
Comment

Environmental Justice Network Australia — Where to from Here?

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I Introduction

The Environmental Justice Network Australia ('the Network') was created in April 2014 at a symposium in Brisbane hosted by Griffith University's Urban Research Program¹ and the Australian Earth Laws Alliance ('AELA').² It is an informal, multidisciplinary network of individuals and organisations committed to working together to research, advocate for, and create projects that support environmental justice for all communities in Australia. The Network includes individual researchers, activists, community organisations, community legal centres and universities from around Australia.³ This comment provides an overview of the events that brought the network into being and its plans for 2014–15.

II Environmental Justice in Australia

The term 'environmental justice' emerged as part of the United States civil rights movement and was embedded in social justice movements in the 1970s and 1980s. It refers to equality and fairness in the distribution of environmental harms and benefits (distributive justice), and to the rights of affected communities to participate in decision-making regarding these distributions (procedural or participatory justice). Over the past few decades, the term has broadened in meaning and use, and the concept now appears in a range of international and national strategies for managing sustainable development.⁴ Recent definitions of 'environmental justice' have expanded to include four aspects: the fair distribution of environmental goods and harm; the recognition of human and non-human interests in decision-making and distribution; the

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¹ See Griffith University, *Urban Research Program* <<http://www.griffith.edu.au/environmental-planning-architecture/urban-research-program>>.

² See Australian Earth Laws Alliance, *Home* <<http://www.earthlaws.org.au>>.

³ For further information about the Network, including links to member organisations and Facebook discussion pages, see Australian Earth Laws Alliance, *Environmental Justice Network Australia* <<http://www.earthlaws.org.au/environmental-justice-network-australia/>>.

⁴ Brad Jessup, 'The Journey of Environmental Justice through Public and International Law' in Brad Jessup and Kim Rubenstein, *Environmental Discourses in Public and International Law* (Cambridge University Press, 2012) 47.

existence of deliberative and democratic participation; and the building of capabilities among individuals, groups and non-human parts of nature.⁵

Broadly speaking, the causes of environmental injustice can include:

- a failure of governments and the law to protect people across society from harm
- a tendency of certain parts of the private sector to seek to maximise profits by externalising costs, with implications for people and the environment
- a lack of explicit discussion of the distributional impacts of policies and actions and
- inadequacies in the tools and procedures for implementing environmental justice, and
- inequalities in access to these tools and procedures.⁶

The term ‘environmental justice’ has not historically been used in Australia, but the social and environmental issues that traditionally fall within its meaning have long been present here. A range of historical and recent Australian examples can be cited that fit within the traditional definition of ‘environmental justice’:

- Indigenous community resistance to siting nuclear dump sites in the South Australian desert.⁷
- Addressing the impacts of asbestos mining in Indigenous communities.⁸
- Community resistance to the siting of hazardous waste storage and disposal facilities in Botany Bay and Perth.
- The dispute between residents, industry and government regarding the reopening of a copper smelter in Port Kembla.⁹
- Litigation regarding lead poisoning in Mt Isa: five families sued Xstrata, the Queensland Government and the Mt Isa Local Council for

⁵ David Schlosberg, *Defining Environmental Justice: Theories, Movements and Nature* (Oxford University Press, 2007).

⁶ Economic and Social Research Council, Global Environmental Change Programme, *Environmental Justice: Rights and Means to a Healthy Environment for All* (Special Briefing No 7, University of Sussex, 2001) section 3.

⁷ See, eg, the Campaign Website for Irati Wanti, The Poison, Leave It, Coober Pedy, originally available from <<http://www.iratiwanti.org>>, but now see Sally Harbison, ‘Irati Wanti—The Poison, Leave It’, *Green Left Weekly* (online), 17 September 2003 <<http://www.greenleft.org.au/node/29031>>.

⁸ See, eg, Peter Webster, *White Dust Black Death: The Tragedy of Asbestos Mining at Baryulgil* (Trafford Publishing, 2005); Lee C Moerman and Sandra L van der Laan, ‘The Baryulgil Mine: Asbestos and Aboriginality’ (Paper presented at Sixth Asia Pacific Interdisciplinary Research in Accounting Conference, Sydney, 12 July 2010).

