades of mismanagement, over-extraction and burning fossil fuels has caused an immense amount of harm to First Nations communities and the health of Country.

Australia’s legal system does not provide for the meaningful involvement of First Nations people in the development and enforcement of environmental laws, regulations, and policies that affect their Country.

That is why we collaborate with Traditional Owners to contribute our legal expertise to their ambitions to and help make the law work for them and the places they are connected to.

THIS YEAR’S HIGHLIGHTS



JUSTICE FOR FIRST NATIONS

CULTURAL FLOWS AT MARGOOYA LAGOON

This year we provide legal assistance and strategic support to progress a Tati Tati Traditional Owner model for cultural water flows to be returned to Margooya Lagoon (Tol Tol) in the Murray-Darling Basin. The area would, under natural conditions, flood annually but has been completely dry for several years, adversely impacting the health of the wetland ecosystem, and consequently the culture of the Tati Tati community.

The acknowledgement of ‘Cultural Flows’ seeks to establish greater control and authority over water and wetland landscapes for Traditional Owners in Australian law and progress this model in practice for other First Nations. This legal and policy plan outlining an agenda for Traditional Owner authority over the management of water on their Country was delivered to the government, along with Tati Tati Kaiejin’s Cultural Flows Management Plan. EJA also provided media support to communicate their message. Our shared hope is that this model can provide a template for other First Nations communities seeking water justice in regulated water systems to return health to Country.

...When there is no water here, that has a damaging effect on us... it’s like the veins in your body, if you go and prevent the blood from flowing to a part of your body, you’re going to kill that body part.

Brendan Kennedy,
Tati Tati Elder, and EJA client

GROWING LEGAL SUPPORT FOR FIRST NATIONS COMMUNITIES

This year we’ve expanded our First Nations justice program, recruiting for First Nations-identified positions and building new relationships with communities fighting for legal rights to care for their Country. Alongside established and emerging collaborations with Traditional Owner organisations on the Murray River, in central Victoria, and in the Gippsland Lakes, EJA lawyers have prepared submissions on Aboriginal water management, progressed proposals for cultural flows implementation and cultural fire regulatory reform, and drafted a scoping study on the intersections of natural resource management laws and Aboriginal rights and interests in Victoria.

JUSTICE, EQUALITY AND INCLUSION

EQUITY AND INCLUSION WORKING GROUP

This year, we finalised EJA’s Equity and Inclusion plan which we will implement over the next three years.

Our vision for Equity and Inclusion is:

- 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 improve our equity and inclusion goals include:

- We consolidated our vision for equity and inclusion at EJA and published it on our website.
- We finalised a three-year plan for Equity and Inclusion, setting out the initiatives that EJA will focus on in delivering our equity, diversity, and inclusion vision.
- We produced a policy to support more diverse representation on our board and a handbook for inclusion in employment at EJA.
- We created a framework for EJA to participate in solidarity actions.
- We updated our HR policies to include cultural leave, mentoring opportunities, and improve induction and training.
- We continued to share learning opportunities for staff through our book and film club, and quarterly discussion groups.

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. COVID19 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

- We hosted a virtual film screening of *Where the Water Starts* for National Reconciliation Week with 170 staff and supporters attending.
- We increased financial support to Seed Indigenous Youth Climate Network’s climate justice programs as a way of EJA Paying the Rent and continued to contribute via staff workplace giving.
- We recruited two Aboriginal staff members.
- We engaged several new Aboriginal clients to support their fights for Country.

Respect

- We engaged in training with Koorie Heritage Trust and maintained connections 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 held our staff planning day at Worawa Aboriginal College, a site which once part of Coranderrk Aboriginal Station. We were particularly grateful to Dr Lois Peeler who provided a Welcome to Country and shared the History Walk with our team.
- We purchased two artworks for our office by Aboriginal artists through The Torch.
- A generous donor helped us to commission two larger works from Pitcha Makin’ Fellas in Ballarat for our office.

Opportunities

- We finalised development of our Aboriginal and Torres Strait Islander Internship program.
- We maintained our spending with Aboriginal businesses of \$33,000 in FY2021–22.

We are working on finalising our next *Innovate* RAP with Reconciliation Australia.

