



**NATIONAL ENVIRONMENTAL LAW
ASSOCIATION LTD**

ABN 62 008 657 761

ACN 008 657 761

President's report for the 2019–2020 financial year

Tribute to immediate past-President Jess Hamdorf

I present this report as NELA's acting President, as our immediate past-President, Jess Hamdorf (WA), stepped away from the role in July this year, while remaining a NELA director.

As I'm sure NELA's other current directors will attest, Jess is a highly competent lawyer who has an extraordinary work ethic and an ability to network with colleagues to get things done efficiently and cheerfully. Lea Hiltenkamp and others in NELA's WA Division support Jess well. Jess focused on priority projects from mid-2019, including the rebuilding of NELA's website <www.nela.org.au>,¹ the transition away from a contracted secretariat while continuing mainly monthly board meetings,² reducing NELA's membership fees,³ producing NELA's communications,⁴ her pregnancy, and her day job – all while a global pandemic severely constrained daily life.

Nadja Zimmerman, NELA's Treasurer, carried much of burden of transitioning to more cost-effective book-keeping services and updating banking and ASIC records.

Jess ably led NELA's refresh after the difficult discussions in 2019 about whether NELA should continue, and members' preference at the extraordinary general meeting in June 2019 that it do so. NELA did not tread fresh ground with its soul-searching. NELA's archival papers show that NELA's boards have engaged members in reviews of NELA's role, structure and functions in 1994–5 and again in 2004, and that NELA's law reform and educational activities and influence have waxed and waned over the years. This is of course normal for any professional association, and particularly so for a national non-governmental organisation that focuses on the fraught issues inherent in aiming for ecological sustainability at all levels of government and society.

¹ OM4 was the successful tenderer from four firms considered and completed the WordPress website rebuild in mid-2020 for less than \$10,000. The website uses a Stripe Payments plugin to process credit card payments via the Stripe payment gateway.

² As discussed in the NELA Treasurer's report, NELA elected not to contract with The Association Specialists in 2019–20 but engaged their services on an as-needed basis during a transition period.

³ In May 2020 the Board approved reduced fees for individuals \$80 (previously \$195), students \$15 (previously \$45), corporates \$350 (previously \$800) but later adjusted to cater for various numbers of staff within for profit and nor-for-profit law firms, with a further temporary 30% reduction as a COVID-19 measure.

⁴ Including NELA's Bulletins using Campaign Monitor and other emails to members.

NELA's activities in 2019–20

With the strategic plan,⁵ policies, procedures and records management⁶ that Jess and the current board have put in place since November last year,⁷ NELA is expected to continue to grow in membership⁸ and environmental law leadership. This is despite COVID-19 rendering some of NELA's strategic goals for 2019–20 unachievable.

In addition to the governance activities already mentioned, the core business activities that NELA engaged in last financial year included:

- lodging submissions and making oral representations to the second 10 year statutory review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) led by Professor Graeme Samuel AC, and lodging submissions with the Environmental Protection Authority of Western Australia on its greenhouse gas assessment guidance, and on the draft *Environmental Protection Amendment Bill 2019* (WA)
- awarding NELA's annual environmental law essay prize for an outstanding undergraduate and/or postgraduate essay. For 2019–20, \$500 was awarded to Sarah Watson for her paper '*Sustainable Development Goal 14's Marine Protected Area Target – Is it 'SMART' Enough to Conserve Marine Biodiversity in Areas Beyond National Jurisdiction*'. The flier for the 2020–21 essay competition has been circulated widely⁹
- hosting a small number of events, including networking drinks in NSW and a joint seminar with the Environment Institute of Australia and New Zealand on amendments to the *Environmental Protection Act 1986* (WA), in Perth, WA – both in December 2019, and
- liaising with the International Union for the Conservation of Nature (IUCN), a global organisation with government and non-government members, including NELA.¹⁰

