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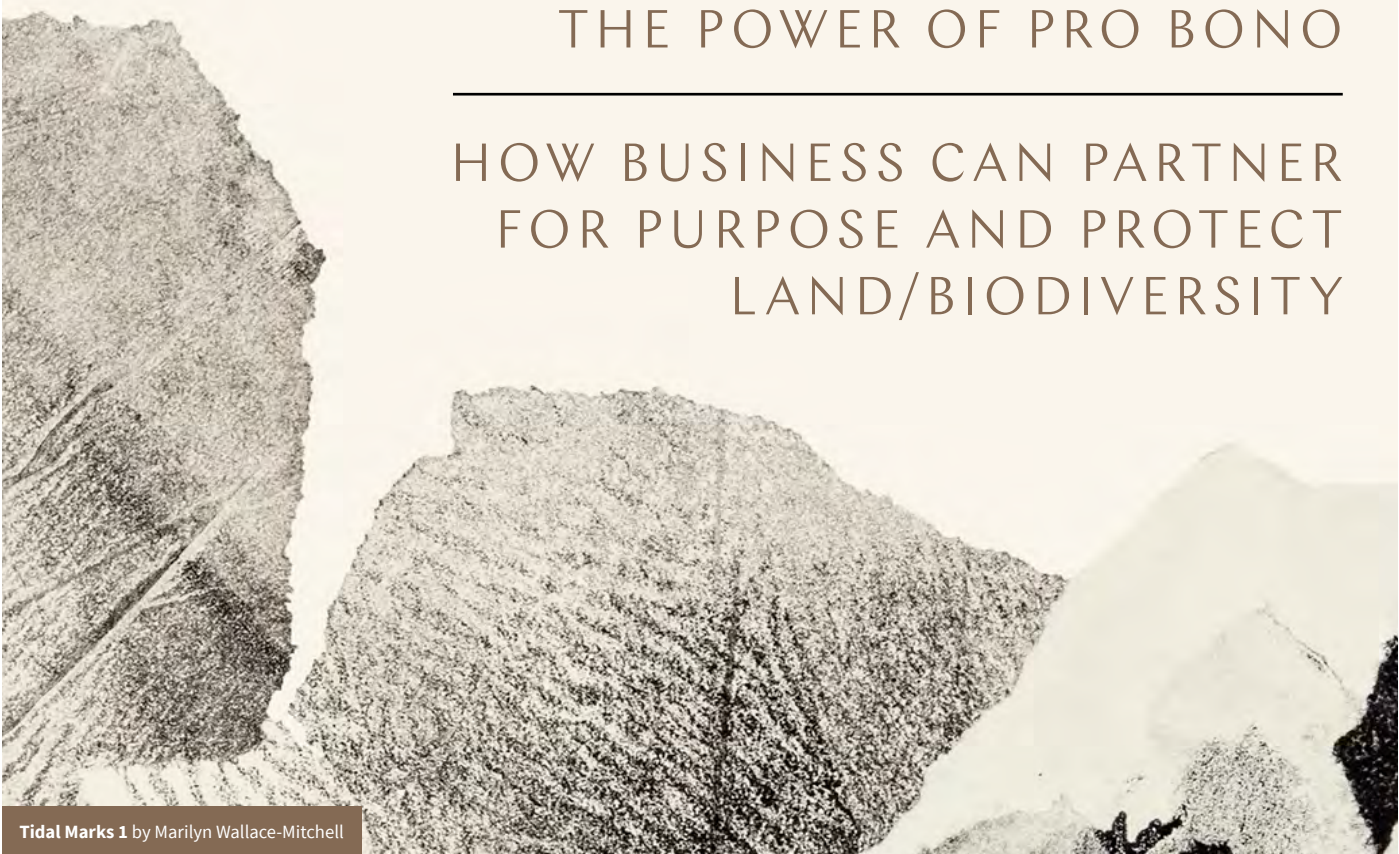
BRIDGING THE DIGITAL DIVIDE

CLIMATE LITIGATION IS SHAPING THE
REGULATORY LANDSCAPE IN AUSTRALIA

INTERGENERATIONAL WEALTH TRANSFER

THE POWER OF PRO BONO

HOW BUSINESS CAN PARTNER
FOR PURPOSE AND PROTECT
LAND/BIODIVERSITY



Tidal Marks 1 by Marilyn Wallace-Mitchell

F O R E W O R D

Welcome to NEXT, where we explore the future of responsible business and the collaborative efforts that can drive meaningful change.

In today's interconnected world, responsible business is increasingly about collaboration and shared impact. This edition of NEXT invites you to explore how businesses, lawyers and community organisations can come together to create a sustainable and equitable future.