OUR PEOPLE
Our board



Lane Crockett
Chairperson

Lane is an Executive Director at the Sentient Impact Group, a fund manager focussing on shifting institutional capital towards investments that blend financial returns with positive social and environmental impact. Lane has over 30 years of international experience in the energy industries with the last 18 years being heavily involved in the transition to clean energy. Lane has a Bachelor of Engineering, Mechanical from Canterbury University in New Zealand and a Graduate Diploma in Commercial Law from Deakin University.



Ann-Maree Smith
Treasurer

Ann-Maree Smith is the Chief Financial Officer and Company Secretary of Conservation Volunteers Australia and New Zealand. She has held several board and/or executive finance, governance and compliance roles with not-for-profit charitable organisations. Ann-Maree is a Fellow member of CPA, member of the Australian Institute of Company Directors and associate member of the Governance Institute of Australia. Appointed October 2021



Chiara Lawry
Chairperson

Chiara 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. Resigned in 2022



Kate Allsopp
Non-executive Director

Kate is a manager with Sustainability Victoria and has worked across several sectors in leadership roles including manufacturing, banking, and the not-for-profit sector. She was the 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.



Elizabeth McMeekin
Secretary

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



Tony Kelly
Non-executive Director

Tony is the CEO of First Nations Legal & Research Services and has for the last 12 years worked to advance the land justice aspirations of Victorian Traditional Owners. Tony started as a park ranger in the Northern Territory followed by social work before returning to university to study law. Tony has many years’ governance experience across a range of not-for-profit organisations and currently sits on the board of the National Native Title Council. Tony holds a Bachelor of Science (Australian Environmental Studies), a Bachelor of Social Work, and a Juris Doctor.



Arjuna Dibley
Non-executive Director

Arjuna is a Director at Pollination, a climate change advisory and investment business, and an Honorary Research Associate at Oxford University. He advises governments, corporations and not-for-profits on various aspects of climate change policy, finance and energy decarbonisation. He was formerly a commercial lawyer for several years. Arjuna holds a Bachelor of Asian Studies (Hons), a Bachelor of Laws (Hons), and a Doctor of the Science of Laws.



Sally Romanes
Non-executive Director

By training Sally was a corporate and commercial lawyer, however, she now works on specific projects ranging from the arts to business transactions. She was a founding Director of the 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).

OUR PEOPLE
Our staff



Elizabeth McKinnon
Co-CEO



Nicola Rivers
Co-CEO



Thea Lange
Chief Operating Officer



Hollie Kerwin
Principal Lawyer and
Climate Lead



Nick Witherow
Principal Lawyer
(until January)



Danya Jacobs
Special Counsel



Charley Brumby-Rendell
Senior Specialist Lawyer
and Clean Air Lead



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



Ellen Maybery
Senior Specialist Lawyer
and Ecosystems Lead



Retta Berryman
Senior Lawyer –
Climate



Emily Giblin
Senior Lawyer –
Ecosystems



Dr Tessa Fluence
Communications
Manager



Livia Cullen
Communications
Manager
(until December)



Greer Allen
Development Manager



Maxwell Smith
Senior Campaigner –
Clean Air



Alycia Gawthorne
Senior Campaigner –
Clean Air



Virginia Trescowthick
Lawyer – Justice



Juliet Le Feuvre
Campaigner – Justice



Elke Nicholson
Lawyer – Justice and
First Nations



Jay Peluso
Community Outreach
– First Nations



Chloe Badcock
Lawyer – Clean Air



Jocelyn McGarity
Lawyer – Clean Air



Brittni Dienhoff
Lawyer – Climate



Rahul Ramesh
Law Graduate –
Climate



Thea Shields
Researcher – Climate



Katelyn Jones
Lawyer – Climate
Justice Legal Project



Natalie Hogan
Lawyer – Ecosystems



Laura Dreyfus
Lawyer – Ecosystems



Nicola Silbert
Lawyer – Ecosystems



Bronya Lipski
Lawyer – Ecosystems



Mark Campbell
Lawyer – Ecosystems



Olivia Sasse
Paralegal



Shannon McGrellis
Paralegal



Sasha Brady
Paralegal



Athulya Meddegoda
Paralegal



Emer Diviney
Fundraising Specialist



Kate Lewis
Media Advisor



Georgia Rowles
Digital Coordinator



Mandy Johnson
Office Manager and
Publications



Aaron Goldberg
ICT Project Officer



Hong Vu
Office Assistant



Deepa Subbian
Database
Administrator

The work we do puts
the voices of community
at the forefront of
environmental justice.

