



Environmental
Defenders Office

2023

Impact Report



Acknowledgement of Country

EDO recognises and pays respect to the many First Nations peoples of the lands, seas and rivers of Australia and the Torres Strait Islands, and to Elders past, present, and emerging.

EDO recognises the unique and unwavering connection First Nations peoples have with their Country. EDO understands that it cannot work towards a world where nature thrives without working alongside First Nations peoples to achieve this; as they are the original guardians of Country.

We recognise that Country was never ceded and express our deep remorse for the injustices and inequities that have been, and continue to be, endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

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The Environmental Defenders Office uses the power of law to deliver legal solutions for nature, climate and people, driven by our vision of a world where nature thrives.

EDO began as a small group of lawyers in 1985 who were responding to the growth in community groups seeking legal representation to oppose major developments. By the mid-1990s EDO had formed offices in each Australian state and territory, operating as separate legal entities but part of a larger network. In 2019 nine offices merged into what is now the largest environmental legal services organisation in the Australia Pacific.



Over the past 12 months my mind has been repeatedly drawn to consider how public interest environmental law moves beyond a crucial role of scrutinising project impacts and what is lawful now, to an approach which balances immediate threats alongside work focused on what needs to change to ensure the well-being of future generations – of both people and nature.

The intergenerational imperative within public interest environmental law stems from the recognition that the consequences of our actions ripple through time, shaping the world our descendants inherit. In fact, climate change races straight across cultural, physical and sovereign borders which challenges our work to take responsibility for actions which affect the wellbeing of those well outside our own sphere of influence – or place in time.

Traditional legal frameworks often grapple with immediate concerns, however from climate change to biodiversity loss, the repercussions of our decisions extend far beyond the horizons of our own lifetimes. Embracing an intergenerational perspective compels us to not only act to ward against immediate threats and injustices, but also to consider the far-reaching implications of today's policies and laws, ensuring that they not only meet the needs of the present but also safeguard the interests of generations yet to come.

The extraordinary impact EDO has had during this past 12 months demonstrates the power of the law to become a bridge between the past, present, and future, weaving a narrative of continuity and environmental responsibility.

Moreover, an intergenerational approach to environmental law challenges the notion of intergenerational equity, asserting that each generation is a custodian of the Earth, obligated to pass it on in a condition no worse than it was received. The concept of intergenerational equity is powerfully represented in the work EDO does to work with, and advocate for, First Nations and Pasifika peoples. 60,000 years of continuity requires new listening and new thinking and the need to reconsider our existing legal system static – as a set system. The impact of EDO bringing the court to country as part of this reframing cannot be underestimated.

From a governance perspective, our skills-based board continues to be very active, contributing a very high level of expertise and experience. I thank the directors for their selfless contribution to the work of EDO. At a board level, we have refined our committee structures to connect with staff on corporate risks and core elements of good governance in a very structured and outcomes focused way. We are financially strong but not complacent, with a very clear strategy for growth to keep up with the philosophy of 'not holding back' for if we don't act now, there is no natural future to fight for and the public interest, this and the future generations, will not be served.

I would like to thank my other directors and in particular, the extraordinary employees who have managed an ever changing and challenging environment post Covid (though really are we ever post Covid) to deliver the impact you will read about in this report. Specifically, I would like to thank our CEO, David Morris, for his vision, energy, commitment and agility in leading the EDO now into a strong growth phase.

I commend this impact report to you and hope it inspires you as much as it inspires me to engage more in this next climate critical period.

Dr Bronwyn Darlington
Chair

Reimagining What's Possible: A Year of Transformation and Hope

I want to begin by thanking all of our supporters who have made the work that's set out in these pages possible. Our supporters understand that in the journey toward real change, we must be willing to reimagine what's possible. That's what's required.

The law, often seen as a static construct, is in fact a dynamic force, capable of reshaping our world. Our purpose is clear – we target legal solutions which both serve day-to-day needs of communities on the frontlines as well as pushing the boundaries of law to achieve broader transformational change. At the heart of our work lies the foundation of equity and justice, and increasingly our work is deeply intertwined with, and conscious of, the wisdom of indigenous peoples and their laws and knowledge systems.

A guiding light for our approach is that the scale of our ambition must match the scale of the challenges the organisation exists to address.

As humanity collectively, though unevenly, pushes hard on the planetary boundaries within which our species – and many others – can thrive, the trajectory required to alter course becomes steeper. The interventions you'll read about in this report demonstrate that legal actions brought at the right time, in the right place, alongside inspirational partners and clients change the world and make the future we need more probable of being realised. There has never been a more important time to stay dedicated to our mission.

This year we've broken monumental new ground. Alongside our brave clients we successfully fought for hearings on Country in cases against gas and coal projects in Queensland and the Northern Territory, respectively.

These approaches saw the courts listening to evidence of cultural connection and project impacts in-place, in culturally appropriate ways. These are examples of a decolonial approach to lawyering, seeing the opportunity to do things differently, to do things better. Our actions are not limited by borders; they have both local and global impact, showing the world what is possible when passion, dedication and courage come together.

You will read about our continued, multi-faceted, approach to addressing the climate crisis. We've supported community groups, farmers, traditional owners and shareholders, playing our part to fight every percentage of a degree of warming and the associated suffering each small increase will bring.

The UN Secretary General Antonio Guterres stated, "Investing in new fossil fuels and infrastructure is moral and economic madness", and yet somehow the ones painted as radicals are the climate and environment defenders, and the First Nations and Indigenous guardians who stand up against the might of vested interests, who say our forests are more valuable standing, and fossil fuels ought be left in the ground, it is they who are painted as radicals. History and social science show that peaceful protest and non-violent direct action is one of the most effective ways to achieve transformative change. EDO is proud to run a world-class Defending the Defenders program, one of the few in the world which provides legal support for environmental and human rights defenders.



Within these pages you'll read of legal tools being used to fight for species pushed to the brink and for the protection of ecosystems being exploited for profit. These fights span the region – from the remote far reaches of the Sepik River in Papua New Guinea to major tropical rivers of Australia's north, to the wonders of Springbrook National Park in Southeast Queensland, to the iconic Tasmanian Devils of takayna / Tarkine.

Our team is passionate, and their dedication is unwavering, and every day we draw inspiration from the courage and resilience of those on the frontlines, those who bear the brunt of the environmental challenges we face. As we provide those people and groups with professional legal services, we recognise that they are not merely beneficiaries of our services; they are our partners, our guides, and our motivation.

The achievements of this year, set out in these pages, would not be possible without the support and guidance of our dedicated Board. We are indebted to them for their contributions and their unwavering commitment which reflects our shared belief that EDO can be a globally significant force for good.

Real change can happen, but it requires reimagining what's possible and pushing the boundaries of what we can achieve. Our organisation stands as a beacon of hope in a world facing unprecedented environmental challenges.

David Morris
Chief Executive Officer – Solicitor



It is always exciting – and certainly never less than interesting – to see how the Environmental Defenders Office has spread its wings in each annual interval. For many readers, this report will confirm an impression of an organisation that continues to grow in measured, logical, focused and, critically, important ways. Others will learn about EDO cases, and activities, of vital personal interest. Some will be prompted, it is hoped, to realise the importance of supporting the organisation.

For an elderly lawyer like your correspondent, what strikes home are two impressive facets of EDO's work and activities: first, its clever understanding and development of what might be called the 'narrative' around that work – the appreciation that its cases, and its submissions and arguments for clients, are part of a much larger canvas in which it plays a central part and must have a clear, strong voice. The wonderful Pasifika program, and a focus on issues like Greenwashing, exemplify this broad scale thinking and can only be good for both the organisation, and its clients.

The second concerns a personal, never-ending concern: that lawyers at the vanguard of critical issues like climate change, and the protection of endangered species, do their best work if their cases coincide with their own passions, beliefs and philosophy – and that is unarguably true of both the lawyers, and supporting officers, within EDO. The list of successful cases this year, and the breadth and depth of EDO's actions now in the wind, are vivid testimony to the passion, hard work and devotion our people bring to everything they do.

But, at the same time, it is essential that lawyers retain a proper measure of objectivity and clear-sightedness about their cases; to do otherwise puts proper, fair and independent advice at risk, and does nobody any good in the long run. It's not fair to clients to raise hopes inappropriately, or fail to give realistic advice, or run pointless proceedings.

The sub-text, as it were, of this report makes it abundantly clear that EDO is alert to the need to balance these strong, sometimes competing, influences. The impressive successes the organisation has enjoyed in the past year do not occur in a vacuum – cases are not won if they are not guided and shaped thoughtfully, and dispassionately. And my regular dealings with EDO staff constantly affirm their clear understanding of the tensions these factors can present: properly passionate about the merit of their cause(s), they nevertheless strive to maintain a necessary distance, one that ensures their advice and their work for clients is always balanced, objective, and reliable.

There can be no higher accolade for lawyers, and for a legal organisation.

The Hon Alan Wilson KC



1,019

enquiries through EDO's National Intake Service

10,612

hours of environmental justice for overburdened communities

399,349

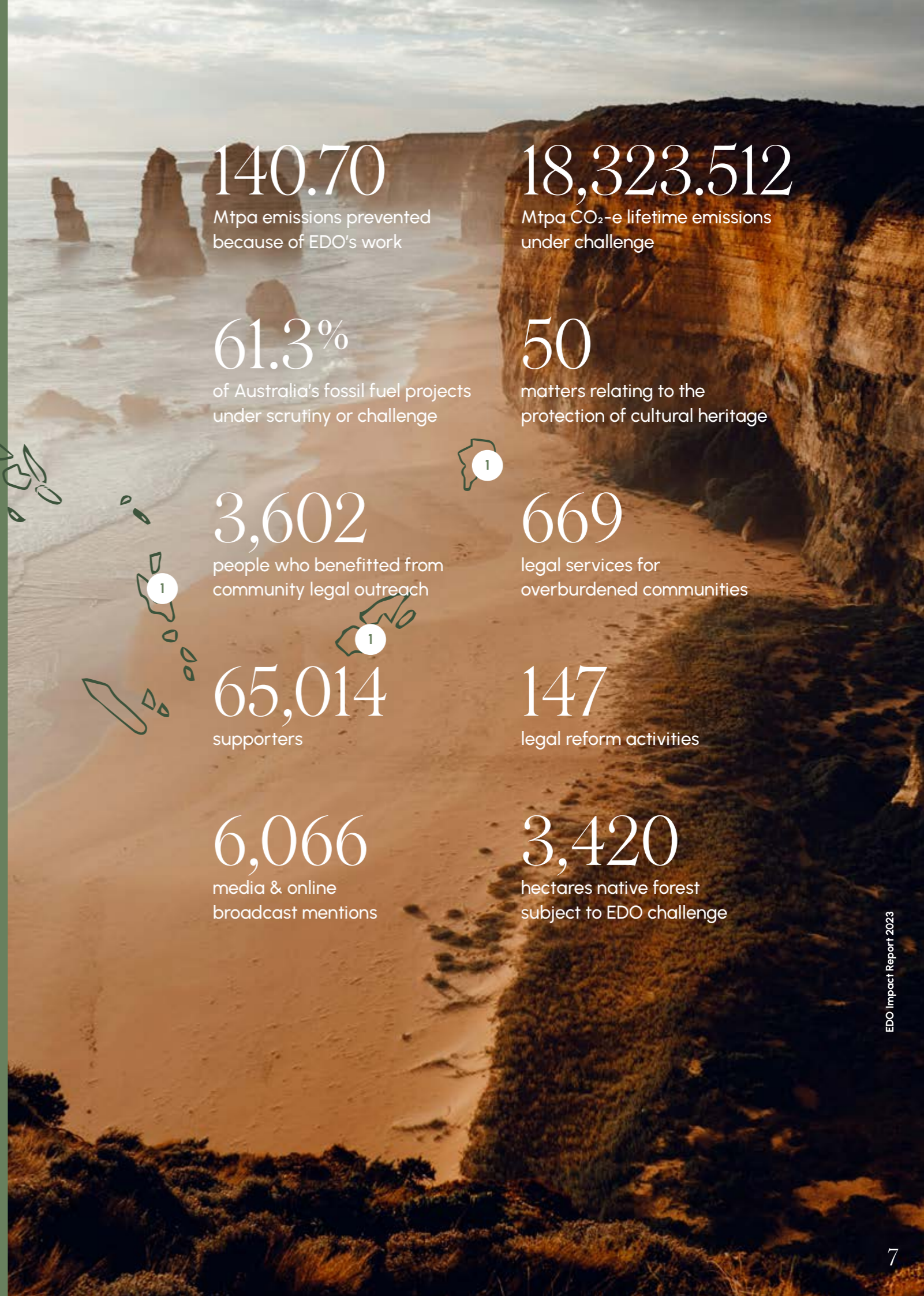
online legal resources accessed



2,316

legal services provided across the Australia Pacific

*321 non-location specific services



140.70

Mtpa emissions prevented because of EDO's work

18,323.512

Mtpa CO₂-e lifetime emissions under challenge

61.3%

of Australia's fossil fuel projects under scrutiny or challenge

50

matters relating to the protection of cultural heritage

3,602

people who benefitted from community legal outreach

669

legal services for overburdened communities

65,014

supporters

147

legal reform activities

6,066

media & online broadcast mentions

3,420

hectares native forest subject to EDO challenge

A blueprint for what's possible



Santos gas drilling halted as Tiwi Islanders claim victory

Location
Tiwi Sea Country

Client
Dennis Tipakalippa

Opponents
National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)
First Respondent
Santos NA Barossa Pty Ltd
Second Respondent

Court
Federal Court of Australia

Appeal Court
Full Court of the Federal Court

Case status
Outcome in favour of our client

Emissions Profile
436.5 Million tonnes lifetime emissions

Our client, Tiwi Traditional Owner Dennis Tipakalippa, had a landmark legal victory upheld in December 2022 after Santos lost its appeal against a decision that overturned an environmental approval on its massive Barossa gas project.