We'll look at how ANZ's financial education programs are addressing the digital divide, empowering individuals with the knowledge and skills they need to thrive in a digital age. We'll also highlight the role of pro bono work, showcasing how lawyers can engage with their communities and contribute to meaningful change. These efforts reflect how business is engaging its core expertise to make a positive difference.

Additionally, we'll examine the evolving landscape of climate litigation in Australia. Recent court decisions and regulatory actions are prompting businesses to rethink their environmental claims and practices. Cases such as Pabai and the settlement between EnergyAustralia and Parents for Climate underscore the importance of transparency and accountability in addressing climate issues. As we navigate challenges like greenwashing, it's clear that a collaborative approach is essential for fostering responsible practices that benefit both businesses and the communities they work in.

In our NEXT podcast series, we have brought together thought leaders and change-makers to share insights on integrating purpose into everyday practice. These discussions not only shed light on the challenges we face but also inspire us to find solutions that connect profit with purpose. Listen to the podcast on [Apple](#) or [Spotify](#).

As we move forward, let's embrace the opportunity to work together across sectors. By joining forces, we can create a future where businesses flourish alongside the communities and ecosystems they impact.

Download the podcast here



CLEMENTINE JOHNSON
HEAD OF SOCIAL IMPACT & SHARED VALUE

BRIDGING THE DIGITAL DIVIDE

AS DIGITAL TECHNOLOGY BECOMES INCREASINGLY ESSENTIAL TO OUR DAY-TO-DAY LIVES, SO DOES THE NEED TO ADDRESS THE BARRIERS TO DIGITAL INCLUSION IN THE COMMUNITY.

At ANZ, our commitment to financial education is long-standing and spans all areas of our business. We aim to support our customers to make the most of their money and improve their financial wellbeing throughout the course of their lives – no matter what their circumstances.

Beyond providing core banking services such as home loans, personal loans or credit cards, we are proud to play a key role in the community by leading research and thinking about what drives financial wellbeing and working alongside our community partners to deliver financial education programs.

AUTHORS



JANET LIU

GROUP HEAD OF SOCIAL
IMPACT AND COMMUNITY
PARTNERSHIPS, ANZ

THE DIGITAL DIVIDE IN AUSTRALIA

A [research report](#) commissioned by ANZ and conducted by the University of South Australia delves into the topic, asking older Australians about the challenges they face when using digital banking.

We know digital banking has created great opportunities for people to bank wherever they need to in a fast and secure way. And while older Australians appear to be adopting digital banking at a similar rate to other age groups, the research tells us that some older Australians hold concerns about online privacy and security, and there can be challenges with the accessibility of online platforms, channels and digital devices.

In an increasingly digital world, scams and cybercrime also pose a significant threat to the financial wellbeing of Australians. As a growing societal problem, there is a need for a collaborative approach to drive access to and education about digital platforms and technology, and the risks and challenges that come with the landscape.

The 2023 latest Australian Digital Inclusion Index also highlights affordability as one of the largest barriers to digital inclusion¹.

The report measures three core components of digital inclusion – access, affordability and digital ability – all three of which must be addressed to help create a more equitable and inclusive digital society.

The current cost of living crisis only reinforces the importance of financial education – at any age and stage of life – with a focus on digital inclusion.

¹ Digital inclusion: the Australian context in 2023 - Australian Digital Inclusion Index

FINANCIAL EDUCATION PROGRAMS

What role does a bank play in community education? At ANZ our purpose is “to shape a world where people and communities thrive” and our financial education programs are a core component of this.

[MoneyMinded](#) is an adult financial education program that supports people to build their knowledge, confidence, and skills to make informed decisions and manage their money. It is ANZ’s flagship program to improve financial wellbeing in the community, supporting ANZ’s purpose to help shape a world where people and communities thrive.

When MoneyMinded was developed in collaboration with the NSW Department of Education and Training, Financial Counselling Australia, the Financial Counsellors Association of NSW and The Australian Securities and Investments Commission, we could never have envisaged the significant impact this program would continue to have more than two decades later.

This success is a testament to the strong partnerships we have with the community sector in Australia, including our current delivery partners: Brotherhood of St. Laurence, Berry Street, The Smith Family, Private Training Establishments (PTEs) and community organisations across New Zealand, as well as numerous delivery partners throughout Asia and the Pacific.

ANZ provides free MoneyMinded Coach Training for community sector professionals and financial counsellors, delivered by one of our community partners. Once completed, accredited Coaches can use MoneyMinded with their clients in the community.

We also provide accredited MoneyMinded Coaches with free access to ongoing training and resources to support their delivery of the program. Coaches will often tell us that one of the most useful features of the program is its flexibility and adaptability to suit the preferred learning mode, context, and cultural needs of participants. The program can be delivered standalone, or integrated with existing programs and services which the Coaches are running in the community.