OUR PEOPLE

WE COULD NOT DO IT WITHOUT YOU

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 2021–22 financial year and acknowledge those who choose to remain anonymous.

Albert & Barbara Tucker Foundation	Fox Family	Melliodora fund, subfund of Australian Communities Foundation	The Coalition®
Australian Communities Foundation	Bonnie Gelman	Passionate about Possums	The Myer Foundation
Australian Ethical Foundation	Groundswell Giving	Patagonia	The Regenerative Empowering Earth Fund (TREE)
B B & A Miller Foundation	Isaacson Davis Foundation	Perpetual Foundation – Jenny and Michael’s Sharing Hope Endowment	Ubuntu Foundation
Bob and Bronwyn Baird	Jakub Kaminski and Linda Hamilton	Pool of Dreams – Claire Eliza’s Gift	Wartook Foundation
Katherine Barraclough and Ashu Jhamb	Kaplan-Dascalu Regenerative Fund	Brian Snape AM	Andrea and Karl Williams
Kirsten Bauer	Koshland Innovation Extension Fund, subfund of Australian Communities Foundation	Spinifex Fund	Worrowing Fund
Community Impact Foundation	Letcombe Foundation	The Bowden Marstan Foundation	
Fairer Futures Fund, subfund of Australian Communities Foundation	Lord Mayor’s Charitable Foundation		

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

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 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 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.

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	Noel Hutley SC	Ron Merkel KC	Shawn Rajanayagam
Fiona Batten	Tim Jeffrie	Rowan Minson	Kate Richardson SC
Buckheit	Stephen Keim SC	Colette Mintz	Kunal Sharma
Gemma Cafarella	Russell Kennedy	Julian R. Murphy	Edwina Smith
Fiona Cameron	King & Wood Mallesons	Maya Narayan	Diana Tang
Adam Chernok	Jeremy Kirk SC	Emrys Nekvapil	Julia Wang
Patrick Coleridge	Richard Knowles KC	Norton Rose Fulbright	Geoffrey Watson SC
Adrian Finanzio SC	Lander and Rogers	Australia	Julia Watson
Kathleen Foley SC	Chris Lum	Nick Petrie	Rupert Watters
Timothy Goodwin	Alexander Marcou	Emily Porter SC	
Jim Hartley	Fiona McLeod AO KC	Alistair Pound SC	
Laura Hilly	Daniel McCredden	Minh Quan Nguyen	