Mr Tipakalippa took legal action in June 2022 over the offshore regulator's handling of the Barossa project. He argued NOPSEMA should not have approved Santos' drilling plans that could irreparably damage Tiwi Sea Country, without proper consultation with the Munupi Traditional Owners.

The ruling followed months of legal proceedings which included an historic hearing of on-Country evidence from Traditional Owners. The Federal Court travelled to Pitjampirra on Melville Island to take evidence from the Munupi clan, including in the form of song and dance, on the very coastline closest to the drilling. Witnesses gave compelling on-Country evidence about the physical and spiritual impacts the drilling could have on them, their culture and the sacred animals that call this Sea Country home.

The Federal Court dismissed Santos' arguments that Tiwi people are not required to be consulted about potential impacts to their Sea Country: "We reject the submission that ... it is just too hard to consult with traditional owners as was required in this case," the judgment read.

Why we took the case

Traditional Owners have a duty and an obligation to protect their cultural heritage for future generations but weren't afforded the chance to voice their concerns before the drilling was approved. They were sidelined from the consultation process. This case was about making sure Mr Tipakalippa and his clan had their say, as the law requires.

The impact of our work

This was the first case in Australia brought by First Nations peoples challenging an offshore project approval over of lack of consultation. The court confirmed unequivocally that Tiwi people have a direct and immediate interest in their Sea Country and that they must be consulted. These interests arise from traditional cultural connections with the sea.

This was also the first judicial review challenge to an approval for an offshore fossil fuel project to hear evidence on-Country. The court's recognition that it was appropriate for Mr Tipakalippa to give cultural evidence on-Country sets a new benchmark for respecting Aboriginal and Torres Strait Islander culture in the court's processes, providing a fairer system for First Nations witnesses to be heard on their terms.

Our client's victory is having national and global implications for consultation with First Nations peoples on mining projects. It applies to more than 30 gas proposals around

Australia that are currently awaiting offshore regulator approval for their environment plans.

The court's decision required Santos to go back to the drawing board on their plans. This has meant that the cultural and environmental impacts of drilling for the Barossa project have been stalled since October 2022. In January 2023, EDO's work for other Tiwi clients saw the cultural heritage impacts of another component of the Barossa project halted. As a result of that intervention, NOPSEMA directed Santos to halt construction of its proposed 260-kilometre gas export pipeline until an independent assessment of submerged cultural heritage is conducted.

Barossa will be one of the most polluting gas fields in Australia if it goes ahead, set to unleash a conservative estimate of 436.5 Million tonnes total emissions.



2022

Tipakalippa v NOPSEMA begins

First case in Australia brought by First Nations people challenging an offshore project approval because of lack of consultation

Federal Court agrees to hear evidence on-Country

2023

Court travels to Melville Island, the first time a judicial review challenge to an approval for an offshore fossil fuel project has heard evidence on-Country

Court rules in favour of our client

Full Court of the Federal Court dismisses Santos' appeal

NOPSEMA directs Santos to halt construction of proposed 260 Km gas export pipeline until independent assessment of submerged cultural heritage is conducted

Historic legal win over Clive Palmer's Galilee Coal Project

Location
Wangan and Jagalingou Country, central-western QLD

Clients
Youth Verdict Ltd.
The Bimblebox Alliance Inc.

Opponent
Waratah Coal

Court
Land Court of Queensland

Case status
Outcome in favour of our clients

Emissions Profile
1920 Million tonnes lifetime emissions

In November 2022, we celebrated an historic win for climate, nature and human rights when the QLD Land Court recommended Clive Palmer's Galilee Coal Project be rejected. Shortly after, Waratah Coal lodged an application for review to fight the court's decision but later withdrew, meaning our landmark victory stood uncontested. In April 2023, the Queensland Government followed the court's recommendation and refused the Galilee Coal Project's environmental authority application.

Representing Youth Verdict and The Bimblebox Alliance, EDO argued coal from the mine would impact the human rights of First Nations peoples by contributing to climate change. We also argued the mine would destroy the hugely important Bimblebox Nature Refuge which sits on top of the proposed mine site.

The court listened to evidence from First Nations witnesses and Western science witnesses, and decided that the impacts of the mine on the climate, human rights including the cultural rights of First Nations peoples, and the ecology of Bimblebox, were unacceptable. Our clients' victory has kept billions of tonnes of carbon stored safely in the ground and protected the Bimblebox Nature Refuge from destruction.

“President Kingham’s ruling was the most significant decision on climate change and human rights in Australia. It was the first time a fossil fuel project has been recommended for refusal because it would infringe the human rights of First Nations peoples through climate change.”

Murrawah Johnson, Co-Director Youth Verdict



2019 2020

Queensland's *Human Rights Act 2019* passed by State Parliament

The Act comes into effect on 1 January 2020, requiring public entities to act compatibly with human rights in Queensland

Youth Verdict files case against Waratah Coal on human rights grounds, the first climate case filed by young people in Australia. Joined by The Bimblebox Alliance as co-objectors

Waratah Coal applies to strike out case, arguing the QLD Human Rights Act should not apply to mining objection hearings. Court rejects strike out application

2022

Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors begins

For the first time in the history of the QLD Land Court, the court agrees to hear evidence on-Country and in accordance with First Nations protocols

Court travels to Zenadh Kes/Torres Strait islands of Erub and poruma, and Gimuy/Cairns to hear on-Country evidence

Court rules in favour of our clients and finds Galilee Coal Project should be rejected



Historic legal win over Clive Palmer's Galilee Coal Project cont.

The impact of our work

This was the first climate case filed by young people in Australia.

It was the first case in Australia to challenge a coal mine on human rights grounds and sets a powerful precedent in the growing body of climate litigation both domestically and internationally.

It was the first time the Land Court rejected an argument fossil fuel companies have used for decades to minimise or deflect responsibility for the harm their products are doing to the climate. The 'substitution argument' claims that if they don't dig up and sell the coal, someone else will. With this argument rejected by the court, it represents a significant threat to all future fossil fuel proposals in Queensland.

This case was the first time an Australian court heard evidence against a coal mine on-Country, and the first time the QLD Land Court heard evidence on-Country and in accordance with First Nations protocols. This was a breakthrough in the way evidence based on Traditional Knowledge was heard and considered, given proper weight in the court's deliberations alongside environmental science experts, marking an important step toward justice for First Nations peoples.

Why we took the case

The coal from this mine was set to contribute up to 2 billion tonnes of greenhouse gas emissions over its lifetime. Aboriginal and Torres Strait Islander peoples are already on the frontlines of sea level rises, heatwaves, droughts, floods and changes to their Countries which seriously impacts their ability to practice their rich and ancient cultures.

The Bimblebox Nature Refuge is teeming with 668 species of native plants and animals and is an important integrated habitat. Over twenty years ago a group of locals invested their savings to protect the almost 8,000-hectare refuge from widespread clearing, with the site becoming a Protected Area under the International Union for the Conservation of Nature. Over 97% of the refuge was under threat from the proposed mining lease.

Community Legal Education undertaken

EDO's Legal Education team has begun teaching this case at university level, including first nations protocols for giving evidence on Country. EDO solicitors are also sharing the results of this case with other First Nations and fossil fuel affected communities in Queensland, to inform their work to defend their human rights against the impacts of fossil fuels.

Science underpinning the work

Numerous scientific and lay experts were relied upon to provide the scientific understanding this case rested upon.

First Nations provided their witness statements of the impacts of climate change on their cultural practices on Country from Zenadth Kes/Torres Strait islands of Erub and Poruma, and Gimuy/Cairns. Evidence from Western scientists

included vegetation research that had been conducted on Bimblebox over more than a decade, and expert evidence on offsets, hydrogeology, stabilisation, public health and surface water was also used.

Evidence on the economics of the mine included a critique of the costs and benefits analysis prepared by Waratah Coal. The market demand for coal, particularly with respect to forecasting future demand and assessing current supply was also presented as evidence.

Vale Will Steffen

Climate scientist Professor Will Steffen provided independent evidence on this case, including the latest Earth System science that, for the first time, placed the court's decision in the conceptual climate model, which we believe was a major factor in the court's decision that Clive Palmer's coal mine should be refused on climate grounds. Professor Steffen played a significant role in advancing climate law in Australia and leaves behind a legacy of progress and inspiration.



2023

← Waratah Coal lodges Supreme Court appeal. Waratah Coal withdraws appeal

Following the Land Court recommendation, QLD government refuses Galilee Coal Project

Youth Verdict's Murrawah Johnson and Monique Jeffs awarded a 2023 Young Voltaire Human Rights Award

Expansion of world first corporate “greenwashing” case

Client
Australasian Centre for Corporate Responsibility (ACCR)

Opponent
Santos Ltd

Court
Federal Court of Australia

Case status as of 30 June 2023
Hearing dates to be scheduled

EDO, on behalf of our client, the Australasian Centre for Corporate Responsibility (ACCR), brought a world-first case against Santos in 2021, challenging its claims that fossil gas is a “clean fuel” and that it has a “clear and credible” pathway to reach net zero by 2040 while expanding fossil fuel production. Our client alleges that the claims amount to misleading or deceptive conduct under Australian corporate and consumer protection law.

In August 2022, ACCR expanded its case to include alleged greenwashing in Santos’ 2020 Investor Day Briefing and 2021 Climate Change Report, following additional information produced by Santos in the litigation discovery process. In February 2023, the Federal Court ordered a court-supervised conferral between the parties’ respective lawyers, for the purpose of clarifying and reducing the issues in dispute in the proceedings.

Following the conferral process, in June 2023, ACCR sought and obtained leave of the court to further amend its case. The purpose of the amendments was to reduce as far as possible the issues that will need to be heard and determined by the court, and to clarify ACCR’s claims in light of information that has arisen in the conferral process.

“The climate crisis requires everyone to take credible action. There is no room for exaggerating claims about decarbonisation.”

Brynn O’Brien, Executive Director Australasian Centre for Corporate Responsibility

Why we took the case

In 2019–20 alone, the year of Australia’s Black Summer Bushfires, Santos was responsible for around 36.3 million tonnes of CO2 equivalent emissions, making them one of the largest greenhouse gas emitters in Australia. Despite this, Santos describes itself as a “clean energy” provider in its 2020 Annual Report, stating that natural gas is a “clean fuel”.

Our client, ACCR, is a shareholder advocacy organisation focused on how listed companies, industry associations, and investors are managing climate, labour, human rights and governance issues. They are also investors in Santos, taking this action to ensure the company and others like it fulfil their legal responsibility to be transparent and open with shareholders like ACCR.

Companies have an obligation to be upfront and honest with investors – this is particularly important to investors who are trying to assess which companies will survive and thrive in a rapidly changing global energy economy. Misleading information can have a dramatic effect on the market, on investors, and ultimately on the environment.

Net zero and clean energy claims by the fossil fuel industry are pervasive and, if inaccurate, actively delay the shift away from harmful products. The window of opportunity to interrogate these claims, stop potential greenwashing and transition away from fossil fuels is closing fast.

The impact of our work

This is the first case in Australia to raise “greenwashing” in a legal challenge against a fossil fuel company, and the first court case in the world to challenge the truthfulness of a company’s net zero emissions targets.

A successful outcome will ensure that Santos and other corporate polluters fulfil their legal responsibility to be transparent and open with shareholders. Crucially, we’ll challenge the dangerous narrative that gas is part of the climate solution.

Corporation and consumer law is an increasingly powerful method of seeking accountability to address dangerous climate change. Our world-first case against Santos has opened the gates for similar lawsuits globally, including legal actions against TotalEnergies, Shell, Exxon Mobil, Coca-Cola, and EnergyAustralia.

