

## Effective Submission Writing

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ENVIRONMENTAL DEFENDER'S OFFICE (NSW)

## Introduction

- Effective involvement in environmental decision-making may require the use of a range of advocacy tools.
- For example:
  - submissions, letters and petitions
  - meetings with decision-makers
  - posters and information sheets
  - internet, newspaper, radio and television
  - public meetings and information sessions
  - protest and non-violent direct action

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## What is a Submission?

- Letters
- “Drop and Leave” document
- Response to Government Discussion Paper
- Response to Draft Exposure Bill
- Response to Development Proposal or Activity

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## General Principles

### Be professional

*Meet formal requirements*

- Include name and address, contact details, date
- Meet due date

*Be punctual*

- If you need more time, ask for it
- If you don't get it, do what you can

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## General Principles

### Identify your Audience (1)

*Know your audience*

- Who is the decision-maker? Are they the one you really need to convince?
- Have they made any public announcements on the issue that you need to address?

*Write to your audience*

- Contact person or Head of Agency

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## General Principles

### Identify your Audience (2)

*Write for your audience*

- One page Ministerial brief (with appendices)
- Letter that reflects Ministerial and Departmental templates (issue, background, comment, recommendation)
- Terms of Reference
- Council considerations under s 79C of the EP&A act 1979

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## General Principles

### Be persuasive (1)

*Write calmly*

*Write clearly and concisely*

- Avoid stream-of-consciousness
- Use sub-headings, bullet points etc
- Do Executive Summary/Summary of Recommendations, where appropriate

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## General Principles

### Be persuasive (2)

*Provide evidence*

- Observations and physical evidence
- Scientific or technical evidence
- Document evidence
- Attach relevant supporting documents

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## General Principles

### Make yourself a large target

*Quality of the submission*

*Number of submissions*

*Other avenues to make your case*

- Eg # 1: Joint submission with other organisations
- Eg # 2: Follow up phone calls to Councillors
- Eg # 3: Part of campaign strategy

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## Formal Opportunities for Submission Writing: *EP&A Act 1979*

- Environmental planning and assessment processes provide formal opportunities for public comment, usually via written submissions
- Note that failure to make a submission may affect your legal rights
- Addressing the matters to be taken into account by decision maker will increase the effectiveness of your submission
- For example:
  - factors to be taken into account when issuing development consent (Section 79C EPA Act)
  - factors to be taken into account when reviewing an environmental protection licence (Section 45 POEO Act)

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## Submission Writing

For example, when writing a submission in relation to a development application, address the following considerations:

- (a) the provisions of (i) any EPI (ii) any draft EPI that has been exhibited and notified (iii) any DCP (iv) the regulations;
- (b) the likely impacts of the development, including impacts on the natural and built environments, and social and economic impacts in the locality;
- (c) the suitability of the site for the development;
- (d) any submissions made in accordance with the law; and
- (e) the public interest.

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## Submission Writing on EIA Reports Using Technical Information

### INTRODUCTION

- (1) A submission containing arguments supported by technical information will have a far greater chance of success than a submission containing only unsupported assertions
- (2) You do not need to be a scientist or have a technical background to write a good submission supported by technical information
- (3) There is a large amount of publicly accessible information available for use in writing submissions, particularly if you have access to the internet
- (4) The main purpose of writing your submission should be to highlight the potential environmental impacts of a proposal, to try to influence the decision-maker

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## Submission Writing on EIA Reports Using Technical Information

### COMMON INFORMATION GAPS IN EIA REPORTS

- Is there a clear description of the proposal?
- Have all the key elements of the proposal been assessed?
- Have the key environmental issues been clearly identified, and has proper weight been given in the assessment to these issues?
- Have the impacts of the proposal during both construction and operation been assessed?
- Have alternatives to the proposal been assessed?
- Have the cumulative impacts of the proposal been assessed?
- Have any off-site impacts of the proposal been assessed?

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## Submission Writing on EIA Reports Using Technical Information

### GATHERING TECHNICAL INFORMATION

#### 1) Getting Help from Others

- Environmental Defender's Office (NSW) – Scientific Advisory Service
- Try to find other people also opposed to the proposal who can help
- Local office of Department of Environment and Conservation (DEC), for information on flora and fauna
- Local office of Department of Infrastructure, Planning and Natural Resources (DIPNR) and Catchment Management Authority, for information on natural resources
- Local office of NSW Fisheries, for information on fish
- Royal Botanic Gardens, Sydney, for information on flora
- Australian Museum, for information on fauna

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## Submission Writing on EIA Reports Using Technical Information

### GATHERING TECHNICAL INFORMATION (CONT.)

#### 2) Using Publicly Accessible Resources

- NSW Natural Resource Atlas database – <http://www.nratlas.nsw.gov.au>
- BioNET database – <http://www.bionet.nsw.gov.au>
- DIPNR EIS guidelines – \$11 each at DIPNR Information Centre, 20 Lee Street, Sydney
- DEC guidelines and fact sheets on threatened species, populations and ecological communities – <http://www.nationalparks.nsw.gov.au>
- NSW Scientific Committee Final Determinations – <http://www.nationalparks.nsw.gov.au>

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## Submission Writing on EIA Reports Using Technical Information

### EXAMPLE SUBMISSION ON A STATEMENT OF ENVIRONMENTAL EFFECTS (SEE)

- A SEE has been prepared for a proposed residential development in Northeast NSW. The majority of the proposal would be located on mostly degraded land that has been cleared in some areas. Some of the proposal would be located on land comprising intact native vegetation, which has been identified as an endangered ecological community
- 1) Identify others that are also opposed to the proposal and try to use any relevant skills that they may have
- 2) Use DEC flora and fauna survey guidelines
- 3) Use NSW Natural Resource Atlas database
- 4) Use BioNET database
- 5) Use Final Determination of the NSW Scientific Committee for the endangered ecological community

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## Submission Writing on EIA Reports Using Technical Information

### CONCLUSION

- (1) You do not need to be a scientist or have a technical background to write a good submission supported by technical information
- (2) You can get help from the Environmental Defender's Office (NSW) Scientific Advisory Service, government agencies, and others
- (3) You can use some of the large amount of technical information that is publicly available

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