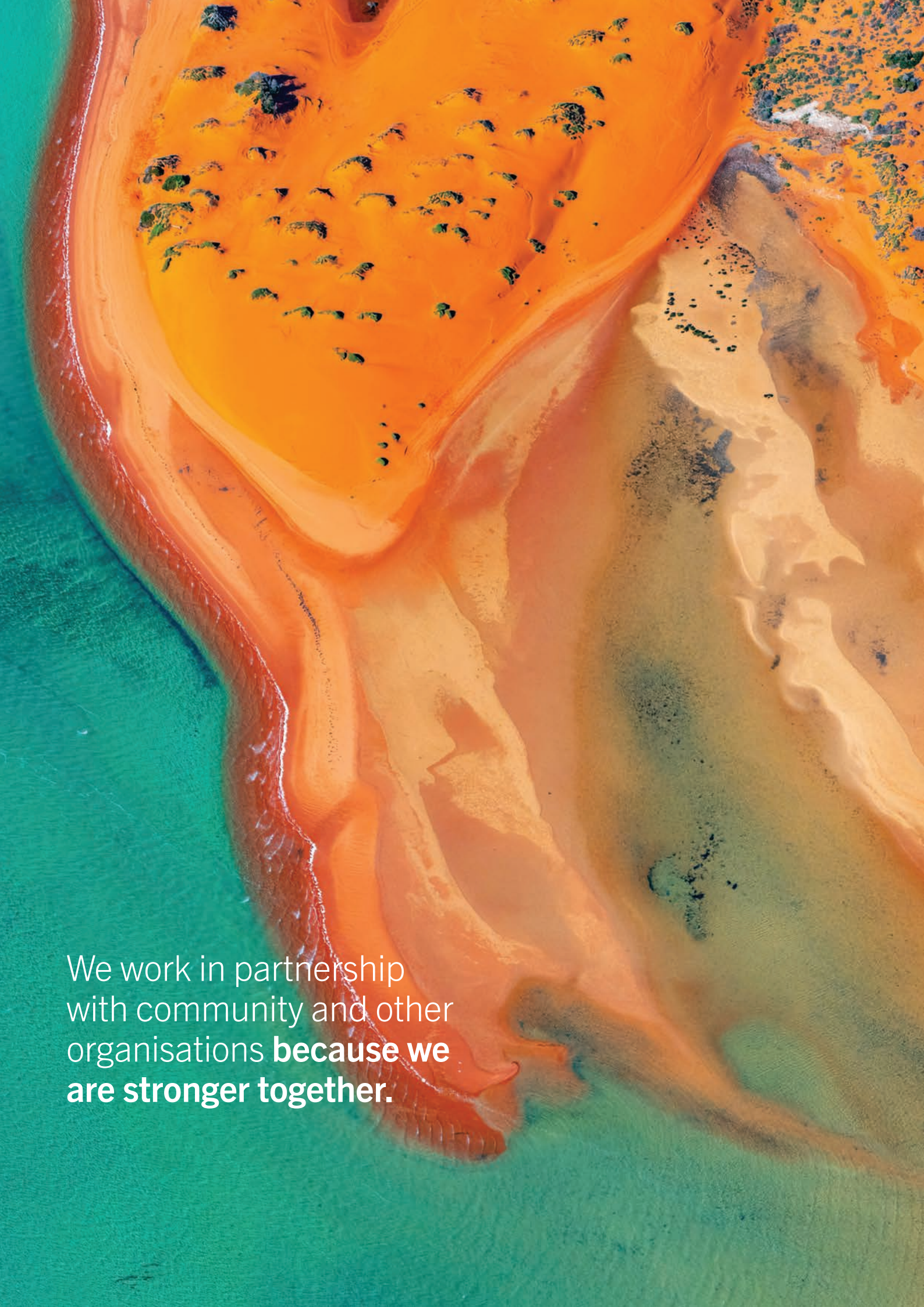
We would also like to thank SkyDiscovery for their ongoing pro-bono assistance on our complex litigation matters over several years, and Viola Design their generous assistance with our rebrand this year.

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.

Kim Borchard	Mats Manallack	Thea Shields
Merryn Cagney	Eliza Nowicki	Marthea Stamatopoulos
Jordan Clarke	Rashini Perera	Susheena Subramaniam
April Crain	Celia Pratt	Sarah Sullivan
Madeleine Dashiell	Lillie Priede	Ji Yong Teo
Lilly Deluca	Juanita Ravanal	Lucinda Tracy
Benjamin Edwards	Emily Ressia	Alexandra Valerio
Crystal Egodawatte	Areeb Rizvi	Amalia Wilson
Josh Glass	Sarah Jayne Saunders	Ying Wong
Siobhan Hakim	Jiarong Shan	Jasmine Wright Catron
Nina Hamasaki	Sunny Shan	Evelyn Zhang
Bridget James	Tim Sheehan	

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



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:



Evelyn Zhang
Volunteer

I have a great interest in administrative law, public interest, and environment law and am really passionate about community justice. After reading some amazing stories and achievements by EJA such as the possums case, I knew this is what I always wanted to do; to use my legal education to affect positive change in the world.

My favorite part about volunteering is that I go to experience different tasks every day. I’ve been assigned to many interesting and exciting environmental legal works including researching & collecting data about endangered species and examining the effectiveness of the administration of environmental law. It’s also an opportunity to meet up with like-minded people and get immersed into what I truly love!

To me, environmental justice is the fair treatment and involvement of all people/all creatures, with respect to environmental laws. It’s about holding large corporations/ government accountable, maintaining standards and integrity of the environmental system. Together environmental justice strives for a better future for the planet.



Celia Pratt
Volunteer

I have a passion for justice, the environment, and animal welfare so working with EJA felt like the perfect opportunity to bring these interests together in a meaningful way. As a law and science student I also thought it would be great to combine these two areas of study in the pursuit of environmental protection.