Science underpinning the work

Expert advice has been pivotal in revealing flaws in Santos’ disclosures around natural gas as clean energy and that the company has a credible path to reach net zero by 2040.

Hundreds of publications have been drawn upon and three experts used to show the unacceptability of certain offsets, the greenhouse gas emissions associated with blue hydrogen, and the unsuitability of existing natural gas pipelines and other infrastructure for the blending of natural gas with substantial proportions (>20%) of hydrogen. EDO’s in-house science experts have dissected and interpreted technical information from discovery documents.

2021 2022

World-first ‘greenwashing’ case filed, challenging the truthfulness of a company’s net zero emissions target

Similar lawsuit filed against TotalEnergies in Paris judicial court

Santos provides documents as part of the litigation discovery process

ACCR files to expand case to include information found during discovery, alleging greenwashing in Santos’ 2020 Investor Day Briefing and 2021 Climate Change Report

2023

Court orders a court-supervised conferral between the parties’ respective lawyers, for the purpose of clarifying and reducing the issues in dispute in the proceedings

ACCR further amends its case to clarify its claims in light of information that has arisen in the conferral process

NSW becomes first Australian state to regulate greenhouse gases as a form of pollution following our landmark court win

Location
NSW

Client
Bushfire Survivors for Climate Action Inc. (BSCA)

In January 2023, 18 months following a landmark win by our client, Bushfire Survivors for Climate Action, NSW's environmental regulator released their first Climate Change Policy and Action Plan.

This nation-first climate action plan came about as a direct result of the court finding that the NSW Environment Protection Authority (EPA) has a legal duty to take serious action on greenhouse gas emissions and climate change.

EDO provided key recommendations to ensure the final plan was fit for purpose and robust enough to effectively address climate change in NSW.



The impact of our work

When the EPA released its draft climate policy in September 2022, triggered by our successful case, it was clear that we had been successful in changing the narrative about who holds the power to take climate action and what role the EPA has in regulating emissions. The EPA has now taken the view that it's their job to regulate greenhouse gas emissions for a safe climate, to help protect the people and wildlife of NSW.

NSW is the first Australian jurisdiction to regulate greenhouse gases as a form of pollution. The Climate Change Policy and Action Plan will require roughly 50,000 polluting companies across NSW to show how they will hit net zero by 2050. This is a critical cultural shift – climate change is not just an issue for national governments to solve, but it's something that's relevant to everyone's work at all levels.

2019 2020

Australia experiences worst bushfire season on record

EDO client BSCA launch civil enforcement litigation to compel the NSW EPA to protect the environment by regulating the state's greenhouse gas emissions

NSW Land and Environment Court issues orders permitting expert climate science evidence from former Australian Chief Scientist Prof. Penny Sackett

EDO lodges submission to the NSW Bushfire Inquiry
EDO lodges submission to the Royal Commission into National Natural Disaster Arrangements

2021

EDO publishes Empowering the EPA to Prevent Climate Pollution report

Prof. Sackett's evidence is heard – the first time an Australian court has allowed climate evidence in a case involving an alleged failure by a government agency to perform a statutory duty

United Nations Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (6AR WG1) Climate Change 2021: The Physical Science Basis is released

Court finds the NSW EPA is compelled by its own legislation to address the state's greenhouse gas emissions and climate change



NSW becomes first Australian state to regulate greenhouse gases as a form of pollution following our landmark court win cont.

“It’s been a long journey since we won our landmark case almost 18 months ago. As a result the NSW EPA has the power to regulate greenhouse gas emissions from industry and in doing so protect our communities and environment from ongoing extreme weather events driven by climate change.”

Fiona Lee, Bushfire Survivors for Climate Action



2021

← Court orders the EPA to develop guidelines and policies to ensure protection from climate change

NSW Environment and Energy Minister declines appeal

2022

NSW EPA releases draft Climate Change Policy and Action Plan

EDO lodges submission to draft Climate Change Policy and Action Plan

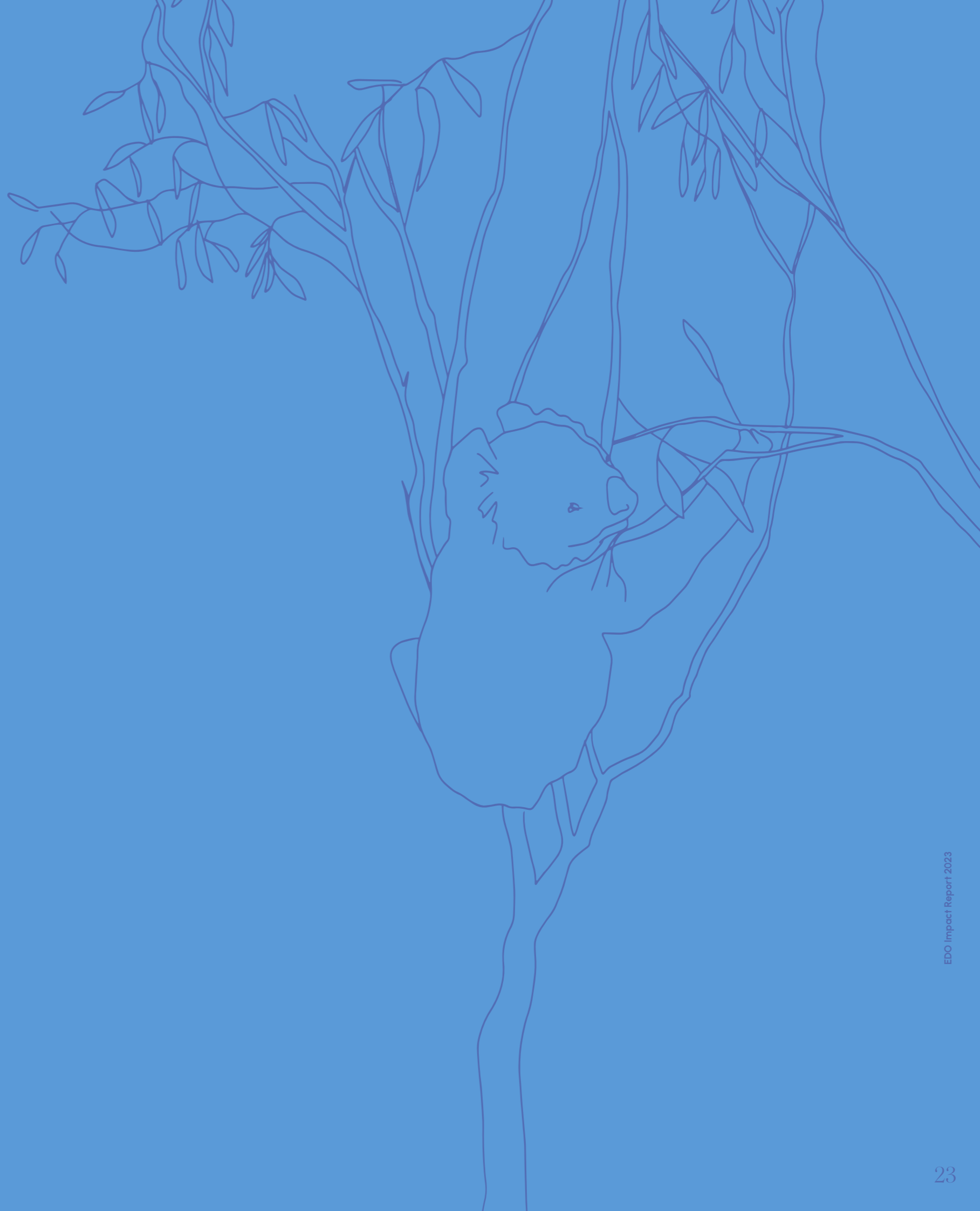
EDO and BSCA meet with the Environment Minister and EPA CEO prior to the release of both draft and final policies

2023

NSW EPA releases Climate Change Policy and Climate Change Action Plan 2023-2026

NSW becomes the first Australian jurisdiction to regulate greenhouse gases as a form of pollution

Our impact



Woodside fails to strike out Scarborough case

Location
Murujuga/Burrup Peninsula, WA

Client
Australian Conservation Foundation (ACF)

Opponent
Woodside Energy Group Ltd

Court
Federal Court of Australia

Case status as of 30 June 2023
Hearing dates to be scheduled

Emissions Profile
852.6 Million tonnes lifetime emissions

In June 2022, we launched an injunction against Woodside, seeking to stop its Scarborough Gas Project until its impacts on the World Heritage-listed Great Barrier Reef are assessed.

In April 2023, the Federal Court dismissed Woodside's attempt to strike-out our case. This ruling means the case will proceed to a full hearing.

On behalf of our client, we'll argue that the Scarborough project is likely to have a significant climate impact on the reef and therefore should not go ahead without approval under our national environment law, the EPBC Act.

Under federal law, a blanket approval applies to all offshore gas and oil projects, which allows them to be assessed under a streamlined process by the offshore regulator, NOPSEMA.

However, under the terms of the blanket approval, it does not apply to projects that are likely to significantly impact the World or National heritage values of the Great Barrier Reef, meaning a project with such impacts requires a separate EPBC Act approval to proceed.

“Woodside has failed to have our case struck out and must now deal with the substantive issue in court. If it goes ahead, Woodside’s Scarborough gas mine and its Pluto extension will produce vast quantities of climate-heating pollution for many decades... bleaching coral reefs, including the Great Barrier Reef.”

Adam Beeson, ACF General Counsel

Why we took the case

Climate change is the greatest long-term threat to the Great Barrier Reef which provides habitat for nearly 9,000 species of marine life including fish, whales, dolphins and six of the world's seven species of marine turtle.

If it goes ahead Scarborough will cause the release of at least 878 million tonnes of carbon pollution over its lifetime. Given the huge amount of greenhouse gas emissions set to be unleashed by this project, Scarborough is likely to have a significant impact on the heritage values of the reef, which is already under extreme stress due to climate change.

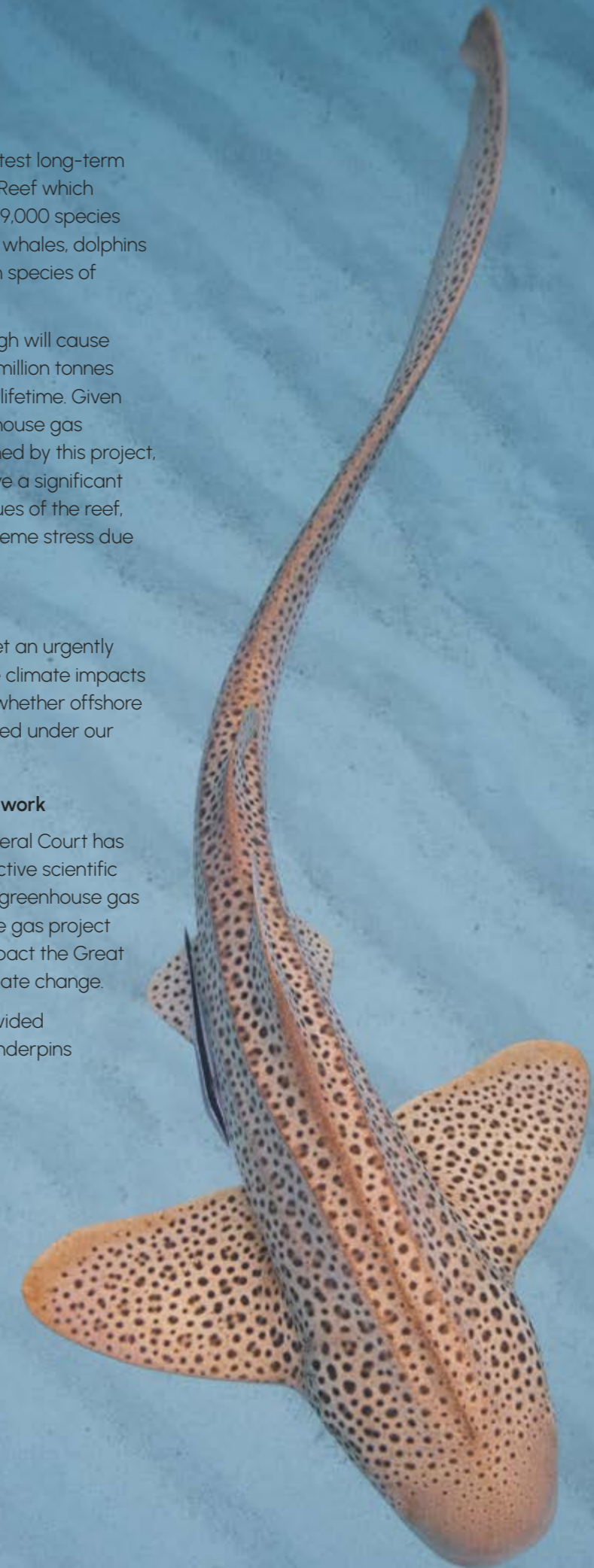
The impact of our work

If we win, this case could set an urgently needed precedent that the climate impacts of new fossil fuel projects, whether offshore or onshore, must be assessed under our national environment law.

