



# Ubuntu Foundation Impact Report May 2023



*Clients Youth Verdict, The Bimblebox Alliance and EDO lawyers celebrate outside Brisbane's Magistrate Court*

The Environmental Defenders Office (EDO) is sincerely grateful to the trustees of The Ubuntu Foundation for your generous investment to advance climate action and First Nations justice in Queensland. As a result of your support, we have delivered urgent legal interventions to protect our unique environment and tackle fast moving fossil fuel projects in partnership with First Nations communities, who bear the disproportionate burden of dangerous climate change.

The state of Queensland is a key climate battleground, with approximately 42 Queensland-based fossil fuel project approvals in the pipeline. Cumulatively, these projects represent 24.77 Gt (gigatonnes) of greenhouse gas emissions, which is why your support at this time is so crucial.

Thanks to the Ubuntu Foundation, EDO has progressed significant cases that will have lasting impacts for future generations. EDO centres First Nations perspectives and rights in our work, as we build partnerships to protect human rights and nature through informed use of the law. Climate justice is inextricably linked with justice for First Nations people who hold deep, cultural, customary, and spiritual connections to land. Our recent on-Country work, with court proceedings occurring in accordance with First Law protocols, has reinforced the progress we can make together.

We hope you feel buoyed reading through our continued progress, lessons learnt and successful results. Thank you, sincerely, again for your generous support.

T +61 2 9262 6989

W [edo.org.au](http://edo.org.au)

PO Box R1105  
Royal Exchange  
NSW Australia 1225

ABN: 72002 880 864

The information provided in this document is confidential.  
You must not disclose, make available or assign this information to third parties without prior written consent from the Environmental Defenders Office Ltd.

## Clive Palmer's Galilee Coal Project

Emissions curbed as a result of EDO's legal intervention: 101 million tonnes per annum

For the first time ever, an Australian coal mine was challenged on human rights grounds. **And we won.**



In May 2020, EDO launched a landmark case representing young Queenslanders and landowners, to challenge Clive Palmer's Galilee Coal Project. Representing our clients Youth Verdict and Bimblebox Alliance, EDO appeared before the Queensland Land Court and argued that the coal extracted from the mine will impact the human rights of First Nations Peoples by contributing to dangerous climate change, and that the mine will destroy the Bimblebox Nature Refuge, which sits on top of the proposed mine site on Wangan and Jagalou Country.

In our arguments, EDO used the Queensland Human Rights Act as a limit on the power to approve new coal. In a significant development, EDO was successful in gaining orders to conduct the Galilee Coal Project case in accordance with First Law protocols. This meant that for the first time in the history of the Queensland Land Court, evidence was heard on-Country and in a culturally appropriate manner. In June 2022, the Queensland Land Court heard evidence from First Nations people in Gimuy/Cairns and the Torres Strait Islands of Erub and Poruma, who testified on-Country about the impacts of climate change on their country. The impacts could be tangibly seen and experienced by the Court, while also enabling First Nations witnesses and clients to be supported by their communities, rather than having to travel off country to give evidence. The Court and legal teams all participated in a traditional smoking ceremony as part of a Welcome to Country, conducted by First Nations witnesses.

In November 2022, the Queensland Land Court found that Palmer's proposed Galilee Coal Project should be rejected. This was a huge win for climate and human rights and was a testament to the tenacity of EDO lawyers and our clients, Youth Verdict and the Bimblebox Alliance, who fought long and hard to stop this mine from destroying culture, climate and wildlife. More good news followed in February 2023, when Waratah Coal – Clive Palmer's company – dropped its legal appeal to the Queensland Land Court's recommendation of refusal. The Galilee Coal Project was seen as "dead in the water" and this was confirmed when in April 2023, the Queensland government refused the Galilee Coal Project following the Queensland Land Court's recommendation. This final decision brought an end to the epic battle.

This decision has played a key role in shifting power away from the fossil fuel industry, towards First Nations communities on the ground. The important precedents set, as well as the wins throughout the case – such as on-Country and concurrent evidence from cultural witnesses – will allow more Aboriginal and Torres Strait Islander peoples to object to climate-destroying fossil fuel projects proposed in Queensland, in defence of First Nations cultures and our collective future. This case marks a line in the sand and sends a very clear message – that the continued development of coal in 2023 is incompatible with our human rights.