BUILDING DIGITAL CONFIDENCE

In June this year, MoneyMinded established new content designed to build digital confidence and capability using digital devices. The digital confidence module starts with the basics of how to use a device and participate online safely and builds skills to engage with internet and mobile app banking.

While the module is still relatively new, MoneyMinded Coaches who have been trained to deliver the content have reported that they find the content relevant to their client base. They have called out the topics covering smart device basics and app use as well as computer basics and online safety basics as both practical and helpful.

The Digital Confidence module was rolled out shortly after we established a customer referral pathway for repeat and entrenched scams victims to access a free scams financial education workshop.

Delivered in partnership with the Brotherhood of St Laurence, scams victims are referred to a free facilitated workshop which outlines how to identify and protect yourself from various types of scams, including investment, dating, phishing, remote access, and employment scams. These education workshops follow the launch of a Scams MoneyMinded module in 2024, which is also available to all MoneyMinded Coaches.

Together, the digital confidence module and Scams module and referral pathway are playing a role in scam prevention and encouraging members of the community to navigate the ever-changing digital world with more confidence.

THE IMPORTANCE OF STRONG COMMUNITY PARTNERSHIPS

In partnership with ANZ, The Smith Family is offering specialised training in the Digital Confidence module to all existing MoneyMinded Coaches as they begin to use the resources with their clients and services the Coaches are running in the community.

Speaking about the Coach training, one participant said: “I have a lot of clients who come into our office to use the computers with support, this will better assist me in supporting their needs in becoming confident with technology surrounding employment income and spending”.

Another Coach commented that “I am running a session soon with young, new mums and will focus on the scams content”.

We know the success of our programs is only made possible by our long-standing community partnerships and many wonderful community professionals and volunteers. In the case of our Digital Confidence module, we are proud to be partnering with The Smith Family – an organisation that believes that education is one of the world’s most powerful change agents and has a long history working with communities across Australia to effect change.

CLIMATE LITIGATION IS SHAPING THE REGULATORY LANDSCAPE IN AUSTRALIA

CLIMATE CHANGE AND ENVIRONMENTAL SUSTAINABILITY CONCERNS CONTINUE TO SHAPE THE LEGAL AND REGULATORY LANDSCAPE IN AUSTRALIA. RECENT COURT ACTIONS PROVIDE IMPORTANT GUIDANCE FOR GOVERNMENT, BUSINESS AND THE BROADER COMMUNITY.

This insight examines three significant developments:

- the Federal Court's decision in *Pabai v Commonwealth (No 2)* [2025] FCA 796 (Pabai);
- the settlement between EnergyAustralia and Parents for Climate; and
- recent actions by the Australian Competition and Consumer Commission (ACCC) targeting greenwashing.

Each of these developments offers valuable insights into the persistence of attempts to use both traditional and novel mechanisms to sheet home accountability for climate harms and green claims.

AUTHORS



LISA HUETT

PARTNER
COMPETITION
MELBOURNE



PAULA
MCGRATH

SENIOR ASSOCIATE
COMPETITION
MELBOURNE



JOANNE
NG

SOLICITOR
COMPETITION
MELBOURNE

FEDERAL COURT DECISION IN PABAI

NO DUTY OF CARE FOR CLIMATE HARM

The Federal Court's decision in Pabai was a landmark ruling addressing whether the Federal Government owes a duty of care to protect communities from climate-related harm. The case was brought by Torres Strait Islander applicants, who argued that the Commonwealth had failed to set adequate greenhouse gas emissions reduction targets and to provide sufficient funding for climate adaptation infrastructure, such as seawalls, to protect their islands from rising sea levels and erosion.

The Court made detailed findings about the severe and ongoing impacts of climate change on the Torres Strait Islands, including environmental degradation and cultural loss. It also found that the Commonwealth had, at most, failed to give genuine consideration to the best available climate science.

However, consistently with previous Federal Court decisions, Justice Wigney ultimately declined to find that the Commonwealth owed a duty of care under the law of negligence. The Court's reasoning was grounded in several key considerations:

GOVERNMENT POLICY AND JUDICIAL POWER:

The Court held that decisions regarding emissions targets and adaptation funding are matters of core government policy and are not suitable for judicial determination under the law of negligence. The judiciary was reluctant to intrude upon complex policy decisions that require balancing economic, social, and political factors.

CAUSATION AND GLOBAL EMISSIONS:

Even if a duty of care were recognised, the Court found it would be difficult to establish that any breach by the Commonwealth materially contributed to the harm suffered by the Torres Strait Islanders, given Australia's relatively small share of global emissions and the cumulative nature of climate change.