Science underpinning the work

This is the first time the Federal Court has been asked to look at objective scientific evidence and find that the greenhouse gas impacts of a major offshore gas project are likely to significantly impact the Great Barrier Reef by fuelling climate change.

Scientific experts have provided independent advice that underpins the grounds of this matter.



Water mining at Springbrook National Park

Location
Yugambah Country/
Springbrook World
Heritage Area, QLD

Client
Australian Rainforest
Conservation Society
(ARCS)

Opponent
Hoffmann Drilling Pty
Ltd (Graeme Ashley
Hoffmann and Chuda
Kaewmongkhon
ATF Hoffmann
Drilling Pty Ltd
Superannuation Fund)

Court
QLD Planning and
Environment Court

**Case status as of
30 June 2023**
Adjourned pending
negotiations on
conditions between
parties. Review
date listed for
October 2023

EDO is representing our client to defend the Springbrook Gondwana World Heritage Area in the Gold Coast hinterland from plans to mine up to 16 million litres of water per year from the rainforest ecosystem, likely bottled and sold as "spring water".

Following a seven-day court hearing in early 2023, Hoffmann Drilling agreed to halve the volume of water it plans to take down to 8 million litres per year, upon negotiation of strict conditions, including monitoring and trigger points where pumping must stop to reduce impacts. Together these outcomes work towards significantly reducing the threat to this delicate environment.

This matter continues in court while we negotiate conditions that are robust, based on science, and strong enough to protect this precious piece of Gondwanan rainforest.

EDO is also working with First Nations and other residents throughout Springbrook and the Tamborine Mountain to seek a permanent moratorium on new or expanded water extraction and stronger regulation on water extraction near these vulnerable rainforests.

“The ecosystems of Springbrook National Park and its surrounds are priceless refuges for a whole host of plants and animals, many of which have ancient lineages and exist nowhere else on Earth.”

Aila Keto, President Australian Rainforest Conservation Society

Why we took the case

Springbrook is home to a globally important Gondwanan rainforest ecosystem and natural wonders like the Twin Falls. Australia's Gondwanan rainforests have remained largely unchanged for millennia because of their wet climate, but they rely on groundwater in dry periods. The survival of our rainforests depends on them being protected from water miners.

Hoffmann Drilling's water mining proposal is particularly concerning because the area is already vulnerable to climate change impacts such as droughts, heatwaves, and bushfires of increasing frequency and intensity. All of these threats mean groundwater is becoming essential to the rainforest's survival.

The impact of our work

Water is the lifeblood of Springbrook's native plants and animals, like the endangered ravine orchid, cascade treefrog and the near threatened Albert's lyrebird. Our client's legal action pushed the company to halve its water take and put control conditions and monitoring in place for the future.

Along with seeking a permanent moratorium on new or expanded water extraction, EDO is advocating to the QLD government for a state water licencing regime. This will strengthen regulation of existing operators so that they have a cap on water take, there is a price on the water they are profiting from, and triggers are put in place to stop pumping through periods of low rainfall.

Community outreach

EDO presented at a community information session and yarning circle run by First Nations leaders along with other concerned residents, discussing opportunities to advocate for a permanent moratorium on water mining in the region.

Science underpinning the work

Expert advice has been pivotal in accurately documenting the diversity and importance of the flora and fauna of the region, and the potential impacts on the groundwater system from water withdrawals.

Scientific experts have been engaged to show the potential impacts of the proposed development on ecology and World Heritage, the inadequacy of the appellant's characterisation of the groundwater system, and the impacts of water withdrawals on local groundwater springs.

This is a technical case, as it centres around the properties of the hydro-ecological system and whether the withdrawal of 16 million litres of groundwater annually would cause drawdown beyond the proponent's property and impact the condition of the rainforest. Scientific evidence has assisted extensively in interpreting underlying hydrologic theory.

2019

Tamborine Mountain state school, local bores and tanks run out of water

2020

Hoffmann Drilling applies for water mining approval

Gold Coast City Council refuses application

Hoffmann Drilling files appeal

Springbrook residents, ARCS and Gecko join appeal as co-respondents

QLD government places 12-month moratorium on water mining in the area

2021

EDO represents ARCS in a merits appeal in the QLD Planning and Environment Court

Water mining moratorium extended three times, in place until March 2024 with possible further extension

2023

After months of negotiations Hoffmann Drilling agrees to halve proposed extraction along with rigorous conditions based on scientific evidence from groundwater,

ecology and climate change experts. These include flora and fauna, groundwater, and streamflow monitoring, and strict triggers where pumping must cease entirely

Peaceful protest is a climate solution

As the climate crisis unfolds, so too has the size and frequency of climate protests. Australians from all walks of life will increasingly take to the streets to demand urgent climate action because it is one of the few mechanisms people have to voice their concerns about the rapid escalation of climate change impacts.

Peaceful protest is crucial to safeguarding a healthy environment and safe climate. From the Franklin River dam protests to the Jabiluka blockade that stopped uranium mining at Kakadu National Park, protest has protected some of our most loved natural treasures and helped shape modern Australia. While we celebrate these wins, we often forget that the people engaged in these movements were widely condemned and harshly treated by authorities and the media at the time.

Courts

- Local Court
- Magistrates Court
- District Court
- Supreme Court



“It is hard to think of any of the great environmental battles and successes of our time, where there has not been a cohort of those prepared to engage in civil disobedience, risking criminal charges, arrest and penalty. Saving the planet is going to take more than court action – it will take people power too.”

David Heilpern AM, former New South Wales Magistrate

Why we're doing this work

As governments continue down a path that is increasingly inconsistent with rational action on the biodiversity collapse, the extinction crisis, and escalating climate impacts, the need to protest peacefully has never been more important. History shows that protest is an effective way to achieve transformative change. However, there is a growing bipartisan trend across Australia to disproportionately punish climate protesters and stifle dissent. Recognising this trend, EDO established the Defending the Defenders program. Our in-house specialist lawyers provide pro-bono legal advice and representation to environment and climate protesters around Australia.

When citizens who engage in non-violent direct action are arrested and charged by police, or are criminalized by their actions, it is crucial that they have access to legal representation by legal experts who understand the importance of protest in defense of their human right to a healthy environment.

The impact of our work

The right to protest is a fundamental cornerstone of democracy that gives those without power, or access to decision-making, a voice. EDO's Defending the Defenders program safeguards the right to peacefully protest in defence of nature and a safe climate.

Defending the Defenders is the only program of its kind in the world and is viewed by our peers as the leading blueprint in the environment movement worldwide. The program has had a 100% success rate throughout its casework, with examples including successfully arguing for no convictions to be recorded in sentences for those who have never been in legal trouble before, as well as for more serious charges to be dropped and for onerous bail conditions to be removed.

2019 2022

QLD: Fines for protesting increased to \$7,740. New 2-year prison term

NSW: Fines for protesting increased 10-fold to \$22,000. New 24-month prison term

VIC: Fines for protesting doubled to \$23,077. Prison terms doubled to 12-months

TAS: Fines for protesting trebled to \$14,625 for individuals. Fines for organisations increased 10-fold to \$48,750. Prison terms trebled to >24 months.

EDO files NSW Constitutional case 12 October 2022

2023

SA: Fines for protesting increased 66-fold to \$50,000. New 3-month prison term

Number of climate and environment defenders represented in 2022-23 by EDO: 118

Number of convictions: 0

Defending our futures

Dr Lee Coaldrake, retired anaesthetist



“Climate activists are sometimes depicted as dangerous radicals. But the truly dangerous radicals are the countries that are increasing the production of fossil fuels.”

António Guterres, United Nations Secretary-General

I am a 70-year-old proud mother of two and grandmother of seven who are aged from eight down to three. For forty years I practiced as a specialist anaesthetist, retiring from that role about five years ago. During the later years of my working life I began to read seriously about the threats to our environment, an interest which quickly escalated as I began to understand just how dangerous and urgent those threats have become. And it was this growing awareness and sense of alarm, coupled with a realization that our governments are simply not doing nearly enough to cope with the scale of challenges which are rushing headlong at us, which led me to become an activist for the environment. As someone who had never been an activist on social issues this was very unfamiliar territory.

“In the face of all the challenges, and the almost universal acceptance of there being a climate crisis representing an existential threat to humanity, it is remarkable and disgraceful that various governments seem intent on demonizing and, indeed, criminalizing climate protest.”

The organisation I joined is Extinction Rebellion, which agitates for change in environmental policies and practices through non-violent civil disobedience. Such an approach is not unfamiliar, having been used by other social movements over the years to raise awareness and shift community views. The first reaction to such movements is often denial of the issues being raised, though the awareness of the climate threat is now so widespread, and the scientific basis for the concerns now so uncontested, that denial is no longer a relevant response. Yet the default position of our main political parties is to mollify rising community anxiety by arguing that the transition to a net zero world can be gradual. This may be easy listening for the older generation but represents nothing more than an abrogation of responsibility on the part of the political class to all the younger generations.

Non-violent civil disobedience in the form of protest action is part of any vibrant democratic tradition, yet here we are watching various governments seeking to close down environmental protest and impose absurd punishments or restraints on such activity.

I applaud the role of the EDO in helping to support those individuals and organisations being targeted by the authorities for efforts to preserve our environment for the benefit of future generations. For those of us engaged in environmental protest in our later years the threat of arrest or even imprisonment for our actions is no more than an inconvenience. On the other hand, for younger protesters the stakes are infinitely greater in terms to the potential threat to their careers and livelihoods. And all of us, young and old, are joined in one conviction, doing what each and every one of us can do for current and future generations. I want my seven grandchildren to have a future with marvellous opportunities, and not endure a wretched existence because their grandparents' generation was too selfish to make the changes necessary to achieve a timely transition to sustainability.

NSW constitutional challenge to anti-protest laws

Clients

Dominique Jacobs
Helen Kvelde

Opponent

Government of New South Wales

Court

Supreme Court of New South Wales

Case status as of 30 June 2023

Case heard May 2023.
Awaiting judgment

On behalf of two women from the flood and fire-impacted NSW mid-north coast, EDO filed an historic NSW Supreme Court challenge to section 214A of the *Crimes Act 1900*, recognising the integral relationship between protest as an expression of the implied freedom of political communication and a safe climate.

In 2022, the NSW parliament rushed through harsh new laws in response to environmental protestors, without any kind of public consultation. These new laws are so broad that individuals could face serious criminal charges simply by, for example, protesting near a railway station and causing people to be redirected around them. By way of sanction, peaceful protesters may now be fined up to \$22,000 or face up to two years in jail for their participation in such conduct.

Our clients, Dominique and Helen, have been at the frontline of Australian climate impacts. They are challenging NSW's protest laws in court, arguing that the legislation infringes the implied right to freedom of political communication and is therefore unconstitutional.

“Our communities have felt terrified, angry and stressed. Protest can transform those overwhelming feelings into change and action... Australians like us shouldn't have to risk imprisonment or bankruptcy to participate in our democracy, and the government should not be taking away our democratic freedoms.”

Dominique Jacobs

“We need to defend our freedom to protest as once it has been eroded, it is gone forever. There's a long, proud history of peaceful protest in Australia, and our democratic freedoms are critical in pushing the government to do the right thing and take climate action seriously.”

Helen Kvelde

Why we took the case

The right to peaceful protest, freedom of expression, assembly and association are fundamental human rights, as recognised in Articles 21 and 22 of the International Covenant on Civil and Political Rights and Article 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights. Australia is a signatory to these covenants.

NSW's new laws severely limit the ability of the public to express dissent through participation in protest and demonstrations - activities which are at the very heart of our democracy. The legislative changes seen in NSW are being replicated across the country, setting a dangerous trajectory towards the criminalisation of peaceful protest to an unprecedented degree in Australia.

This case is about safeguarding the fragile threads of democracy by ensuring concerned citizens can exercise their right to hold leaders and corporations to account through peaceful protest. In the face of government inaction on climate change, the right to peacefully protest has never been more important.

The impact of our work

A win will aid in the preservation of our democracy. It will provide some much-needed clarity around conduct that is lawful and unlawful in the context of peaceful protest, as well as minimise the risk of courts imposing harsh and disproportionate criminal sanctions upon citizens participating in peaceful protest about the environment.

The largest coal mine in New South Wales

Location
Hunter Valley, NSW

Client
Denman, Aberdeen, Muswellbrook and Scone Healthy Environment Group Inc (DAMSHEG)

Opponent
MACH Energy and the NSW Independent Planning Commission

Court
Land and Environment Court of NSW

Case status as of 30 June 2023
Hearing set for November 2023

Emissions Profile
902.72 Million tonnes CO₂ equivalent over the life of the project

In 2022, the NSW Independent Planning Commission approved an expansion of MACH Energy's Mount Pleasant open cut coal mine near Muswellbrook in the Hunter Valley.