My favourite part about working with EJA has been learning about the ways in which the law can be used to make a positive impact for the environment. I have loved engaging in a variety of tasks and getting to know like-minded people who can broaden my understanding of the practical applications of the law and environmental protection.

Environmental justice means providing a voice for those who cannot speak for themselves. It is important that we are accountable for our own actions as inhabitants of the natural world and that we advocate for those that live within and rely upon it.

EJA AWARDS

Each year we give out three awards to outstanding people who have gone above and beyond in their environmental justice work. Our winners for 2021 are:



Melissa & Brendan Kennedy
Tati Tati community

The Environmental Justice Award – Brendan and Melissa Kennedy and the Tati Tati community

Brendan Kennedy and Melissa Kennedy, and the Tati Tati First Nations community, have been working to develop a plan to implement cultural flows for the first time at the culturally significant site, Margooya Lagoon in north-west Victoria. The state of Australia’s natural places is not just an environmental crisis, it is an enormous injustice to First Nations people who rely on these places for the health of their people and culture. This inspiring work under Brendan and Melissa’s leadership is an incredible contribution that we are honoured to be a part of. Thank you, Brendan and Mel!



Emily Porter SC
Volunteer

Pro bono award – Emily Porter SC

Emily Porter acted entirely pro bono for our successful Fingerboards Environment Effects Statement hearings. Emily dedicated many weeks of long hours to the case preparing experts, cross-examining the proponents’ experts, leading evidence, and making submissions, and was an outstanding advocate. Thank you, Emily!



Ally Valerio
Volunteer

Volunteer award – Ally Valerio

Ally Valerio interned with us in December 2019 and continued to volunteer her efforts with us until late 2021, mostly remotely throughout the entire pandemic. She has been a huge asset to our legal work, all while juggling her honours thesis and other commitments – thank you Ally!

FINANCIAL PERFORMANCE
Summary

Environmental Justice Australia (EJA) achieved a financial surplus of \$465,101 in the 2021–22 financial year, including a generous \$700,000 donation towards a new EJA Future Fund. As the Future Fund is an ongoing endowment, this donation was not used for this year’s operating costs. The remaining funds for operating costs were drawn from funds received for specific programs late in the previous financial year.

There are retained earnings of \$2,555,206, with the majority committed to EJA programs in 2022–23. The retained earnings can be broken down as follows:

- \$833,790 in funds received from grants or philanthropic donations that are funding specific programs in the coming year;
- \$700,000 invested in the EJA Future Fund;
- \$425,018 in donations received in the 2021–22 financial year which are being carried over to support our Climate and Ecosystems teams and employ key Operations staff; and
- \$596,398 of unrestricted reserves, to provide for the organisation’s financial sustainability goals.

A FUND FOR THE FUTURE

The Future Fund was established to build an endowment that will provide long-term financial viability, sustainability, and independence to EJA.

The initial seed donation to the Future Fund was received in June 2022. At 30 June 2022, the investment portfolio was still held in cash while investment decisions were being finalised.

The Future Fund is now fully operational and available for other donors to contribute to EJA’s financial future.

GENERAL STATEMENT ON FINANCIALS

Grants revenue was up 38% on the previous year, as EJA developed and expanded relationships with granting organisations.

