PROFIT-FOR-PURPOSE:

Chalk & Behrendt's unique focus on Indigenous development and protecting Country

As part of producing the recent Performance Report on the National Pro Bono Target, the team at the Australian Pro Bono Centre were struck by the significant pro bono contribution of Sydney-based law firm, Chalk & Behrendt.

We asked Chalk & Behrendt to tell us a bit about themselves so we could share their story with the pro bono community. Here's what they told us!

About C&B and its approach

Chalk & Behrendt (C&B) is a majority Aboriginal owned and controlled, Supply Nation certified, legal and consulting practice which is based in Sydney but serves clients throughout Australia. Ours is a profit-for-purpose practice that, for over 20 years, has focused extensively on meeting the needs of Indigenous Australians and their organisations in areas that include land rights, native title, cultural heritage, agreement-making, environmental and planning law, administrative law, business formation, governance and compliance, policy development, conflict management and dispute resolution.

C&B pro bono focus areas and client groups

Chalk & Behrendt is committed to assisting the social and economic development of Indigenous communities, and to supporting Indigenous organisations, enterprises, and businesses in achieving their goals. We tend to concentrate our pro bono work on cases that have importance to more than one individual, focusing on assisting groups and organisations in matters the firm believes will have wide-ranging or substantial benefits for Indigenous Australian communities.

The pro bono matters the firm takes on cover the full breadth of legal and consulting services available to all clients. We apply our broad set of skills to pro bono matters that involve a range of complex activities, including negotiating agreements, providing advice to Aboriginal charitable foundations, and assisting new Indigenous organisations with understanding their legal responsibilities. We focus on working with clients who are willing to adopt best practice approaches to community consultation and inclusion to ensure we are appropriately equipped to understand our role in relation to the whole community involved.

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Images on this page from Chalk & Behrendt website

Andrew Chalk

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Pro Bono Case Study:

Mingaan Wiradjuri Aboriginal Corporation

Chalk & Behrendt has a long running relationship with the Mingaan Wiradjuri Aboriginal Corporation (Mingaan Wiradjuri). Mingaan Wiradjuri is an Aboriginal community-controlled organisation established to give a voice to the Wiradjuri traditional custodians of the Lithgow area. In November 2021, Mingaan Wiradjuri approached us to assist them to respond to the NSW Government's proposal to develop the Gardens of Stone area north of Lithgow – a landscape of immense cultural significance to the local Wiradjuri people – into an eco and adventure tourism destination.

Chalk & Behrendt has worked closely with Mingaan Wiradjuri on a pro bono basis to assist them to negotiate with the NSW Government regarding the development of the Gardens of Stone State Conservation Area. Over the last year, Chalk & Behrendt and Mingaan Wiradjuri has achieved a number of significant 'wins' for the traditional owners, including:

- a decision by the Minister for Environment and Heritage to excise the Maiyingu Marragu Aboriginal Place from the State Conservation Area, a decision which meant that Mingaan Wiradjuri could continue its decades-long work to manage and protect the significant site on its own terms;
- a detailed submission in response to the draft Plan of Management of the Gardens of Stone State Conservation Area regarding the need for Aboriginal ownership and consultation in the management of the whole of the Conservation Area; and
- a commitment from the NSW National Parks and Wildlife Service to working with Mingaan Wiradjuri to establish joint Aboriginal management of the Conservation Area.

Pro Bono Case Study:

Climate Justice Programme Incorporated

As well as working with Aboriginal communities, Chalk & Behrendt advises a broad range of groups looking to effect change that protects Country. This brought the firm into contact with the Climate Justice Programme Incorporated (CJP), a non-profit organisation dedicated to using the law to combat climate change and seek climate justice, including through holding companies accountable for their contribution to climate change. CJP sought advice from the firm regarding the obligations of companies to disclose their climate-related financial risks in their annual reports, particularly under the TCFD-format.

The obligations of companies and directors in disclosing climate-related financial risks is a fast-developing area of the law, one which has been discussed by a growing number of lawyers and organisations. By closely examining the Corporations Act, financial market regulations and the ASX Rules, and by considering the increasingly broad discussion regarding corporate responsibility for climate change, we were able to position the law in a broader context. The uptake of Corporate Social Responsibility practices and reporting by major companies is both a cultural and a legal step, with the current rules providing far too much discretion as to whether and how to disclose.

Jason Behrendt

While there was no high-profile court win in this instance, the advice given plays an important role in exploring different avenues of change. The legal work undertaken by the firm allows organisations who wish to effect change to refine their legal avenues, giving them the opportunity to have complex questions of law considered. The work allowed the firm to consider its next steps and gave the client the legal framework to push for change. ■

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