This decision allows the mine to extend its operations from 2026-2048 and double coal production to 21 Million tonnes per year. The IPC's decision means that the Mount Pleasant coal mine will become NSW's largest open-cut coal mine.

A group of residents who live near the mine have applied for a judicial review of the IPC's decision. They will ask the court to declare the decision invalid due to the health impacts of the mine, the climate impacts of the coal from the mine, and the direct impacts on the local environment.

“The coal industry can't keep denying responsibility for the impact of the coal it digs up in Australia. It's cases like this in the Hunter which will determine the future of our climate, and the health and well-being of our communities.”

Kirsty Ruddock, Managing Lawyer – Safe Climate, Environmental Defenders Office

Why we took the case

This is the largest coal mine approval in NSW since Australia signed onto the Paris Agreement, yet it is totally inconsistent with that pledge when all of its emissions are considered.

The law is often the last line of defence against destructive fossil fuel projects. We'll argue the commission failed to assess the impacts of Scope 3 emissions, which are the greenhouse gases released when the coal from the mine is burned overseas. This mine is expected to produce 902.72 Million tonnes of CO₂-e when Scope 3 is taken into account.

On behalf of our clients we will argue the IPC acted unreasonably because it failed to address the health impacts from dust and pollution on the local community. The mine is located in one of the most polluted parts of the Hunter Valley with air pollution frequently exceeding safe levels, meaning Muswellbrook residents already suffer some of the worst levels of air pollution in the country.

We'll also argue that the IPC failed to manage the risk the mine poses to a rare legless lizard. The *Delma vescolineata* was first discovered in 2012 and confirmed as a distinct species earlier this year, found only in the Hunter Valley and Liverpool Plains of NSW.



Challenge to New Acland coal mine expansion

Location
Western Wakka
Wakka, Barunggam
Country / Darling
Downs, QLD

Client
Oakey Coal Action
Alliance (OCAA)

Opponent
New Hope Group
TA New Acland Coal
Pty Ltd (NAC)

Court
Land Court of
Queensland

**Case status as of
30 June 2023**
Case filed 15/5/23
Hearing dates to
be scheduled

Emissions Profile
226.8 Million tonnes
lifetime emissions

Our clients Oakey Coal Action Alliance (OCAA) launched a new legal action against the New Acland Stage 3 coal mine expansion, challenging the Queensland Government's decision to grant an associated water licence (AWL) to the mine. For the past eight years our clients have fought the mine expansion, fighting hard for the expansion to be properly assessed according to the law.

Our client alleges the government made an error in law when it approved the associated water licence. We argue for OCAA that the groundwater impacts still have not been properly investigated and are so significant that this application should have been refused. The proper assessment of this licence is essential where impacts to ground and surface water are one of the most significant impacts posed by mining.

We have obtained an assurance from New Acland Coal that it will refrain from certain activity that might impact the water regulated by this licence, until our client's appeal has been heard.

At a broader level this litigation is bolstering community power in the Darling Downs who are fighting against both coal and gas expansion in this prime agricultural area.

This appeal is the last opportunity for Oakey Coal Action Alliance to seek environmental justice for the environmental impacts of this toxic mine.

Why we took the case

Water has always been of crucial importance to our clients in this matter, with the New Acland mine carving out part of some of the best agricultural land in the country and risking unacceptable impacts to precious water resources in the process.

One of the reasons the Land Court originally recommended refusal for this mine expansion was the potential impact to groundwater, and the implications of this on future generations. This appeal aims to ensure that the proposed impacts of groundwater-take are finally properly assessed.

The impact of our work

OCAA has continued the fight to protect some of the best farming land in Queensland from the Stage 3 expansion of New Acland Coal's controversial thermal coal mine on the Darling Downs, with EDO previously securing crucial wins in the Queensland Land Court and the High Court of Australia.

As part of our legal strategy, we are testing major issues in environmental law and water regulation in Queensland, which may flow on to provide precedent for other states.

These include the validity of approvals being given prior to full assessment and understanding of the potential impacts, and the public interest in long-term agricultural areas and groundwater availability, particularly considering increasing drought as a result of climate change.

Science underpinning the work

The associated water licence relies upon groundwater modelling. Independent science experts are evaluating the conceptual and numerical aspects of the model. Their advice, as well as underlying groundwater modelling and uncertainty analysis, and the concurring independent advice given to the government by the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC), and to the proponent itself, were all employed to describe the particular objections to the modelling, the conditions applied during the decision-making process, and the resulting impacts on Queenslanders.

2005 2007 2012 2014

Stage 2 expansion of New Acland Coal mine

New Acland Coal applies for Stage 3 mine expansion

New Acland Coal mine is producing 5.09 million tonnes thermal coal per annum

Coordinator-General issues a report recommending revised Stage 3 project be approved

2015 2016 2017

Over 30 objections made by surrounding farmers and landholder groups to Stage 3 expansion. Objections referred to the Land Court

QLD Land Court hearing. Large number of objectors and complex evidence results in the longest case in the Land Court's 120-year history

Court recommends applications for mining leases be rejected

Stage 3 approved under the EPBC Act and Commonwealth Environment Minister
NAC files for judicial review of Land Court decision in QLD Supreme Court



Challenge to New Acland coal mine expansion cont.

“The irreplaceable groundwater that sustains the Darling Downs agricultural region must be protected at all costs. The Queensland government treated farmers and the water they rely on with contempt when it granted the associated water licence to New Acland, so we are stepping in where the government has failed.

We are seeking to ensure that the impacts to precious groundwater posed by stage 3 are finally properly assessed.”

Paul King, Secretary Oakey Coal Action Alliance



2018

2019

2020

2021

2022 2023

← NAC's appeal heard in Supreme Court, who orders the matter to be reheard in the Land Court

Land Court rehearing recommends environmental authority and mining lease approval with amendments

OCAA's appeal to QLD Court of Appeal dismissed
OCAA appeal to High Court of Australia against Court of Appeal's decision

NAC unsuccessfully attempts to wind-up OCAA in the Supreme Court for an inability to pay costs awarded to NAC in the Court of Appeal decision

High Court unanimously allows OCAA's appeal, sets aside Court of Appeal orders, remits matter to Land Court for further rehearing

Land Court recommends mining leases and environmental authority be granted subject to stricter conditions

Stage 2 coal reserves are exhausted, mining stops

Stage 3 granted environmental authority, mining lease and associated water licence

Appeal against approval of the associated water licence commences

Supreme Court challenge to fracking approval

Location
Beetaloo
Sub-basin, NT

Client
Central Australian
Frack Free Alliance
(CAFFA)

Opponent
Tamboran
Resources Ltd

Court
Supreme Court of
the Northern Territory

Case status
Listed for
November 2023

Emissions Profile
522,172 tonnes
of CO₂ equivalent
emissions at
exploration

The Central Australian Frack Free Alliance (CAFFA) launched a legal challenge in February 2023 over the NT Environment Minister's approval for Tamboran to drill and frack 12 exploration wells in the Beetaloo Sub-basin, around 600km south of Darwin.

CAFFA is asking the NT Supreme Court to review the process that led to the approval of Tamboran's Environmental Management Plan (EMP), arguing that the EMP approval is invalid because the minister failed to adequately consider the environmental impacts of the project.

Key impacts from this project include clearing ~107 hectares of remnant native vegetation, affecting multiple threatened species including the Gouldian Finch, Grey Falcon and Plains Death Adder, extracting and using 430ML of groundwater from the Cambrian Limestone Aquifer and an estimated 522,172 tonnes of CO₂ equivalent emissions.

In particular, we argue that the Minister was required to consider the climate consequences of the emissions from the project, including the climate effects of future production in the Beetaloo that the exploration facilitates.

“Tamboran’s project would help facilitate the drilling of vast new gas fields across the heart of the Territory – what the gas industry calls the ‘Beetaloo Basin’. This would have a catastrophic impact on runaway climate change and affect the lives of everyone who resides here in the Territory.”

Hannah Ekin, Central Australian Frack Free Alliance

Why we took the case

From a climate perspective, the risks of opening the Beetaloo up for gas extraction are enormous. The law places the responsibility on the minister to ensure all risks are identified and considered, and by approving this exploration application, the minister is laying the grounds for potentially thousands of fracking wells to be drilled in the NT.

Reputex modelling in 2021 estimated a high production scenario would release a “carbon bomb” of 1.4bn tonnes of total emissions globally, making gas development in the Beetaloo Basin completely incompatible with a safe climate.

Tamboran has publicly opposed targets set by international climate agreements, and its environmental management plan fails to identify key environmental risks. Coinciding with this, the NT Government has a poor track record of safely regulating highly polluting industries, including failing to implement all 135 recommendations of the Fracking Inquiry.

Science underpinning the work

Through the exploration phase the extent of total greenhouse gas emissions for the project have been revealed which will have an incremental yet grave effect upon climate nationally and globally.

Glendell coal mine extension refused

Location
Wonnarua Country/
Hunter Valley, NSW

Clients
Scott Franks
Robert Lester

Case status
Outcome in favour
of our clients

Emissions profile
528 Million tonnes
lifetime emissions

The NSW Independent Planning Commission's (IPC) decision in October 2022 to reject the major expansion of Glencore's open-cut coal mine in the Hunter Valley on heritage grounds is an incredible result for our clients and for all Australians who value First Nations cultural heritage. EDO represented Wonnarua clients throughout the IPC hearing and determination.

In its Statement of Reasons for Decision, the IPC found that the Ravensworth Homestead complex, which is comprised of colonial buildings and gardens and located approximately in the centre of the proposed mine site, has high to exceptional heritage value in its existing historic location and setting. The IPC's reasons also recognised the high Wonnarua cultural heritage values of the site and landscape.

Mining giant Glencore wants to extract an additional 135 million tonnes of coal over two decades from its Glendell mine near Singleton. The IPC said the expansion of the mine, which would have required the destruction of Wonnarua cultural heritage and the removal of the historic Ravensworth Homestead, was "not in the public interest" as the mine would harm Aboriginal cultural heritage values and "constitute a significant loss to future generations."

In February 2023, the deadline for Glencore to appeal the IPC's refusal of its coal mine expansion proposal lapsed.

Why we're doing this work

Our clients opposed the project because of its proposed impact on their ancestral lands, traditional values and the project area's significant association with frontier violence, including well-documented extrajudicial executions of Wonnarua people in the 19th century.

If this project had been approved and developed, it would have been devastating for Wonnarua people, destroying a place of profound significance.

The impact of our work

The IPC's decision recognised that the project would have unacceptable impacts on heritage and that its approval would have been contrary to the principles of ecologically sustainable development, particularly the principle of intergenerational equity.

In a separate matter, EDO lodged a legal complaint with ACCC and ASIC against Glencore's misleading claims on climate impacts and its behaviour towards Traditional Owners under the Corporations Act 2001, on behalf of The Plains Clan of the Wonnarua People (PCWP) and Lock the Gate Alliance.

Glencore operates 17 coal mines in Australia, making it Australia's largest coal producer and biggest contributor to emissions from coal mining. Glencore publicly claims to have decarbonisation plans in place, however EDO's legal investigation found no evidence to support these claims. Glencore is in fact expanding its coal production, and its net zero claims may amount to harmful greenwashing. Lawyers from the London-based organisation ClientEarth have backed the action, writing to UK authorities over the role of Glencore plc and urging them to coordinate with ASIC in a robust response. EDO lawyers have also lodged a legal complaint with Ad Standards on behalf of Comms Declare.

“We welcome the IPC decision, which recognises the project would have had unacceptable impacts on heritage and that its approval would have been contrary to the principles of ecologically sustainable development, particularly the principle of intergenerational equity,”

Rana Koroglu, Managing Lawyer, Environmental Defenders Office



Pasifika Program

The Environmental Defenders Office has had a Pasifika presence for the past 30 years, which is now led by Pasifika lawyers with ancestral links to the region. We use our knowledge and expertise in environmental and climate law, human rights law, comparative constitutional law, customary law, and international law principles and norms, all underpinned by a fundamental respect for the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Our lawyers understand the multidimensional climate impacts that face the region and possess knowledge and understanding of the issues facing their communities on a cultural, spiritual, and material level.