COMPENSABLE HARM:

The applicants' claims included the loss of fulfilment of Ailan Kastom, the traditional customs and beliefs of the Torres Strait Islanders. The Court found that such cultural loss is not currently recognised as a compensable category of harm under Australian negligence law, which is generally limited to personal injury or property damage.

The decision reflects the judiciary's cautious approach to recognising a positive climate duty owed by the government in the absence of statutory support. While the outcome maintains the status quo in Australian negligence law, Justice Wigney acknowledged that the law may evolve through appellate decisions or legislative reform. The case also highlights the challenges of using common law negligence to address complex, systemic issues such as climate change.

We have also considered this decision and overseas climate obligations in our recent KWM insight article [here](#).

ENERGYAUSTRALIA AND PARENTS FOR CLIMATE

NO DUTY OF CARE FOR CLIMATE HARM

In a separate development, EnergyAustralia reached a settlement with the advocacy group Parents for Climate following allegations that the company’s marketing of its “Go Neutral” carbon offset product was misleading or deceptive under the Australian Consumer Law (ACL). The product, which was certified as carbon neutral by the Federal Government’s Climate Active scheme, involved the purchase of carbon credits to offset emissions from customers’ electricity or gas use, which was still predominantly sourced from fossil fuels.

The legal action centred on concerns that consumers may have been misled about the effectiveness of carbon offsetting and the true climate impact of the product. In May 2025, EnergyAustralia agreed to settle the proceedings and published a statement on its website acknowledging several key points:

LIMITATIONS OF CARBON OFFSETTING:

EnergyAustralia recognised that carbon offsetting is not the most effective way to assist customers in reducing their emissions and apologised to any customer who felt the marketing of the Go Neutral product was unclear.

TRANSPARENCY AND CONSUMER UNDERSTANDING:

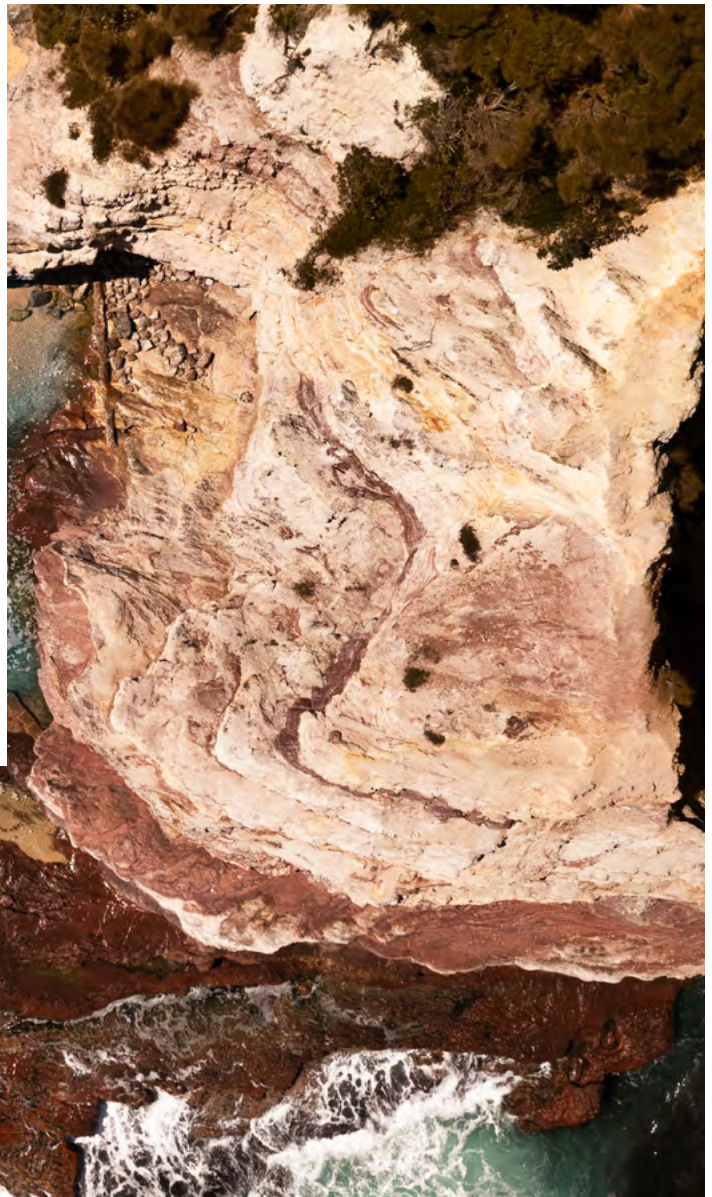
The company emphasised the importance of providing clear and transparent information to consumers about the use and impact of offsets and acknowledged legitimate public concern about the efficacy of carbon neutral certification schemes.