NELA's 2019–20 Board

The Board that Jess chaired in FY2019–2020 had a strong mix of directors from state and Territory Bars, private sector not-for profit law firms, government and academia, namely:

- Dr Hanna Jaireth (ACT) Vice President
- Nadja Zimmermann (NSW, now VIC) Treasurer
- Matt Floro (NSW) Director
- Natasha Hammond (NSW) Director and Company Secretary

⁵ NELA's strategic goals agreed in November 2019 included: prepare detailed submissions in response to the EPBC Act review, host at least one event in every state with a board member, increase membership base by 20%, increase value offered to members, achieve a better web presence with a review of the website, increase activity on social media platforms, increase volunteer numbers by 20% primarily through the establishment of state committees, and engage and form partnerships with like-minded organisations.

⁶ NELA's archive were reviewed and largely digitised in 2019–20, with papers culled that were no longer relevant, and all board members can access the files on shared G-drive.

⁷ In 2019–20 NELA adopted a new Board Charter, Social Media and Communications Policy, a Grievance Policy, risk register, register of resolutions, and is currently settling a NELA Governance Manual. This financial year a new Membership Policy has also been adopted.

⁸ NELA's membership for 2019–20 was about 100, which is significantly less than it has been in previous years but member recruitment was difficult until the new website went live. As at October 2020, NELA has 78 members including two corporate members, being Allens in Perth and the Australian Parliament's library collection development section.

⁹ Entries for 2020–21 close on 11 December 2020. Details are on the NELA website www.nela.org.au.

¹⁰ IUCN has 1,400 Member organisations and the input of [17,000 experts](#) mainly through six volunteer commissions including the World Commission on Environmental Law that several board members participate in.

- Tiphonie Acreman (VIC) Director and manager of NELA's LinkedIn account
- Dr Justine Bell-James (Qld) Director
- Dr Michele Lim (SA, now NSW) Director
- Matt Littlejohn (NT) Director (part-year)

The profiles of board members can be accessed on NELA's website www.nela.org.au/about/board-members/

On behalf of NELA's members, I thank the board for their time, energy and legal expertise. It is very pleasing that current board members other than Dr Justine Bell-James (Qld) have nominated for the board in 2020–2021. On the behalf of the board, I thank Justine for her contributions this year, regret that her circumstances militate against her participation next year, and wish her well into the future.

Outlook for 2020–21

Once re-established after the AGM, the NELA board will continue to work hard this financial year to implement our strategic plan.

In October NELA will vote on various member resolutions and other activities that drive the IUCN's global conservation work program mainly via the [IUCN World Conservation Congress](#). Director Dr Michelle Lim brings her IUCN experience and environmental law expertise to lead the Board's consideration of NELA's voting position on law-related motions.

NELA will continue to collaborate with like-minded associations. In September 2020, NELA partnered with the Asian Australian Lawyers Association (AALA) to co-host a webinar presented by Professor Ben Boer on the topic *'Implementing International Environmental Obligations in the Asia-Pacific Region'*. It was a quality, well attended event, with about 50 registrations and about 30 watching live. The event was recorded and will be accessible to members only via the NELA and AALA websites. Matt Floro, a NELA Director and AALA National Secretary, was pivotal in the arrangements.

NELA looks forward to working with the Asian Research Institute for Environmental Law led by Matthew Baird, and the Australian Environment and Planning Law Group in the Law Council chaired by Robyn Glindemann. Regular liaison meetings and a cross-promotion of NELA and ARIEL events have begun.