EDO has helped to establish four Pasifika-based environmental organisations including the Centre for Environmental Law and Community Rights (CELCOR) in Papua New Guinea, the Fijian Environmental Law Association (FELA), the Vanuatu Environmental Law Association (VELA) and the Solomon Islands Environmental Law Association (SIELA) and works in partnership with these organisations, as well as other lawyers and communities in Papua New Guinea, Vanuatu, Solomon Islands, Fiji, and Tuvalu. Our focus in the Pacific is working with partners to build sustainable networks of legal experts across the region to serve communities and environmental defenders on the ground seeking access to legal support. In late 2022, we welcomed Freda Kanek Talao to lead our Pasifika Program. Freda is a human rights lawyer, and one of six PNG women nominated for the Nobel Peace Prize in 2005 as part of the 1000 PeaceWomen project.

Submission to UN Special Rapporteur on the promotion and protection of human rights in the context of climate change

Location

Veraibari village,
Kikori Delta region,
Papua New Guinea

Partners

Veraibari Community
Development Project
Committee
Piku Biodiversity
Network Inc
Centre for
Environmental Law
and Community
Rights Inc (CELCOR)

In 2022, in the lead up to COP27, a submission was made by the Veraibari village and Veraibari Community Development Project Committee to the UN Special Rapporteur on human rights and climate change. EDO's Pasifika Program, the PNG-based Centre for Environmental Law and Community Rights and Piku Biodiversity Network supported the submission.

It responded to the Rapporteur's call for submissions on the "promotion and protection of human rights in the context of mitigation, adaptation and financial actions to address climate change, with particular emphasis on loss and damage", and tells of the impacts of climate change being faced by Veraibari village which include displacement, loss of land, loss of culture, loss of biodiversity, and food and water insecurity.



Why we're doing this work

Veraibari village is located at the mouth of the Kikori River in the Gulf Province of Papua New Guinea, an area on the tentative list for World Heritage listing because of its immense biodiversity and cultural diversity values.

The delta islands, one of which Veraibari village is located on, are part of a dynamic environment shaped by wind and wave action. This dynamic process is reflected and understood in the migratory history of the Kikori people and local legends and customs. The onset of climate change has altered the natural pace, time, strength and movement of the wind and wave action, which has left the villagers unable to adapt at the pace to which climate is changing their environment, and unable to reconcile it with their traditional knowledge and history.

The impact of our work

The issue of loss and damage was, for the first time, officially on the agenda at COP27. After 30 years of campaigning by the most climate-vulnerable countries including Pasifika countries, UN member states agreed to set up a loss and damage fund by November 2023.

Through the submission to the UN Special Rapporteur we wanted member states to be aware of the irreparable impacts that climate change was having on communities like Veraibari when considering loss and damage, and what a loss and damage fund might look like. It is imperative that the fund is implemented as a matter of urgency and designed to be distributed equitably, to enable community driven relocation plans as an exercise in self-determination.

The Veraibari Community Development Project Committee has formed to plan and lead their own impending relocation. Veraibari village is now one of the few inhabited villages in the Kikori Delta left, as climate change impacts have forced people from neighbouring villages to flee.

“This village has taken a courageous step by speaking out about the issues they are facing with climate impacts. We are all hoping the other displaced villages of the Gulf of Papua have, with this submission, a voice that reaches out to seek redress and villages are not left to fight these impacts alone.”

Yolarnie Amepou, Piku Biodiversity Network

Project Sepik

EDO's Pasifika Program is working with partners in Papua New Guinea to support the protection of the Sepik region from the impacts of mining and forestry, including the development of novel legal interventions that seek to give effect to customary law and protect the forests and river.

The Sepik basin is one of the most biodiverse areas in the world and is at risk of pollution from the destructive Freida River Mine. EDO is helping to protect the customary beliefs of the Sepik Peoples and assert, to some degree, the rights of the Sepik River itself.

This is a long-term project requiring consultation with the people of the Sepik, proposing law reform processes that acknowledge the significance of the Sepik River to local-level governments (LLGs) along the river, and codify to an extent the customary laws of the Sepik peoples.

The impact of our work

A complaint brought against PanAust was lodged by our partners Project Sepik and Jubilee Australia with the Australian National Contact Point on Responsible Business Conduct (AusNCP), an Australian government-sponsored independent body that has been set up to resolve complaints made against multinationals.

The complaint alleged that Brisbane-based, Chinese-owned company PanAust Ltd had breached the OECD Guidelines for Multinational Enterprises particularly with regard to failing to gain the free, prior and informed consent of communities who live along the Sepik River.

The AusNCP made a number of important recommendations in Project Sepik's favour, including that PanAust's company procedures ensure consistency with international standards regarding free, prior and informed consent. It was also recommended that any future stakeholder engagement must include Project Sepik and the communities it represents and take into account the traditional governance groups, or Haus Tambarans (ancestral worship houses), which have already come out strongly against the mine. PanAust are also required to disclose to relevant communities the dam break analysis, which simulates the movement of a dam break flood wave downstream that would occur due to dam failure. This was one of the key requests made by the complainants in this process – something the Sepik communities have been calling for years.

Why we're doing this work

The Sepik River is the largest unpolluted river system in Papua New Guinea and the largest river in Oceania. With a length of approximately 1,126 km, it is one of the last remaining undisturbed environments in the world. It is a critical holder of rare biodiversity and is indispensable to the livelihood of more than 430,000 people living along the delta, significant to the physical, cultural and spiritual life of the people.

We are taking on this work to preserve the importance and value of the Sepik River. With other rivers in PNG already polluted from mining causing devastating impacts on lives and communities, this case provides an opportunity to save the Sepik River from similar destruction.



Working with the environment sector

To meet the urgent challenges of our time we cannot work in isolation. The Environmental Defenders Office is uniquely positioned to work across the environment sector through the trusted relationships that we've built over the past 38 years.

EDO works with organisations at local and regional levels who can identify urgent and pressing matters. We also work with national and global organisations contributing our legal expertise, sharing information, raising public awareness and challenging false media narratives. Together we use the power of the law to hold the public and private sectors accountable to their legal obligations in the protection of our environment and climate.

Australian Conservation Foundation

On behalf of our client, the Australian Conservation Foundation, EDO is arguing that Woodside's Scarborough gas project should not be allowed to commence unless it is approved under Australia's national environmental legislation, the EPBC Act. Scarborough has never been approved under the Act because projects assessed by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) are exempt. However, that exemption does not apply if an offshore project is likely to have a significant impact on the World or National Heritage values of the Great Barrier Reef. ACF believes the greenhouse gas emissions that will result from the Scarborough project are likely to have a significant impact on the Great Barrier Reef.

Greenpeace Australia Pacific

On behalf of our client, Greenpeace Australia Pacific, EDO requested the Australian Competition and Consumer Commission (ACCC) investigate whether environmental claims by Toyota are misleading or deceptive, relating to environmental performance claims and net-zero ambitions.

Places You Love Alliance

EDO provides pro bono legal advice to the Places You Love Alliance, a group of environmental organisations championing the need for better national environmental protections, including through the reform of Australia's national environmental law, the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

WWF Australia

Almost 2.5 million hectares of key habitat in QLD, NSW and VIC was lost in the 2019-20 bushfires and yet are still vulnerable to deforestation and logging. Over the past three years EDO has worked with WWF to create greater legal protection for the remaining pockets of unburnt forests in six priority areas, by advocating for stronger laws, policies and processes.

Conservation Council SA

On behalf of our client, the Conservation Council SA, EDO requested ASIC investigate whether fossil fuel company NeuRizer has misled or deceived investors and consumers about the climate impacts of its proposed urea fertiliser plant. On its website and in its 2022 Climate Related Financial Disclosure Report, the company claims the fertiliser produced would be "carbon neutral".

The Wilderness Society

Drawing on analysis done by EDO on community rights in environmental decision-making, the Wilderness Society published a report titled Who Holds the Power, which forms part of a campaign focussed on developing a strong national community rights standard as part of the EPBC Act reforms.

North East Forest Alliance

On behalf of our client, the North East Forest Alliance, EDO is taking on this first ever legal challenge to a NSW Regional Forest Agreement (RFA), arguing that when the RFA was renewed the Commonwealth did not give regard to endangered species, the state of old growth forests or the impacts of climate change. The North East NSW RFA was renewed in 2018 for 20 years, with rolling extensions that could continue indefinitely. It allows for forestry operations to be exempt from assessment and approval under the federal Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act).

Australian Rainforest Conservation Society

On behalf of our client, the Australian Rainforest Conservation Society, EDO has been defending the Springbrook World Heritage Area from adjacent groundwater mining. Springbrook is part of the ancient Gondwana Rainforests of Australia, and a globally important rainforest ecosystem.

Nature Conservation Council NSW

On behalf of our client, the Nature Conservation Council NSW, EDO is challenging the validity of the Border Rivers Water Sharing Plan, arguing that the NSW Government Water and Environment ministers failed to properly consider future climate change when making the Border Rivers Plan. This is the first time a plan for sharing water is being challenged in court on climate grounds.

Arid Lands Environment Centre

On behalf of our client, the Arid Lands Environment Centre, EDO launched judicial review proceedings challenging the decision by the NT government to re-grant a groundwater licence that would allow increased extraction over time up to 40,000 ML a year for 30 years. ALEC is concerned about environmental and cultural harm and the destruction of nearby groundwater-dependent ecosystems.

Grata Fund

David Morris, CEO Environmental Defenders Office, is a member of Grata Fund's Advisory Council.

Clients

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC (ATLA)
Anthropocene Fixed Income Institute (AFII)
Arid Lands Environment Centre Inc (ALEC)
Australasian Centre for Corporate Responsibility (ACCR)
Australian Conservation Foundation Inc (ACF)
Australian Marine Conservation Society Inc (AMCS)
Australian Rainforest Conservation Society Inc (ARCS)
Belubula Headwaters Protection Group (BHPG)
BirdLife Australia
Bushfire Survivors for Climate Action Inc (BSCA)
Bush Heritage Australia
Business Services of Coast and Country Inc
Bylong Valley Protection Alliance Inc (BVPA)
Cadia Community Sustainability Network (CCSN)
Central Australian Frack Free Alliance Inc (CAFFA)
Comms Declare Inc
Conservation Council ACT Region Inc
Conservation Council of South Australia Inc
Conservation Council of WA Inc (CCWA)
Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc (DAMSHEG)
Dharriwaa Elders Group Inc
Environment Centre NT Inc (ECNT)
Environs Kimberley Inc
Envoy Film Pty Ltd
Flight Free Australia
Greenpeace Australia Pacific Ltd
Humane Society International Ltd (HSI)
Hunter Gas Landholder Rights Alliance Inc
International Fund for Animal Welfare (Australia) Pty Ltd
Lock the Gate Alliance Ltd
Manyana Matters Environmental Association Inc (MMEA)
Market Forces
Maules Creek Community Council Inc (MCCC)
Mudgee Region Action Group
Murray Lower Darling Rivers Indigenous Nations (MLDRIN)
Nature Conservation Council of NSW Inc (NCC)
North East Forest Alliance Inc (NEFA)

Oakey Coal Action Alliance Inc (OCAA)
Protect Big Rivers Inc
Protect Our Water Catchment Inc
Redlands2030 Inc
Save Our Coast Ltd
Stockton Community Group Inc
Sugarloaf and Districts Action Group Inc
Tangaroa Blue Foundation Ltd
Tarkine National Coalition Inc
Tasmanian Conservation Trust Inc
Tasmanian National Parks Association Inc (TNPA)
The Australia Institute Ltd
The Bimblebox Alliance Inc
The Wilderness Society (Tasmania) Inc
Undermined Inc
World Wide Fund For Nature Australia (WWF)
Youth Verdict Ltd

Anonymous clients: 104



Australian Charities and Not-for-Profits Commission

The Environmental Defenders Office Ltd (ABN 72 002 880 864) holds Deductible Gift Recipient (DGR) status and is a registered charity under the Australian Charities and Not-for-profits Commission Act 2012 (Cth).

The Environmental Defence Fund is a public fund listed on the Register of Environmental Organisations under item 6.1.1 of subsection 30-55(1) of the Income Tax Assessment Act 1997.

All donations made to the Environmental Defenders Office are made in the form of a gift, and donations \$2+ are tax-deductible.

Community Legal Centres Australia

The Environmental Defenders Office is a Community Legal Centres Australia member.

Community Legal Centres Australia National Accreditation Scheme

The National Accreditation Scheme (NAS) is an industry-based certification process for community legal centres (CLCs) that supports and recognises good practice in the delivery of community legal services. The NAS provides a quality assurance process that gives CLCs, funding bodies and clients confidence that CLCs are operating according to good practice and industry standards.

The Environmental Defenders Office Ltd was certified through the National Accreditation Scheme during the 2022/23 financial year.