RELIANCE ON CLIMATE ACTIVE:

This settlement raises questions about the legitimacy of relying solely on Climate Active certification when making carbon neutral claims. The case serves as a reminder that companies must be vigilant in avoiding greenwashing and should prioritise genuine emissions reductions over offsetting.

By focussing on declaratory relief, the claimants were able to achieve behavioural change that may not have been possible had a traditional class action for damages, the settlement of which would have been subject to court oversight, been pursued.

In these circumstances, companies should be looking closely at any claims they make relating to carbon neutral, climate neutral, net zero or similar status and considering whether any changes are required as a result of how they may be understood and viewed by consumers, regulators and other stakeholders.



ACCC ACTIONS TARGETING GREENWASHING

INCREASED SCRUTINY OVER MARKETING CLAIMS

There is growing scrutiny of how organisations communicate their environmental commitments. Claims about being “green” or “carbon neutral” are increasingly under the microscope, with regulators and the public expecting greater transparency and evidence of action and progress.

Recent developments have highlighted the importance of being clear and accurate when promoting carbon neutral or offset products. Questions have been raised about whether consumers fully understand what carbon offsetting means and whether it accurately reflects a company’s overall climate impact. These discussions point to a broader lesson for business: relying solely on certification schemes or offsets is not enough. Genuine emissions reduction, paired with clear and transparent communication, is essential for maintaining trust and credibility.

The ACCC and ASIC have ramped up their focus on environmental claims, taking action where marketing has been found to be unclear or potentially misleading. This includes statements about renewable energy, sustainability and product safety. The expectation is simple: claims must be backed by solid evidence and communicated with honesty.

CONCLUSION

These recent developments in Australian climate litigation and regulatory enforcement highlight the increasing legal and reputational risks associated with business activities that impact climate change and making claims about environmental or sustainability credentials. As the legal landscape continues to evolve, organisations should review their climate and sustainability strategies, ensure robust governance of environmental claims and remain alert to emerging legal and regulatory expectations.

01 Review their climate and sustainability strategies.

02 Ensure robust governance of environmental claims.

03 Remain alert to emerging legal and regulatory expectations.

INTERGENERATIONAL WEALTH TRANSFER

MUCH HAS BEEN WRITTEN ABOUT THE EVER APPROACHING “UNPRECEDENTED” INTERGENERATIONAL WEALTH TRANSFER, IN WHICH BETWEEN AU\$3.5 TRILLION AND AU\$5.4 TRILLION IN ASSETS IS EXPECTED TO PASS FROM THE BABY BOOMERS TO THEIR HEIRS¹.

This wealth transfer will encompass, among other things, residential property, superannuation, significant family businesses and more generally, investments assets (such as shares in Australian and foreign companies).

This transfer represents arguably one of the most important – and presently underappreciated – opportunities to pass on more than just wealth. It is a chance to enable continuity of organisations, culture, values as well as livelihoods painstakingly built. The focus of this article is not estate planning, although that is one element, but rather the options that are available for a Boomer to seek to address the challenges in embedding / creating a culture that continues to embrace responsible business long after the transition.

AUTHORS



JUSTIN
CHERRINGTON

PARTNER
TAXATION
PERTH



JUSTIN
ROSSETTO

PARTNER
TAXATION
SYDNEY

¹ Productivity Commission: “Wealth transfers and their economic effects: research paper” November 2021

SETTING THE SCENE

A starting point for the planning to address the risks and embrace the ideals of embedding cultural values, protecting the interests of stakeholders (including employees), mitigating transition impacts and importantly, ensure business continuity is to examine the Boomer's holdings.

Boomer (and their family)'s interests are not usually linear or neat as they are likely to have grown through acquisition and growth based around opportunity rather than careful planning. As such the wealth holding structure(s) are likely to be complex and comprise one or more fixed trusts, discretionary trusts, bare trusts and one or more corporate groups. Further, a family's interest in a corporate group, that provides the main source of wealth, can add to that complexity depending on the longevity of the interest held by the Boomer.

Once a clear picture of the structure is obtained (which in and of itself can be a difficult task), only then can an assessment of how the transition of the benefit of the family wealth take place, through estate planning or otherwise, and equally importantly, how the Boomer seeks to control or embed the cultural principles they have built, protect relevant stakeholders, mitigate transition costs and maintain business continuity.

One way to commence embedding the views of the Boomer is to implement a charter (a constituent document). That charter can be non-binding while the transition is in planning and implementation to ensure that the charter is fit for purpose. Once it is determined (with amendments, if appropriate) to be fit for purpose then the manner in which that charter can become binding will depend on the ultimate structure adopted for the transition.

