



MINUTES OF THE 2019 ANNUAL GENERAL MEETING

Thursday 3 October 2019

By Teleconference

1. Welcome

The Chair opened the meeting at 1:00 pm and welcomed attendees.

Present: Jess Hamdorf (Chair), Felicity Jones, Connor Fisher, Michael Williams, Ruby Hamilton, Lara Scott, Aheli Guha, Sarah Flynnne, Mariko Hunt, Claire McGowan, Hanna Jaireth, Simon Molesworth, Tiphonie Acreman, Jess Feehely, Nadja Zimmermann, Matt Floro, Michael Doherty, Justine Bell-James, Natasha Hammond

By Proxy: Robyn Glindemann – assigned to Chair, Hugh Finn – assigned to Sarah Flynnne, Glen McLeod – Assigned to Jess Hamdorf

2. Apologies

No apologies noted.

3. Confirmation of Minutes of the AGM held on 29 November 2018

Resolution It was resolved that the Minutes of the NELA Annual General Meeting held on 29 November 2018 be taken as read and that they be signed as a true and correct record.

Moved – Jess Hamdorf

Seconded – Jess Feehely

CARRIED

4. Matters arising from the Minutes

No matters arising

5. President's Report

2018-2019 was an interesting year for NELA.

We delivered two successful national events, the national conference in Perth exploring *Innovation in Environmental Law*, and a multi-disciplinary symposium in Canberra, *20 Years of the EPBC Act: Looking Back, Looking Forward*. Both events invigorated debate about the direction of environmental regulation and options to strengthen biodiversity outcomes.

The WA branch also hosted a timely seminar on the regulation of greenhouse gas emissions, with the Honourable Robert French AC and others. This well-attended seminar provided excellent analysis of the Western Australian Environmental Protection Authority's draft development of its greenhouse gas assessment guidance. The WA Branch made submissions on this guidance in September 2019.

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We made detailed submissions on the faunal extinction crisis and the biodiversity strategy, continued our partnership with the Frontiers of Environmental teaching colloquium and our participation in the IUCN, and kept members up to date with our monthly bulletins. Our WA branch released a discussion paper entitled *Reforming appeal rights under WA planning and environmental legislation* for public comment. Following consultation with members, this paper was converted into a position paper which has since been discussed further with the wider community and the Law Society of Western Australia. We received numerous strong entries to our annual environmental law essay competition and awarded Nanuk Narulla the prize for his excellent essay “The Case for Dynamism in Australian Forest Federalism.” The judging panel highly commended two additional essays:

- *The Weakest Link” Environmental Protection, The Power to Disclaim, and the ‘Chain of Responsibility’ In Queensland* by Christopher Vale; and
- *Directors’ Duties and Climate Change: Interaction with the Statutory Procedures of Environmental Impact Assessment* by Matthew Price.

We are delighted that Christopher’s essay has recently been published in the *Local Government Law Journal*. Congratulations to all the essay entrants for their novel ideas, analysis, and thoughtful critique of various elements of Australia’s environmental laws.

The quality of NELA’s output in 2018 demonstrated the importance of a national voice on environmental law issues.

However, 2018 was also a time to reflect of how well NELA is servicing this need. Recognising our reduced membership and capacity, the NELA Board invited members to consider whether there was value in winding up the organisation and using any surplus funds to support other environmental law organisations working on national issues.

At the Extraordinary General Meeting on 27 June 2019, members decided against winding up. The passionate discussion at the meeting demonstrated the value that members place in having a national organisation dedicated to environmental law matters.

2019-2020 will be a critical year for Australia’s environmental laws. We have a new Federal Minister for the Environment and an upcoming review of both the *Environmental Protection and Biodiversity Conservation Act 1999*, a growing momentum for climate action and renewable energy concurrent with an expansion of the LNG industry, continuing problems in management of the Murray Darling Basin, an ongoing conversation about implementing the Uluru Statement from the Heart, and a review of the science underpinning regulation of water runoff into the Great Barrier Reef. It is an important time to debate the regulatory and policy settings needed to achieve more just and sustainable environmental outcomes.

Following the decision to continue the organisation, there is a renewed energy and enthusiasm for NELA to contribute to this debate. We will continue to keep members updated through publications and events, offer opportunities to have a say through reform submissions, and to partner with other organisations to maximise our impact.