## Clive Palmer's coal-fired power station

### Emissions delayed as a result of EDO's legal intervention: 9.4 million tonnes per annum

Representing various clients, including Youth Verdict and the Australian Conservation Foundation, EDO has ensured this power station is subject to thorough assessment of its environmental and climate grounds and public consultation by successfully advocating for the State Planning Minister to 'call in' assessment. We are now exploring potential legal options to challenge this project if approved. If necessary, we would take this challenge to the Federal Court to oppose any Minister's approval decision. EDO believes that this project would be unlikely to proceed, following the refusal of the related Galilee Coal Project. In addition, EDO is providing state-focused advice, representation and advocacy to ensure Queensland's Human Rights Act and greenhouse gas emissions reductions targets are applied to state decision on major approvals, moving forward.

## Springbrook National Park

In 2019, water mining company Hoffman Drilling asked the Gold Coast City Council for permission to extract 16 million litres of water a year from aquifers connected to Springbrook National Park. The park is part of the Gondwana Rainforests of Australia World Heritage Area, one of only five World Heritage properties in Queensland. When the Gold Coast City Council refused, Hoffman Drilling appealed to the Queensland Planning and Environment Court. EDO joined the action, representing locally based clients the Australian Rainforest Conservation Society (ARCS) in court in February 2023. EDO is currently preparing for a hearing to ensure this project is subject to the strictest environmental conditions, after the proponent and Council publicly agreed to conditions that halve the amount from 16 million litres to 8 million. EDO is also working with First Nations from this beautiful Country and other locals to advocate to the Queensland Government for a permanent moratorium on any further commercial water mining in Springbrook and Tamborine Mountain, along with stricter conditions on existing operators to protect these fragile rainforests which rely on water flow to thrive. EDO and our clients believe that the mining of any volume of water is unacceptably risky in this World Heritage Area which is already so vulnerable to climate change impacts such as droughts, heatwaves, and bushfires.

## Channel Country petroleum lease bans

In October 2021, the Queensland Government quietly granted applications for petroleum leases across more than 250,000 hectares of land in the Channel Country bioregion, including the Lake Eyre Basin, without consulting traditional owners. The Lake Eyre Basin is one of the last remaining free-flowing river systems in the world and is globally recognised for its important floodplains. EDO is working with First Nations clients to reinstate a petroleum lease ban in Channel Country. In addition, we are working with clients Lock the Gate and Western Rivers Alliance to legally protect Channel Country from any upcoming Coal Seam Gas projects and preparing for potential litigation to challenge proposed projects.

## Fugitive and migratory methane emissions in Queensland

EDO has provided legal advice and advocacy support to clients for the purpose of strengthening regulation of greenhouse gas (GHG) emissions in Queensland. This includes fugitive and migratory methane gas emissions for both new and existing fossil fuel projects. As part of this support, EDO has advised on the development of the Queensland government's Resource Industry Development Plan and has been advocating for strong regulation of GHG emissions producing projects throughout Queensland. This work is ongoing as the decarbonisation plan proposed by the Queensland government is expected to be published later in 2023.



# Thank You

We would again like to take this opportunity to sincerely thank the trustees of the Ubuntu Foundation for your vital investment in EDO's legal interventions that aim to bring about a world where nature thrives. We hope you feel buoyed by our lasting impact enabled and the progress we have made to protect nature, people, and climate into the future.



*Clients Youth Verdict, Bimblebox Alliance and EDO lawyers celebrate outside Brisbane's Magistrate Court*

Photo credits: Meg Keene





Environmental  
Defenders Office

# Contact

Ingrid Neilson

Senior Philanthropy Specialist

[ingrid.neilson@edo.org.au](mailto:ingrid.neilson@edo.org.au)

T +61 2 9262 6989  
W [edo.org.au](http://edo.org.au)

PO Box R1105  
Royal Exchange  
NSW Australia 1225  
ABN: 72002 880 864



The Environmental Defenders Office Ltd  
(ABN 72 002 880 864) holds Deductible Gift Recipient  
(DGR) Status and is a Registered Charity.