For those Boomers who are unclear as to how to frame such a charter it has been suggested that ESG principles are an excellent starting place. This is because ESG principles provide an independent framework to develop the form of the values etc. that a Boomer wishes to create after their transition.

This overriding charter can then be supplemented / implemented by establishing or utilising the services of a family office.

Further consistent with the principles of the ESG framework, consideration should be given to determine if a private ancillary fund is also an element that will help embed a sense of philanthropy.

Each of these are considered below.

A FAMILY OFFICE

Simply put a family office in Australia is an entity established to manage the financial, legal, and personal affairs of a high-net-worth family or families. A single-family office is one established by and held for one family. A multi-family office is (usually) a private entity established to provide the relevant services for a number of families to provide the family office services on a more cost-effective basis than a single-family office. Unlike a single-family office, the multi-family office is not wholly owned and controlled by the relevant family, however this does not in and of itself prevent the Boomer from ensuring that the family office operates in accordance with the developing and ultimately binding charter.

A family office does not usually hold the interests of the family, it is merely the manager of the affairs of the family. Notwithstanding that it does not usually own the interest, it can (and usually does) play a pivotal role in how a family's wealth is invested, the manner in which they control those investments and where an existing privately held group is intended to be transitioned (rather than sold and only the wealth transferred), how there is little disruption to the business continuity of that group.

Given this pivotal role, it is essential that the family office has a clear framework under which it should operate. Further, having such a charter developed under the ESG principles may assist the family office (and the relevant decision makers such as advisers) in making decision that do not ordinarily fit or are contemplated by the family charter.

PRIVATE ANCILLARY FUND

If a Boomer is minded towards establishing and maintaining a philanthropic element to their family structure then it is likely that they will have established, or should establish a private ancillary fund (**PAF**).

A PAF is a deductible gift recipient under the Income Tax Assessment Act 1997 (Cth). As such it allows family groups / high-net-worth individuals to donate funds in a targeted and structured manner. It ensures that they remain involved in the application of those funds to other deductible gift recipients.

A PAF is a charitable trust that can be created through a deed (trust instrument) or will. A PAF is subject to the *Taxation Administration (Private Ancillary Fund) Guidelines 2019* which sets out the governance, compliance and operational requirements. There are numerous (and stringent) requirements to satisfy in order for such a charitable trust to be a deductible gift recipient (and also income tax exempt).

Some noteworthy elements are that a PAF must be not for profit, must operate only in Australia and, distribute the greater of \$11,000 or at least 5% of the market value of the net assets of the PAF in a financial year². It has recently been raised by the Australian Productivity Commission that the minimum distribution be examined, and if appropriate, the Government set the minimum between 5% and 8% of the market value of the net assets of the PAF in a financial year³.

The PAF provides an opportunity to embed in the philanthropic principles of the family group as part of the transition which may not otherwise currently exist (at least formally). Further, it is worth noting that a donation to a PAF will give rise to a tax deduction of the donor so it may be one component of the restructure that allows a Boomer to mitigate a tax impost by embedding a philanthropic element to the family group as party of the transition.

² Subject to the Commissioner of Taxation allowing a reduction in this amount.

³ See Future Foundations for giving: Inquiry report. Australian Productivity Commission 10 May 2024; page 288 for both private and public ancillary funds

A FINAL WORD ON IMPOSTS

While there is no inheritance tax in Australia, estate planning coupled with tax and duty planning remain essential. Further, if the Boomer really wants to achieve the objectives outlined above, the planning for that transition starts long before death so what actually is transferred by way of the Boomer estate may in fact be limited, as the majority of the wealth is likely held by companies and trusts (and other similar investment vehicles).

The complexities of Australia's tax regime overlaid with the States' tax regime mean that the Boomer should carefully plan the transition so that the Federal or State Government or the advisers of family (should a dispute arise), after the transfer, do not receive a greater share of that transfer than would otherwise be the case with careful planning.

The key to mitigating imposts on the transition is to start with a framework or charter and then examine the holdings of the Boomer. It is only when that framework or charter is established (whether binding or not) can the holdings be examined to see whether a restructure is necessary to ensure that all relevant holdings fall under that charter and whether there are any elements within that structure that would work against or cause an impost on a transition.

Where a restructure is required, it will be important to consider whether there is any restructuring relief for income tax or duty, the absence of which would usually give rise to an impost. In some cases, such an impost may be necessary to implement the desired transitional restructure.

THE POWER OF PRO BONO

PRO BONO IS NOW
FIRMLY RECOGNISED
AS A CORE ELEMENT
OF RESPONSIBLE
LEGAL PRACTICE
- A PRACTICAL
DEMONSTRATION
OF THE LEGAL
PROFESSION'S
COMMITMENT TO THE
RULE OF LAW, EQUITY,
AND ACCESS TO
JUSTICE.