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I would like to take the opportunity to thank all those involved in the winding up discussions for their patience and professionalism in dealing with difficult issues. It is also an opportunity to acknowledge the departing members of the NELA Board and to welcome some new ones. Professor Jan McDonald, Jess Feehely, Jessica Carroll and Bronwyn Woodgate have stepped down after steering NELA through a difficult few years with dedication and grace. They will be missed and their efforts and enthusiasm for NELA is much appreciated. We are delighted that Dr Hanna Jaireth and Natasha Hammond remain on the Board and I am sure that their experience and expertise will help to steer NELA through the next phase. I am also pleased that NELA has been able to attract some fresh and energetic new people who have filled casual vacancies in the Board over the past few months and have nominated for Board positions including Nadja Zimmermann and Matt Floro from New South Wales, Tiphonie Acreman from Victoria and Justine Bell-James from Queensland.

NELA relies on support from our members to elevate the national voice for environmental law. We look forward to an active and successful year ahead and encourage you to pitch in to make it one of NELA's best years ever.

Resolution That the President's Report be received and adopted.

Moved – Jessica Feehely

Seconded – Simon Molesworth **CARRIED**

6. Financial Report for the year ended 30 June 2019

The Treasurer's Report that had been made available with AGM papers was noted and is reproduced herein:

The National Environmental Law Association Limited (NELA) turned 37 in 2019. We were established in 1982 but not incorporated until 1987. In the 2018–19 financial year (FY) the Board reflected seriously for several months on what we had achieved over the years, and NELA's future direction, given flagging enthusiasm amongst our members who are not based in Western Australia, where NELA (WA) continues to thrive. The Board's period of introspection is reflected in a slight fall in total net income that is expected to continue at least for the first half of FY2019–20.

NELA's annual financial statements, as independently reviewed by Bonsella Chartered Accountants, indicate a modest drop in income – both gross and net for FY 2018–19. Income from all sources was \$58,043 compared with \$70,221 in 2018, and net income after taxation was \$1,470 compared with \$12,398 in 2018. NELA's net assets have remained stable however, at \$82,517 in 2019 compared with \$82,882 in 2018. Income from conferences, functions and seminars fell about \$10,000 and membership income also fell, from \$27,673 to \$23,073. But copyright income nearly doubled, from \$2,899 to \$5,159. NELA's most significant expense, secretariat fees, increased slightly on 2018 to \$34,465, up from \$33,754.

NELA thanks PAMS' bookkeeping/accounts staff Yana Jin, Adil Ahmad, Amy Hsu, Ravi Magendra, and association manager Paul Nicholls, for their high quality financial and other secretariat services last financial year. Paul was particularly helpful in achieving NELA's wish to have two historic, inactive bank

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accounts closed – for former NSW and SA NELA divisions. The balance in those accounts of \$14,785 for the Bendigo Bank Account and \$1,875 for the NSW Division Account, was returned to NELA's Westpac National Operating account.

2018–19 was the last year NELA will be supported by The Association Specialists (TAS) as the Board has resolved that the cost of TAS's much appreciated services is disproportionate to NELA's level of activity, and we will move to other arrangements going forward. The Board is acutely aware of how much we will miss TAS's support, and its accounting services particularly. NELA wishes TAS every success in its support for other professional and civil society organizations into the future.

Overall, NELA had a slightly less successful FY 2018–19 compared with 2017–18, but improvement is expected in the second half of 2019–20.

I commend our attached financial statements for your acceptance.

Resolution: That the Treasurer's Report be accepted and adopted.

Moved – Hanna Jaireth

Seconded – Jess Hamdorf

CARRIED

Resolution: That the annual accounts for the year ended 30 June 2018 be approved and adopted.

Moved – Hanna Jaireth

Seconded – Jess Hamdorf

CARRIED

7. Election of Directors

At the close of nominations the following nominations had been received:

Jessica Hamdorf
Natasha Hammond
Hanna Jaireth
Matthew Floro
Tiphonie Acreman
Justine Bell-James
Nadja Zimmermann

Since the number of valid nominations received is less than the number of director positions to be filled, these nominees are elected to the NELA Board for the 2019-2020 year.

The appointment of additional directors (to meet the board composition requirement) is to be made following further consideration and consultation.

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It was noted that Jess Feehely, Jan McDonald and Brownyn Woodgate would not be re-nominating for election – recognition, appreciation and thanks were proffered for their contributions to the board during their time as directors.

8. Closing Comments

The chair, on behalf of all NELA members, thanked all directors for their contributions and invaluable support during the year.

9. Meeting Close:

The Chair closed the meeting at 1:15 pm.