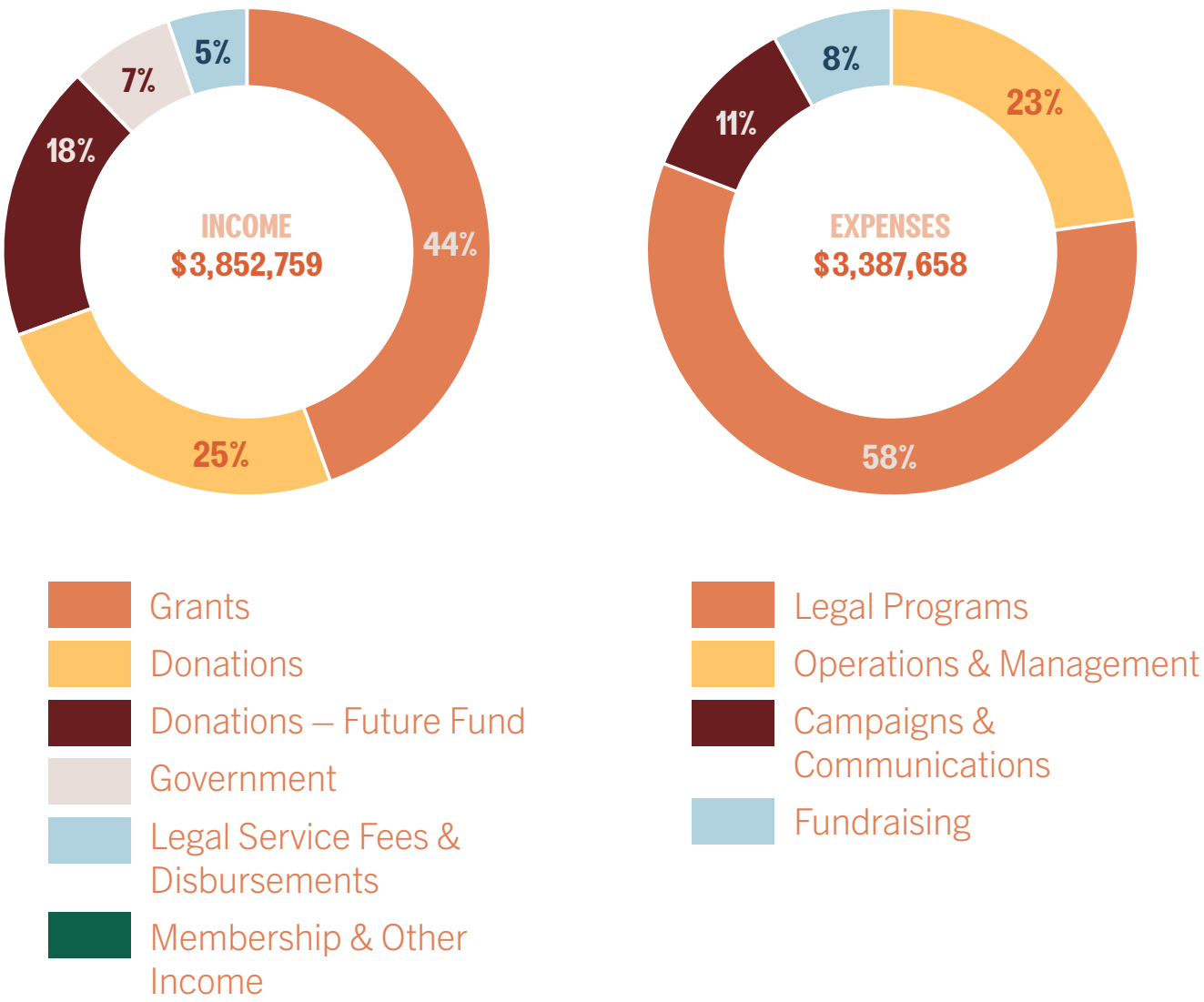
General donations revenue and major donations remained steady. The organisation welcomed a major donation which has underpinned the creation of the EJA Future Fund.

Government funding through Victoria Legal Aid also remained steady at 7% of overall income.

Legal practice income, consisting of legal fees and reimbursement of legal matters, was similar to last year, although the fee portion of this amount was significantly lower than last year as EJA provided more pro-bono support in litigation matters.

Our total employee expenditure grew by 42% as our staff numbers grew from 18 to 30. We expanded our nature, climate, and clean air teams with additional lawyers and two paralegals to support them. We also recruited staff for a new First Nations program. To support the legal programs, we recruited two additional Operations roles, a fundraising support role, and a media advisor.

We continued to invest in our legal programs, and in our communications, fundraising and campaign activities to strengthen and broaden the reach of our work.



A photograph of a flooded road. In the foreground, a yellow 'ROAD CLOSED' sign is partially submerged in the water. The sign is tilted and has a black and yellow striped border. The water is calm, reflecting the surrounding greenery and the sign. In the background, there are trees and a street lamp, all slightly out of focus. The overall scene suggests a road closure due to flooding, which is a common consequence of climate change.

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

CONTACT US

Telephone. 03 8341 3100
hello@envirojustice.org.au

www.envirojustice.org.au

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

PO Box 12123 A'Beckett Street, VIC, 8006

ABN 74 052 124 375

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Because this is about all of us
envirojustice.org.au

 **ENVIRONMENTAL
JUSTICE
AUSTRALIA**