⁹ Elisa Arcioni and Glenn Mitchell, ‘Environmental Justice in Australia: When the RATS became IRATE’ (2005) 14(3) *Environmental Politics* 363.

lead poisoning caused by Mt Isa Mine and its impacts on children's health.¹⁰

- The high levels of cancer and respiratory disease in communities in the Hunter Valley that have been surrounded by coal mining.¹¹
- Community involvement in the 'bucket brigade' movement, where community groups organise among themselves to conduct monitoring of air quality around industrial and extractive activities, and have taken legal/enforcement and other actions when environmental laws (and health and safety standards) were breached.¹²
- Current concerns about the impacts on water quality and human health due to contamination of water in the artesian basin from coal seam gas exploration. There are particular concerns for disadvantaged rural communities such as Tara.¹³

In recent years, the 'traditional' environmental justice discourse has been joined by debates around climate justice. Climate justice involves the key question of 'how to allocate the costs and benefits of greenhouse gas emissions and abatement'.¹⁴ Climate justice has had a much higher profile in the international policy arena than the domestic arena to date.¹⁵ Nonetheless, high-profile commentators have identified the equity issues inherent in climate change impacts and mitigation and adaptation responses in Australia.¹⁶

¹⁰ Michael McKenna, 'Danger in the air for mining town's children', *The Weekend Australian* (Sydney), 18 September 2010, 13.

¹¹ See, eg, ABC Television, 'A Dirty Business', *Four Corners*, 12 April 2010 <<http://www.abc.net.au/4corners/content/2010/s2867659.htm>>.

¹² Bucket brigades exist in Western Australia, Victoria and Queensland (Townsville). The first were launched in 2006 and information can be seen on their website: Global Community Monitor, *History of the Bucket Brigade* (2014) <<http://www.gcmonitor.org/communities/start-a-bucket-brigade/history-of-the-bucket-brigade>>. In Western Australia ('WA'), a 'bucket brigade' called 'Community Alliance for Positive Solutions' ('CAPS') carried out community monitoring of air emissions from an Alcoa bauxite mine and aluminium refinery, which actually resulted in the WA Environmental Protection Authority applying more stringent licensing conditions on the operator: see <<http://www.caps6218.org.au>>.

¹³ Geralyn McCarron, 'Symptomatology of a Gas Field: An Independent Health Survey in the Tara Rural Residential Estates and Environs' (2010) <http://www.fraw.org.uk/files/extreme/mccarron_2013.pdf>; AAP, 'Poor Qld Town Vows to Fight Coal Gas', *Sydney Morning Herald* (online), 26 November 2010 <<http://news.smh.com.au/breaking-news-national/poor-qld-town-vows-to-fight-coal-gas-20101126-189zi.html>>; John McCarthy, 'Tara Residents Blockade Queensland Gas Company to Stop Seismic Testing', *Courier Mail* (online), 10 August 2010 <<http://www.couriermail.com.au/news/queensland/tara-residents-blockade-queensland-gas-company-to-stop-seismic-testing/story-e6freoof-1225903149452>>.

¹⁴ David Schlosberg, 'Climate Justice Beyond Equity: The Flourishing of Human and Non-Human Communities' (APSA 2009 Toronto Meeting Paper, 2009) <<http://ssrn.com/abstract=1449681>>.

¹⁵ Roger E Kasperson and Jeanne X Kasperson, 'Climate Change, Vulnerability and Social Justice' (Stockholm Environment Institute, Risk and Vulnerability Programme, May 2001).