Its continuing significance is reflected in recent data, with the Australian Pro Bono Centre reporting that in FY2024 Australian law firms delivered over 781,000 hours of pro bono work. This equates to approximately 434 lawyers working full-time to support individuals and communities most in need.¹

AUTHORS



ELISE
PERRY

PRO BONO SENIOR
ASSOCIATE & MANAGER
SYDNEY

¹ 17th Annual Performance Report of the National Pro Bono Target, September 2024. Available online: [17th-National-Pro-Bono-Target-Report-2024.pdf](#)

This level of commitment is unlikely to dissipate in the coming years, with the primary area of focus increasingly on the so-called “missing middle”: individuals and entities who fall outside the eligibility thresholds for legal aid, yet lack the means to secure private legal representation. For many in this cohort, pro bono services constitute the only viable avenue to legal assistance – often making the difference between safety and harm, or stability and crisis.

The pro bono community has moved beyond the question of whether this work is necessary; the focus is now on how to maximise its depth and long-term impact. Increasingly, it is recognised that quantitative metrics—such as total hours—are not sufficient on their own. Leading initiatives are now measuring qualitative outcomes, including:

CLIENT OUTCOMES:

Did the client feel heard, safe and empowered?

COMMUNITY EFFECTS:

Was a harmful policy challenged or law reform advanced?

LAWYER WELLBEING:

Did the work energise and inspire, or contribute to fatigue and burnout?

PROFESSIONAL DEVELOPMENT:

Did the work enhance cultural competency or offer systemic insight?

This data does not just justify the work – it shapes and refines it.

Contemporary pro bono efforts also increasingly extend beyond casework, with a growing focus on structural reform. This systemic approach recognises that while individual representation remains vital, lasting impact often requires engagement at the policy and institutional levels. Pro bono efforts are increasingly focused on supporting community partners with law reform submissions and strategic litigation aimed at challenging entrenched inequities. By identifying patterns in casework, such as recurring administrative barriers or discriminatory practices, lawyers can help drive broader legal and regulatory change. In doing so, firms contribute not only to individual justice, but to the transformation of the systems that perpetuate disadvantage.

This is being driven, in part, by a generation of lawyers for whom pro bono is not peripheral but central to their professional identity. For many early-career lawyers, it represents a vital connection to the values that brought them to the profession. Law firms that invest meaningfully in this area not only deliver tangible community benefit, but also foster engagement and retention by aligning with the expectations of purpose-driven legal professionals.

Technology is also reshaping how pro bono services are delivered. The rise of AI tools, digital triage platforms, and online legal resources is creating new opportunities for accessible, efficient service delivery, particularly in rural and regional areas. However, these benefits are not universal. Without sufficient digital literacy and infrastructure, technology risks reinforcing exclusion rather than overcoming it. The most effective initiatives will need to combine innovation with deep community engagement, trauma-informed practice, and culturally safe approaches.

While the practice of pro bono continues to evolve, the foundations of setting up an effective pro bono practice within a firm or in-house team remain consistent. Key enablers include visible senior leadership support, clear and supported pathways for lawyer participation, robust training (particularly in culturally competent and trauma-informed practice), strong partnerships with community organisations, and regular recognition of outcomes and contributions.

For KWM, each hour contributed is not simply a legal service, but a commitment to a fairer society. We are proud that through our pro bono efforts, our firm and practitioners alike are directly contributing to meaningful and lasting social change.

HOW BUSINESS CAN PARTNER FOR PURPOSE AND PROTECT LAND/BIODIVERSITY

IN BUSINESS, WE OFTEN TALK ABOUT LONG-TERM VALUE. BUT IN TODAY'S WORLD, THERE IS NO RESILIENT ECONOMY, NO ENDURING PROSPERITY WITHOUT A THRIVING NATURAL ENVIRONMENT.

The warming planet and biodiversity crises are today's business risks, but they are also opportunities to lead differently, collaboratively and with purpose. At the intersection of environment, business, and law lies the chance to create something better, for all our stakeholders, for the ecosystems and communities in which we all live.

This idea was brought to life in our recent conversation on the **NEXT Podcast** with Rachel Lowry, CEO of Bush Heritage Australia, an organisation that is redefining what leadership in this space looks like in Australia.

AUTHORS



CLAIRE
ROGERS

PARTNER
HEAD OF ESG
SYDNEY



SHRUTI
CHOUDHARY

CLIMATE AND
ENVIRONMENT LEAD
MELBOURNE

INSPIRED BY OUR
CONVERSATION WITH
RACHEL LOWRY, CEO, BUSH
HERITAGE AUSTRALIA

Bush Heritage Australia is working toward a future where healthy country is protected forever. Their 2030 strategy, to double their conservation impact to 2.4 million hectares, is grounded in scientific rigor, community partnership, and deep cultural respect.