Equivalency Determination

The Environmental Defenders Office Ltd has been certified as equivalent to a US Certified Public Charity through an NGOsource Equivalency Determination assessment, valid until 30/06/24. EDO's Equivalency Determination certificate can be accessed through the NGOsource repository www.ngosource.org

State and Territory Fundraising Legislation Requirements

As a national organisation, the Environmental Defenders Office conducts fundraising operations in all States and Territories and holds the following licences:

New South Wales

Charitable Fundraising Act 1991
Charitable Fundraising Authority
Number 12837

Queensland

Collections Act 1966 Organisation
Number CH3487

Tasmania

Collections for Charities Act 2001
Approval Number C/11237

Victoria

Fundraising Act 1998
Registration Number FR0015879

Western Australia

Charitable Collections Act 1946
Licence Number CC22957

South Australia

Collections for Charitable
Purposes Act 1939
Licence not required

Northern Territory

Licence not required

Australian Capital Territory

Charitable Collections Act 2003
Licence not required



ACFID Code of Conduct

The Environmental Defenders Office is a member of the Australian Council for International Development (ACFID). ACFID maintains the ACFID Code of Conduct, a voluntary, self-regulatory sector code of good practice for organisations working in aid and development. EDO is committed to full adherence with the Code, conducting our work with transparency, accountability and integrity.

For further information about the Code, please refer to www.acfid.asn.au

This site also includes information about how to make a complaint in relation to any breach of the Code.

Liability of Members

As at 30 June 2023 the number of members was 51.

In accordance with the constitution, if the company is wound up each member may be required to contribute a maximum of \$10 each towards meeting the outstanding obligations of the company. Based on this number the total amount that members of the company would be liable to contribute is \$510 (2022: \$560).

Board

Chair

Dr Bronwyn Darlington

PhD Marketing, Behavioural Economics and Consumer Psychology, University of Sydney

MA Arts, Social Science, Western Sydney University

Former Chair EDO NSW

Managing Director and Founder, Agscent Pty Ltd

Managing Director, The Minimal Footprint Company

Lecturer, Global Executive MBA, University of Sydney Business School

Appointed 25/11/2021

Deputy Chair

Dr Kate Galloway

PhD, University of Melbourne

LLM, Queensland University of Technology

LLB & Bachelor of Economics, University of Queensland

Associate Professor of Law, Bond University

Appointed 07/06/2019

The Hon. Michael Barker KC

Former Judge, Federal Court of Australia

Former Coordinating Judge, National Native Title Practice Division of the Court

Former Judge Supreme Court of Western Australia

Former President State Administrative Tribunal

Appointed 03/09/2019

Dr Rachel Eberhard

PhD Environmental Governance, Queensland University of Technology

MA Philanthropy and Not for Profit, Queensland University of Technology

MA Natural Resources, University of New England

BA Agricultural Science, University of Tasmania

Former Chair EDO QLD

Former Chair Reef Check Australia

Director Eberhard Consulting

Appointed 17/12/2020

Scott Franks

CEO Yamari Ochre Signs

Former CEO Tocomwall

Firefighter, NSW Rural Fire Service

Appointed 20/12/2022

Prof. Emerita Dr Lesley Hughes

PhD Ecology, Macquarie University

Member Climate Change Authority

Member Wentworth Group of Concerned Scientists

Councillor and Director Climate Council of Australia

Councillor Biodiversity Council

Appointed 24/11/2022

Deborah Nesbitt

MA International Law, International Human Rights, Australian National University

Former EDO ACT Deputy and Public Officer

Founding Member Australian Asia-Pacific Media Initiative

Former Australian Correspondent, Bloomberg Law/Environment

Former Editor Thomson Reuters, Environmental Manager & Carbon Extra news services

Former broadcaster ABC Parliamentary Bureau, Radio National, Radio Australia, Triple J, ACT and NT news

Appointed 24/11/2022

Sarah Southwell

MA Commerce, University of Wollongong

General Manager Human Resources, GrainCorp

Appointed 02/02/2023

Phil Vernon

Director Beyond Zero Emissions

Director B Lab Australia & New Zealand

Director Stroke Foundation

Director Futurity Investment Group

Fellow, Australian Institute of Company Directors

Fellow, Chartered Accountants, ANZ

Former Managing Director Australian Ethical Super

Former Director Planet Ark Environmental Foundation

Appointed 06/09/2019

Brent Wallace FAICD

BA Commerce (Marketing), Monash University

Executive Director, Founder and Partner, Fiftyfive5 (Part of Accenture Song)

Former Non Executive Board Director and Chair Blackmores Ltd

Former Board Director and current Governor Worldwide Fund for Nature (WWF Australia)

Former Managing Director Ogilvy & Mather Australia

Appointed 21/05/2020

Catherine Hathaway

Retired 07/06/2022

Pepe Clarke

Retired 04/09/2022

Prof. Jan McDonald

Retired 24/11/2022

Patron

The Hon. Alan Wilson KC

First Nations Strategic Advisory Committee

Conrad Bilney

Jayne Christian

Scott Franks

Harold Ludwick

Waniki Maluwapi

Valda Napurrula

Staff

Office of the CEO

David Morris CEO
Jo Anne Bragg AO General Counsel
Jacqueline Lapensee* Executive Assistant to the CEO and Board
Tracy Stubbs Executive Assistant to the CEO and Board Secretariat

First Nations Program

Casey Kickett Director, First Nations and Indigenous Peoples

Science and Expert Advisory

Dr Edward Butler Scientific Officer
Dr Sharyn Goldstien Director, Science and Expert Advisory
Dr Margaret Shanafield Scientific Officer
Charlotte Stalvies Scientific Officer
Karen Winfield* Scientific Officer

Healthy Environment and Justice

Nicole Sommer Director, Healthy Environment and Justice
Mandy Pritchard Executive Assistant Legal Programs
National
Justine Emerson National Intake Solicitor
Heather McGiddy Legal Process Lead
Joanna Maier National Intake Solicitor

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Oscar Davison* Paralegal
Natasha Lindh* Legal Administrator
Melanie Montalban Managing Lawyer, ACT Practice
Joshua Paveley Solicitor

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Naim Santoso-Miller Solicitor
Marie Short Legal Administrator
Kirstiana Ward Managing Lawyer, North Qld Practice

Northern Territory

Natalie Czapski Solicitor
Elanor Fenge Managing Lawyer, NT Practice
Vale Ingrid Nadjarian* Legal Administrator

New South Wales

Rebekah Ackerman Legal Administrator
Jasper Brown Solicitor
Rachael Chick Senior Solicitor
Rana Koroglu Managing Lawyer, NSW Practice
Natalie Vella Special Counsel

South Australia

Gabrielle Bond Legal Administrator

Southern & Central Queensland

Karen Cutler Legal Administrator
Mollie O'Connor Solicitor
Maeve Parker Solicitor
Revel Pointon Managing Lawyer, Southern & Central Qld Practice

Tasmania

Claire Bookless Managing Lawyer, Tasmania Practice
Akanksha Falor Legal Administrator
Roslyn Harling* Legal Administrator

Western Australia

Jessica Border Solicitor
Anita Bryne* Solicitor
Liam Carmody Legal Administrator
Tim Macknay Managing Lawyer, WA Practice

Systemic Change

Elaine Johnson Director, Legal Strategy

Legal Education

Elise Broadfoot-Mills Solicitor
Jemilah Hallinan Head of Legal Education
Belinda Rayment Special Counsel
Kate Vitnell Solicitor

Policy and Law Reform

Frances Medlock Solicitor – Commonwealth and Government Liaison
Rachel Walmsley Head of Policy & Law Reform

Nature – Biodiversity

Lauren Bicknell* Legal Administrator
Kimberley Hutchinson Senior Solicitor
Andrew Kwan Managing Lawyer, Nature
Meg Lamb Senior Solicitor
Cerin Loane Special Counsel
Christina Meyers Legal Administrator

Nature - Freshwater

Huw Calford Solicitor
Khushboo Dhiman Legal Administrator
Emily Long Special Counsel
Nadja Zimmermann Solicitor

Defending the Defenders Program

Alexander Edye Solicitor
Olivia Freeman Senior Solicitor
Julia Grix Managing Lawyer, Defending the Defenders
Amelia Smillie Paralegal
Sarah Vanderfield Paralegal

Pasifika Program

Dr Bal Kama Special Counsel
Watna Mori Senior Solicitor
Rohan Nanthakumar Senior Solicitor
Sasha Purcell* Special Counsel
Fleur Ramsay Head of Litigation and Climate Lead
Freda Kanek Talao Managing Lawyer, Pasifika Program

Amanda Waninga* Legal Administrator

Safe Climate – Coal & Human Rights

Grace Bramwell Solicitor
Briana Collins* Solicitor
Jayme Cooper Solicitor
Ahmed Faisal Legal Administrator
Matt Floro* Special Counsel
Grace Huang Solicitor
Anita O'Hart Solicitor
Anna Reynolds* Solicitor
Thomas Robson Graduate Solicitor
Alison Rose* Senior Solicitor
Sean Ryan* Managing Lawyer, Safe Climate – Coal & Human Rights

Safe Climate – Corporate/ Commercial

Selma Burek-Celejewska Legal Administrator
Zoe Bush Senior Solicitor
Jasper Gotterson* Paralegal
Anna Gudkov* Senior Solicitor
Asha Keaney Solicitor
Amanda Peng Legal Administrator
Kirsty Ruddock Managing Lawyer, Safe Climate – Corporate/Commercial
Clare Saunders Solicitor
Max Smith* Paralegal

Safe Climate – Gas

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Rufus Coffield-Feith Senior Solicitor
Brendan Dobbie Managing Lawyer, Safe Climate – Gas
Ruby Hamilton Solicitor
Clare Lakewood Special Counsel
Alina Leikin Special Counsel
Jordina Rust Senior Solicitor
Sarah Shin* Solicitor
Talia Slonim Solicitor

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Maria Bautista Finance Administrator
Bronwyn Bell National Operations Coordinator
Catheryn Cheetham National Operations Coordinator
Eamon Fraser-Crooks Senior IT Manager
Prabashini Gurunathen Finance Manager
Nici McCann Head of People and Culture
William Moore Senior Finance Officer
Bao Ngo Finance Administrator
Blake Powell Director, Finance & Operations
Toni Simons Financial Controller
Aleena Yunus People and Culture Officer

Fundraising, Marketing and Communications

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Jacki Boyce Senior Regular Giving and Digital Engagement Specialist
Emma Franklin Senior Philanthropy Specialist
Sylvie Huot Supporter Care and CRM Administrator
Annemarie Kohn Head of Philanthropy
Aaron Lamb Director Fundraising, Marketing and Communications
Mia Lumb Philanthropy and Bequests Specialist
Mhairi McClymont Head of Marketing and Media
Ingrid Neilson Senior Philanthropy Specialist
Isabelle Tawil Philanthropy Administration Specialist
James Tremain Senior Media and Marketing Specialist
Tom Trumble Data & Insights Senior Manager
Jessica Xavier Content Specialist

*Denotes former staff

Staff achievements

Matt Floro, Special Counsel, received the 2022 Mahla Pearlman Australian Young Environmental Lawyer of the Year award.
Zoe Bush, Senior Solicitor, received the Pro Bono/Community Lawyer award at the 2023 Lawyers Weekly 30 Under 30 Awards.
Fleur Ramsay, Head of Litigation & Climate Lead – Pasifika Program, undertook a Churchill Fellowship to develop a best practice Indigenous led program for a mainstream environmental law organisation. Fleur was also recognised by the Best Lawyers in Australia Awards for Climate Change Law.

Workplace gender equality

The Environmental Defenders Office recognises the importance of supporting diversity within our workforce, including with regard to gender. In accordance with the requirements of the Workplace Gender Equality Act 2012, EDO has lodged its 2022-23 Workplace Gender Equality Agency (WGEA) Public Report, accessible on the WGEA website. During 2022-23 women represented 61% of the Board, and 78% of the staff.

Employee satisfaction

In 2022/23 EDO's overall employee Net Promoter Score (eNPS) ranked 25, which is equal to the eNPS benchmark across all industries. Rankings are derived from regular employee feedback surveys relating to recognition, peer relationships, job satisfaction, happiness, wellness, personal growth and organisation ambassadorship.

Mental health

The Environmental Defenders Office is recognised as a Mental Health First Aid Skilled Workplace through Mental Health First Aid Australia, acknowledging EDO's significant achievements in developing mental health first aid skills in our people and embedding a sustainable and effective mental health program.