¹⁶ Ross Garnaut, 'Keynote Address' (Speech delivered at the Climate Change and Social Justice Conference, Melbourne, 3 April 2008) <[http://www.garnautreview.org.au/CA25734E0016A131/WebObj/Transcript_KeynotespeechtoClimateChangeandSocialJusticeConference_RossGarnaut_3April08/\\$File/Keynote%20speech.pdf](http://www.garnautreview.org.au/CA25734E0016A131/WebObj/Transcript_KeynotespeechtoClimateChangeandSocialJusticeConference_RossGarnaut_3April08/$File/Keynote%20speech.pdf)>.

One of the most recent analyses of environmental justice in Australia was a report prepared by the Environment Defenders Office Victoria in 2012.¹⁷ The report explicitly questioned why the concept of environmental justice was not used in Australia, and examined three case studies in Victoria that were relevant to this inquiry: residents impacted by the Tullamarine toxic waste dump; Indigenous Nations and their involvement in the formulation of the Murray-Darling Basin Plan; and those living in rural areas trying to participate in land use management decisions. The report made a number of recommendations regarding government policy, the use of law to support environmental justice and issues for further research. In its conclusions, the report noted that:

The project results indicate the wide-ranging applicability of environmental justice in Victoria and Australia, if only the concept can gain traction. For this to occur the Australian non-government sector will be required to take a strong interest in the concept, and for a shift in the mainstream environment movement towards embracing the values of social justice.¹⁸

The report was launched at an Environmental Justice Symposium in June 2012.¹⁹ This Symposium was, in turn, the catalyst for a number of civil society groups and universities organising linked events in 2012 and recently in 2014. This growing number of events and networked activities using ‘environmental justice’ as an umbrella, or framing concept, for a wide range of environmental and social issues, appears to indicate that the concept of environmental justice is indeed gaining traction in Australia.

III *Environmental Justice Events across Australia: 2012–14*

The Environmental Justice Symposium that created the Environmental Justice Network Australia was the fourth in a series of events held in Victoria, Queensland and New South Wales since 2012. The individuals and organisations instrumental in hosting these events have agreed to continue working together to support the informal Network. These groups so far include: the Australian Earth Laws Alliance, the University of Sydney’s Environment Institute, Griffith University Law School and Urban Research Program, Environmental Defenders Office Queensland, Environmental Justice Australia (formerly the Environment Defenders Office Victoria) and Queensland University of Technology (‘QUT’) Law School.

¹⁷ Environment Defenders Office Victoria, ‘Environmental Justice Project: Final Report’ (Environment Defenders Office (Vic) Ltd, 2012) <https://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/environmental_justice_report.pdf>.

¹⁸ Ibid 4.

¹⁹ The program for the Symposium can be found at Environmental Justice Australia, *Environmental Justice Symposium* <https://envirojustice.org.au/downloads/files/seminars/2012/edo_EJ_symposium_program_2012.pdf>.

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The events run by these organisations over the past few years have drawn together a broad mix of people interested in environmental justice, and have highlighted a number of key themes shared by many communities across Australia.

The June 2012 Environmental Justice Symposium featured a range of local, interstate and international speakers²⁰ and covered topics as diverse as climate justice, toxic waste, coal developments and public health approaches to social justice. Importantly, it included a mix of academics, activists and regulators. The final part of the day was dedicated to group discussions about how to progress an environmental justice agenda in Australia.

In December 2012, the AELA, in partnership with QUT Law School, hosted an Environmental Justice Symposium in Brisbane.²¹ This Symposium discussed climate justice, the social impacts of coal and coal seam gas mining in Queensland, ecological justice, Earth jurisprudence and access to justice.

In June 2013, the University of Sydney organised a one-day symposium that again examined themes such as coal, coal seam gas and access to justice, and attracted participation from academics, activists and regulators.²²

The Symposium held in Brisbane in April 2014 was co-hosted by AELA and the Griffith University Urban Research Program, so in addition to presentations about ecological justice, climate justice, food justice and access to justice issues in Queensland, it also had a strong focus on 'traditional' environmental justice topics such as urban planning and development.²³

IV Where to from Here?