CEO of Bush Heritage Australia, Rachel Lowrey’s message is not just about land, it’s about leadership. “If we’ve done it before,” she told us, “we can do it again. And do it bigger, smarter, and more inclusively.” She calls on the business community to think beyond compliance and offsets, and to see nature as a long-term partner in prosperity. After all, sustainable water, fertile soil, pollination, climate stability aren’t just environmental issues, they are economic infrastructure.



LAW AS AN ENABLER OF POSITIVE CHANGE

If business is the driver of sustainability, law is the enabler. Legal frameworks give shape to ambition. They make conservation efforts real, measurable, and enforceable.

Bush Heritage Australia’s work often relies on strong partnerships—to fundraise, secure land, establish conservation covenants, ensure consent and collaboration with Traditional Owners, and to develop robust governance models for cross-sector collaboration.

This is where the role of lawyers becomes transformative. Lawyers help bridge the gap between vision and execution. They help organisations structure deals that protect biodiversity, design governance that respects cultural heritage, and ensure integrity across sustainability strategies.

As Rachel put it, “When partnerships are built on shared values—even if we come with different motivations—they can deliver real and lasting change.”

Across the private sector, we are seeing a shift. Sustainability is no longer an add-on—it’s becoming core to business strategy.

Innovative companies are already moving:

Tech firms are co-developing AI-driven conservation tools alongside NGOs.

Retailers and platforms are embedding regeneration into their supply chains and payment systems (e.g., GreenPay).

Agribusinesses are co-investing in biodiversity corridors and climate-resilient land management.

These are not isolated projects. They are indicators of a new business model, one that recognises nature as both a stakeholder and a value driver.

In this model, the legal function doesn't sit on the sidelines. It helps design the rules of engagement. It protects cultural and ecological integrity. It ensures that environmental progress is not only ambitious, but durable.

Rachel shared practical steps for any business looking to become a stronger ally of nature:

KNOW YOUR IMPACT

Understand how your operations and supply chains depend on and affect the natural world.

PARTNER WITH PURPOSE

Work with organisations like Bush Heritage to co-create solutions rooted in science and cultural knowledge.

EMBRACE HUMILITY AND TRANSPARENCY

Sustainability is a journey. Progress matters more than perfection.

BACK INNOVATION THAT RESPECTS TRADITION

From AI-powered land management to cultural burning practices, the best solutions honour both the new and the ancient.

And crucially: embed nature into your business decisions, not just in strategy sessions, but in legal agreements, governance frameworks, and performance metrics.

Across industries and sectors, we are no longer talking in terms of trade-offs between nature and growth. We are learning to ask better questions. What does it look like to grow in ways that regenerate? To lead in ways that restore? Business are bringing capital, influence, and innovation. The legal profession must bring its frameworks, safeguards, and wisdom.

At KWM, we look to build with nature, not against it, to leave behind something we are proud of.

AUTHORS



CLEMENTINE JOHNSON
SOCIAL IMPACT LEAD, SYDNEY

TEL +61 2 9296 3487
MOB +61 459 899 818
EMAIL clementine.johnson@au.kwm.com



LISA HUETT
PARTNER, MELBOURNE

TEL +61 3 9643 4163
MOB +61 408 852 147
EMAIL lisa.huett@au.kwm.com



JUSTIN CHERRINGTON
PARTNER, PERTH

TEL +61 8 9269 7264
MOB +61 439 458 136
EMAIL justin.cherrington@au.kwm.com



JUSTIN ROSSETTO
PARTNER, SYDNEY

TEL +61 2 9296 2617
MOB +61 409 741 535
EMAIL justin.rossetto@au.kwm.com



CLAIRE ROGERS
PARTNER, SYDNEY

TEL +61 2 9296 2322
MOB +61 419 264 844
EMAIL claire.rogers@au.kwm.com



PAULA MCGRATH
SENIOR ASSOCIATE, MELBOURNE

TEL +61 3 9643 4365
MOB +61 475 884 132
EMAIL paula.mcgrath@au.kwm.com



ELISE PERRY
PRO BONO SENIOR ASSOCIATE & MANAGER, SYDNEY

TEL +61 9296 2735
MOB +61 475 441 953
EMAIL elise.perry@au.kwm.com



SHRUTI CHOUDHARY
CLIMATE CHANGE & ENVIRONMENT LEAD, SYDNEY

TEL +61 2 9296 3432
MOB +61 447 431 255
EMAIL shruti.choudhary@au.kwm.com



JOANNE NG
SOLICITOR, MELBOURNE

TEL +61 3 9643 4188
MOB +61 455 606 372
EMAIL joanne.ng@au.kwm.com



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