Counsel

Sarah Andrews	Sebastian Hartford-Davis	Colette Mintz
Nicholas Baum	Jim Hartley	Sophie Molyneux
Richard Beasley SC	Kevin Hayley	Kate Morgan SC
Cheyne Beetham	Tessa Hermann	Rutendo Muchinguri
Kate Bones	Matthew Hickey OAM	Emrys Nekvapil SC
Madeleine Bridgett	Dr Laura Hilly	Nicholas Petrie
Katherine Brown	Andrew Hoare	Ken Pettit SC
Elizabeth Brumby	Adam Hochcroft	Thomas Pontre
Kay Chan	Saul Holt KC	Thomas Prince
Dane Chandler	David Hume	Matthew Pudovskis
Patrick Coleridge	Noel Hutley SC	Shawn Rajanayagam
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Stephen Free SC	Louise Kruger	Lara Soldi
Neal Funnell	Clare Langford	Kristina Stern SC
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	Dr Chris McGrath	
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Burgess Criminal Lawyers
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Norton Rose Fulbright

Science and legal experts

Dr Nerilie Abram	Prof Martine Maron
Prof Russell Babcock	Paul Martin
Adj Prof Hilary Bambrick	Prof Kevin McCue
Assoc Prof Fiona Beck	Dr Zebedee Nicholls
Tim Buckley	Dr Patrick Norman
Andrew Buckwell	Prof Patrick Nunn
Prof Rod Campbell	Assoc Prof Mick O'Leary
Prof John Church	Dr Michael Olson
Dr Tim Collins	Dr Steven Pells
Assoc Prof Matthew Crowther	Dr Stephen Phillips
Prof Matthew Currell	Prof John Quiggin
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Dr Hugh Forehead	Dr Sven Teske
Dr Romy Greiner	Dr Ian Wright
Prof Robert Howarth	Dr Alison Ziller
Dr Terry Hughes	
Prof Charlie Huveneers	
Narelle Irvine	
Prof Sue Jackson	
Prof David Karoly	
Prof Bryce Kelly	
Prof Tom Kompas	
Dr Robert Kooyman	
Peter Kuskie	
Prof Brendan Mackey	

Practical Legal Volunteers

Ruth Arotaing Garry	Suzanna Gavara-Nanu
Jim Bartlett	Judith Geary
Emma Bennet	Madeleine Grant
Bambou Chieppa	Nina Hamasaki
Elizabeth Danaher	Kit Holmes
Leon Danicic	Priyamvada Jagadeeshan
Maximilien Derode	Kate Johnston
Tazwar Khan	Jacinta Jones
Arti Lal	Arshdeep Kaur
Tasha Lee	Tazwar Khan
Wen Li	Thorida Kim
Stephanie Miller	Joseph Lavelle Wilson
Ayesha Seymour	Tracey Lynch
Renae Sherwood	Ally McAlpine
Lara Shirley	Sofia Muston
Ruth Thomas	Michal Orzeg-Wydra
Alexandra Valerio	Melisa Quinn
Lillian White	Peter Rowell
Rachel Yang	Lucy Scanlan
Lauren Ash	Anna Simpson
Steve Bennett	Kimberley Slapp
Grace Bramwell	Verity Smith
Chujing Cai	Maya Suzuki
Sylvia Capra	Andrew Topfer
Francis Cardell-Oliver	Chelsea Zwoerner
Jordan Clarke	
Andrew Collins	
Christian De Lloyd	
Andrew Dunn	
Jedda Elliott	

Legal Student or Graduate Volunteers

Charley Adames	Emily Graham	Sarah Poidevin
Amogh Ananth	Alexander Hall	Lydia Priestley
Michael Arkadieff	Josie Hertner	Zoe Reeve
Arjit Arora	Madeleine Howle	Graeme Reid
Jackson Balme	Tayla Jansen	Georgia Renard
Tegan Barrett-McGuin	Ingrid Jones	Annabel Rigby
Alicia Barron	Lucy Joseland	Angus Robertson
Jim Bartlett	Steneth Kaniki	Andrew Rosemond
Alex Battese	Olivia Kerr	Renee Rothberg
AJ Bond	Isabella Knowles	Lucia Saborio Perez
Saskia Boxhall	Jadwiga Kobryń-Coletti	Indianna Saxon
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James Champlin	Mengting Lin	Shania Singh
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Oliver Close	Hayley Lye	Larissa Tan
Maya Cook	Tara Mack	Sheng Han Teh
Charlotte Coorey	Stella Magoulas	Aurelia Thomson
Sam Cowan	Gabriella Maher	Danielle Tweeddale
Tahlia Curry	Eugenie Maynard	Julia Tyszkiewicz
Britney Cusher	Stephen McClure	Genevieve Walsh
Oscar Davison	Bridie Munro	Hannah Wang
Jayden De Freitas	Preeti Nadan	Anara Watson
Thomas Dickinson	Diana Oakes	Stella White
Carolyn Fargo	Sean O'Beirne	Ella Whitehurst
Oshana Fernando	Jacqueline Peiser-Oliver	Hannah Wilcock
Hannah Fraser	Sophie Pender	Sally Worland
Tazmyn Fuller	Kenneth Pennington	Jiazi Yang
Alexandra Gehrke	Imogen Picker	Xingyin Yi
Luke Gelder		Anthony Zhang
Isabella Gerardi		Wei Zhang
Kathrin Germanos		Cynthia Zhuang
Joshua Glass		
Nathan Goslett		

Thank You

Keren Adams, Human Rights Law Centre Allens	Aina Grodahl, Rainforest Foundation Norway	Nerida Nerida Brown
Vicky Amoko, Centre for Environmental Law & Community Rights (CELCOR)	Warime Gutu, Evangelical Lutheran Church of PNG	Elke Nicholson, Environmental Justice Australia
Matthew Baird, Asian Research Institute for Environmental Law	Martin Hawes	Dr Erin O'Donnell, Melbourne Law School
Andrew Baker, Possible Strategy	Wendy Hawes	Kenn Parker
Adam Beeson, Australian Conservation Foundation	Chris Haskett	Emmanuel Peni, Project Sepik
Mick Bender, Community Representation of Crocodiles (CROC)	Shona Hawkes, Jubilee Australia	Piku Biodiversity Network
Stephanie Booker, ANU Environmental Law Clinic	Holding Redlich	Prof Andy Pitman
Peter Bosip, Centre for Environmental Law & Community Rights (CELCOR)	Patrick Horton	QUT Centre for Justice
Nerida Brown	Bob Irwin	Zoe Rathus AM
Prof Melissa Bull	Terri Janke, Terri Janke and Company	Emma Reilly, Moray & Agnew
Antonia Burke	Emily Johnson, Jubilee Australia	Talei Richards
Dr Cristy Clarke, University of Canberra law School	Murrawah Johnson, Youth Verdict	Roland Sapsford, Climate and Health Alliance
Matt Cornish, Community Representation of Crocodiles (CROC)	Evelyn Katu, Centre for Environmental Law & Community Rights (CELCOR)	Fyfe Strachan, Jubilee Australia
Erfan Daliri, Kind Enterprises	Michele Kearns, Martin Place Chambers	Tasmanian Independent Science Council
Assoc Prof Dr Azadeh Dastyari	Jotham Keleino, Evangelical Lutheran Church of PNG	Albert Taufa, Vanuatu Environmental Law Association (VELA)
Beverly Esau Ngweta, Vanuatu Environmental Law Association (VELA)	David Lawson, Pacific Collective	Terrain NRM
Daney Faddoul, Human Rights Law Centre	Dr Sophie Lewis, ACT Commissioner for Sustainability and the Environment	The Australia Institute Tasmania
First Dog on the Moon	Mamunta Consulting Services	Oliver Toohey, WWF Australia
Flinders University	Sarah Marland, Community Legal Centres NSW	Sophie Trevitt, Change the Record
Jiritju Fourmile	Marque Lawyers	Luke Tscharke
Amanda French	Temaleti Matasia	The Hon Rebecca Vassarotti MLA, ACT Minister for the Environment
Dr Ian Fry, Special Rapporteur on Human Rights and Climate Change	Seno Mauli, Solomon Islands Environmental Law Association (SIELA)	Kiji Vukikomoala, Fiji Environmental Law Association (FELA)
Government of Tuvalu	Ally McAlpine, Environmental Justice Australia	Kathleen Walker
Lucy Graham, Cairns and Far North Environment Centre (CAFNEC)	The Hon. Margaret McMurdo AC	Francis Walker
	Luke Mitchell, Jubilee Australia	Clare Walter, Climate and Health Alliance
	Marie Munkara	Amanda Whelan, knowmore
	The Hon. Peter Murphy SC	David White, Solar Whisper
		The Hon. Alan Wilson KC

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Bluesand Foundation
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Chey Family Trust
Community Impact Foundation
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Department of Environment, Parks and Water Security, Northern Territory Government

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Reports & publications



A Healthy Environment is a Human Right

On 28 July 2022, the right to a healthy environment received universal recognition when the UN General Assembly passed a landmark resolution reaffirming recognition of the right as a human right. EDO's report on the right to a healthy environment in Australia: *A Healthy Environment is a Human Right* addresses what the right to a healthy environment is and its legal status in Australia, why we consider Australian governments should recognise the right to a healthy environment in our laws, and different options for the right to be recognised in Australian law.



Transparent Failure: Lutruwita/Tasmania's ineffective right to information system and how to fix it

EDO's analysis of the administration of Tasmania's freedom of information laws, the *Right to Information Act 2009*, has found the state is the most secretive in Australia. Without ready access to government information about the environment and decisions that may affect it, the work of those trying to protect the environment is severely undermined. This report recommends 12 reforms to enhance transparency and efficiency in the administration of the Act.



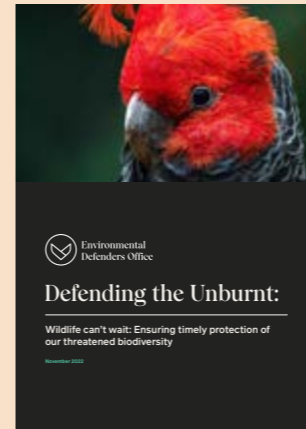
Protecting koalas in the Sydney Basin bioregion

NSW has many laws and policies that aim to protect koalas and their habitat, but on close examination, it is clear these instruments are not up to the job and won't halt the decline of koalas across NSW. The biggest threats to the species are well known, yet despite efforts to improve koala conservation, planning, environment and natural resource laws continue to allow koala habitat to be destroyed or degraded and the species remains at risk.



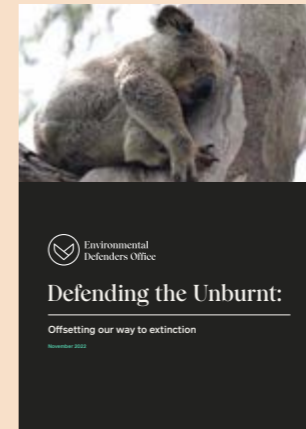
A Roadmap for Climate Reform

Legislation to establish a greenhouse gas emissions reduction target was brought before the new Australian Parliament through the Climate Change Bill 2022, enshrining targets of reducing net greenhouse gas emissions to 43% below 2005 levels by 2030, and to net zero by 2050. EDO developed *A Roadmap for Climate Reform* identifying five opportunities for Australia and making 58 recommendations for the reform of Australian climate law.



Defending the Unburnt: Wildlife can't wait – ensuring timely protection of our threatened biodiversity

The 2019-20 bushfire season highlighted the failings of our environmental laws to be able to respond to such major events in an immediate and holistic way. In this paper, EDO sets out key recommendations on how our legal frameworks can be strengthened to ensure additional measures are available and triggered to respond to future events and to support recovery.



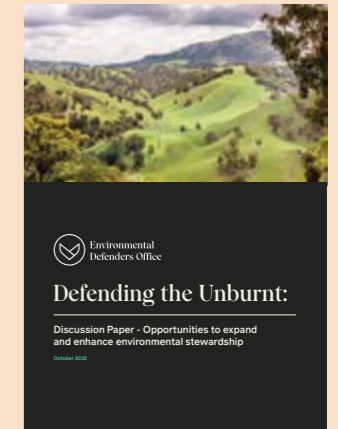
Defending the Unburnt: Offsetting our way to extinction

In this discussion paper, EDO takes a closer look at how flawed biodiversity offsetting schemes are putting bushfire and flood-impacted species and their habitats at risk. We set out best practice biodiversity offsetting principles, and explain how existing rules are failing to meet best practice and what implications this will have for priority unburnt areas that are critical refuges for wildlife.



Defending the Unburnt: Carbon market opportunities for private landholders

This guide looks at opportunities that may be available to landholders to protect priority unburnt areas using carbon market mechanisms (e.g. carbon farming).



Defending the Unburnt: Opportunities to expand and enhance environmental stewardship

Protecting unburnt areas remains an urgent priority following the 2019-20 bushfires. These areas are critical refuges for wildlife and sinks for forest carbon and will remain so for many years to come while burnt areas recover. However, unburnt areas not already protected remain at risk from key threats, including a warming climate, expanding development, agricultural activity and commercial logging operations.

In this discussion paper, EDO analyses existing frameworks and mechanisms of environmental stewardship and identifies key opportunities for both Federal and State governments to expand and enhance environmental stewardship to protect priority unburnt areas.

“If climate inaction induces profound and paralysing despair in you, follow @EDOLawyers and consider financially supporting their work.”

Benjamin Law

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