The Environmental Justice workshops and events organised between June 2012 and April 2014 were created to bring together researchers, community groups, activists and interested citizens to discuss the broad range of environmental justice issues affecting Australian communities and, where possible, to create new collaborative working arrangements to help each other. The Network was seen as a natural extension of these events, and it has been created to foster a permanent space for interested people to share information and work together to support environmental justice for all communities in Australia.

²⁰ Ibid.

²¹ For an overview of this event, as well as audio recordings and Powerpoint presentations, see Australian Earth Laws Alliance, *Environmental Justice Symposium, Brisbane (QUT), Friday 23rd November 2012* <<http://www.earthlaws.org.au/environmental-justice-symposium/>>.

²² For an overview of this event with a link to the Symposium program with speaker abstracts and biographies, see University of Sydney, Sydney Environment Institute, *Events: Environmental Justice in Australia – Symposium* <<http://sydney.edu.au/environment-institute/events/environmental-justice-in-australia/>>.

²³ For an overview of this event, as well as access to the flyer, program and copies of presentations, see Australian Earth Laws Alliance, *Environmental Justice Symposium, Brisbane, 4 April 2014 – 'What's the Environmental Justice Agenda in Queensland?'* <<http://www.earthlaws.org.au/environmental-justice-symposium-2014/>>.

Key themes have emerged from the environmental justice workshops and symposia, which will lay the foundation for further work to be explored by the Network. One major theme is how civil society, including community groups and academia, can best work together to identify and understand the causes of and solutions to environmental injustices. A number of issues are evident: there is a strong need for researchers and communities to work more closely together and share information and resources; there is an urgent need for Indigenous and non-Indigenous communities to connect and work together on environmental justice issues; and there is an equally urgent need to help people from rural and remote communities to connect with urban communities for support and resource sharing. The intersection between traditional environmental justice and broader ‘ecological justice’ is also an important issue that will need further exploration.

A second major theme that has emerged from Network events is how civil society can best organise itself to influence governments and commercial interests and produce just outcomes for human and natural communities in Australia. This is a landscape that has experienced significant change in the past few years. With the regression of environmental law at the federal level²⁴ and in many states, particularly Queensland,²⁵ and with the continued growth in mining and other industrial developments in Australia, community groups are seeing many of the rights they previously had being diminished. They are also seeing the threats to their health and local communities increase. How citizens engage with each other, the three tiers of government (local, state and federal) and increasingly powerful corporate interests in the current policy environment will be one of the most interesting issues to be addressed by the Network.

In terms of practical next steps, Network members have identified two priority events for the next 12 months: a symposium focused on Indigenous environmental justice; and a collaborative event to support rural communities. The latter event is being held in Brisbane on Friday 31 October 2014, and is titled ‘Bridging the Divide: Food Justice in Rural and Urban Queensland’.²⁶ Network members will also be working to develop a website, social media and other communication pathways, in order to support the ‘organic’ growth of the Network and shared environmental justice projects.

Australian society is experiencing an unprecedented level of environmental degradation and industrial growth, and many people are grappling with how to handle the immediate impacts on their human and natural

²⁴ This regression in environmental law is evident in many recent steps taken by the Federal Government, including its decision to hand over many of its responsibilities under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to the states, and its decision in December 2013 to cancel all funding to the network of community environmental law centres, the Environmental Defender’s Offices, thereby reducing access to environmental justice.

²⁵ In Queensland, the Government is looking to remove community rights to object to coal mines and other mining developments, it proposes radical changes to the *Sustainable Planning Act 2009* (Qld) without community consultation, and it cancelled funding to the Environmental Defenders Office in mid-2012, removing state support for access to environmental justice.

²⁶ Information about this event can be found at Australian Earth Laws Alliance, *Environmental Justice Network Australia* <<http://www.earthlaws.org.au/environmental-justice-network-australia/>>.

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communities, and how to create more positive pathways for the future. The Environmental Justice Network Australia represents the beginning of greater cooperation between people and organisations from very different backgrounds and professions, who are committed to a sustainable and just future for Australia. If it continues to grow, the Network may also lead to the evolution of a distinctly Australian ‘branch’ of environmental justice.