NELA will host two webinars in November 2020. Many thanks to member Gabby Ho for volunteering to assist. Michelle Lim will present *'Re-imagining the laws of nature – the Samuel Review of the EPBC Act and futures-focused biodiversity law'*, and later that month a panel will present on *'Indigenous Knowledge in Environmental Decision-Making'*. Panellists will be Phil Duncan, a Gomeri/Wiradjuri man who is also the Chairperson of the Murray Darling Basin Consultative community and a native title applicant, Taylor Clarke, a young Gundungarra woman from the Warragamba area who is part of the campaign to stop the dam walls being raised who is also studying law at Macquarie University, and Professor Donna Craig, an experienced lawyer/academic at Western Sydney University who works on the intersection of Indigenous justice and natural resource management particularly in jointly managed protected areas.¹¹ The webinar will be followed by a face-to-face continuation of

¹¹ In 1983, during NELA's formative years, Donna worked within a NELA strategic steering committee and prepared a background paper on comparable organisations' constitutional aims and objectives.

the discussion led by an Indigenous lawyer in Sydney in mid 2021 (Covid-19 permitting). Details will be on the NELA website.

In October 2020, NELA's WA Division co-hosted a seminar with the Waste Management and Resource Recovery Association of Australia on the topic of '*Construction and Demolition Products – challenges and opportunities in Western Australia*'. Speakers were David Markham of Capital Recycling, Colin Leek of the University of Western Australia and Julius Skinner of Thomson Geer.

Planning is underway for NELA WA's next conference in early February 2021 that will focus on the reform on environment protection legislation in Western Australia.

NELA will also consider whether to host a NELA national conference in 2021, possibly on the theme '*Survey of the Landscape – Are our laws fit for purpose in a changed climate?*'. COVID-permitting the conference may consider issues including: managing carbon emissions, water resources, bushfire risks and biodiversity and habitat loss.

NELA will also consider whether to seek charitable status, create a NELA Gift Fund as provided for in our Constitution, and seek to become environmental organisation eligible to receive tax deductible donations.

NELA will also consider whether we should have a patron. The archive digitisation project and NELA's governance history project that I completed this year revealed that in 1990 the then Australian Ambassador for the Environment, Sir Ninian Stephen AK GCMG GCVO KBE, agreed to be NELA's inaugural patron, but it seems that a tradition did not take hold. Members' views will be invited and considered.

Conclusion

The Board thanks all NELA's current members for remaining loyal to NELA through our recent transition stage.

We encourage you to share your thoughts and interests in how the Board might serve you better this year and into the future. We also encourage you to become actively involved in NELA's activities. The best way to contact NELA is to email any of the Board members or to email our generic email address <NELABoardmembers@gmail.com>.

Thank you also to the current Board for your various contributions, and to Jess and Nadja in particular.

Introduction to AGM guest speaker

NELA is delighted that NELA's inaugural life member the Hon Simon Molesworth AO QC has agreed to speak at this meeting on the topic '*A reality check: thirty-six years on – is Australia's natural and cultural heritage adequately served by the nation's current environmental laws?*'

Simon has dedicated much of his life to environmental law. In 1989 NELA awarded Simon the then Australian Environmental Law Award for being a person who has '*made an outstanding contribution to the development and understanding of environmental law in Australia*'. In 2020 NELA conferred on Simon the distinction of honorary NELA life membership. He has formerly served as an Acting Justice of the Land and Environment Court of NSW, a Senior Legal Member of two Victorian tribunals, a Vice-Chancellor's Professorial Fellow at Monash University and Adjunct Professor in Social and Environmental Sustainability at La Trobe University. He was instrumental in the foundation of the first

environmental law association in Australia – the Environmental Law Section of the Law Institute of Victoria, then NELA, the Environment Institute of Australia & New Zealand, Australian Environmental Defenders’ Office and the International National Trusts Organisation, all of which he has led for many years. Successive governments at both State and Federal levels have appointed him to numerous boards, advisory committees and commissions. Australia has recognised his achievements by honouring him as a Member of the Order of Australia in 1994, awarding him the Centenary Medal in 2001 and then elevating him to Officer of the Order of Australia in 2012. He has been a QC for 25 years and a barrister, at the Victorian Bar, for 36 years.

Thankyou.

A handwritten signature in cursive script, appearing to read 'Hanna Jaireth'.

Dr Hanna Jaireth
a/g NELA President

12 October 2020