

10.1 Submissions, Letters and Petitions

1 Submissions

A submission is a document setting out your point of view and your argument which supports that point of view. Submissions may take many forms.

First, the public has the opportunity to make submissions in relation to a range of key processes under environmental and planning legislation. Examples include: preparation of environmental planning instruments, assessment of development applications, preparation of management plans for protected areas and nomination of threatened species and ecological communities. Second, the government often puts out discussion papers on policy papers as well as draft Bills regarding proposed legislation and invites public comment. Third, submissions may be in the form of letters and short documents prepared for meetings, often seeking to pro-actively raise issues before politicians and decision makers.

Other Issues

Framing a submission in accordance with the terms of reference or legislative requirements increases its relevance, by addressing the issues in the same way that the decision maker has to. It does not mean you have to disregard other issues. Feel free to raise these upfront where they are crucial to the construction of an issue – or, for example, at the end under “other issues”.

Environmental Defender's Office Electronic Bulletin

For regular updates on developments in environmental law, including opportunities to make submissions in relation to key environmental law processes, subscribe to the [free weekly EDO eBulletin](#).

Requests for submissions are generally posted in newspapers and on the website of the government department or local council responsible for administering the process.

The public notice will ordinarily include a closing date for submissions. It is important to make your submission within this period to ensure that it is taken into account by the decision-maker. The relevant decision making authority is usually bound to take these submissions into account when making his or her decision.

In the case of submissions in response to a proposed designated development, it is important to remember that failure to lodge a submission within the submission period may prevent you from seeking merits review of the decision in the Land and Environment Court. In your submission, you should clearly state that you are objecting to the proposed development.

For more information on merits review, see [Section 2.1.3 – Appealing Development Consents](#).

Identify matters to be taken into account in the decision making process

Make sure you get as much information as possible before writing your submission. Terms of reference or guidelines for submissions are sometimes available from the body calling for submissions. If there are terms of reference, these should frame the structure of your submission. If you do not wish to address or comment on one or more of the terms, you do not have to.

Check whether there are any legislative requirements for the decision maker to take into account in making a decision. If there are, these again should dictate the structure of your

submission. Your submission should address these requirements at least, without necessarily commenting on issues that are not of concern or for which you do not have evidence.

Content

In the case of a submission on a development application, first analyse the development application and supporting documents such as the environmental impact statement. You should consider the broader issues (for example, whether the development is necessary) as well as the particular facts and figures put forward by the developer.

Experts may be able to provide evidence to support your case. The EDO has an in-house scientific assessment and advice service which can provide expert advice on many matters. For questions outside the ambit of this in house expertise, the EDO consults its expert register, which contains a wide range of experts including ecologists, environmental engineers and soil and water scientists.

Always give details about how you arrived at your assertions. For example, instead of saying:

'The golf course proposal is outrageous. It will pollute the river.'

consider saying something like:

'Irrigating the lawns of the 50 hectare golf course, together with using fertiliser and herbicides, is likely to result in changes to the water table, nutrient pollution, and an adverse impact on the red gum forest next to the land where the golf course is proposed'.

Structure

The following points may improve the effectiveness of your submission:

- make your submission as clear and concise as possible;
- avoid using emotive or abusive language;
- include headings, subheadings and page numbers;
- include your name and contact details and date the submission;

A submission can be any length. If you are short of time, consider writing a submission in point form under subheadings. Ask for a reply to your submission. Consider requesting a meeting with the relevant decision-maker to follow up your concerns.

Getting Your Point Across

Ministers often demand that briefs prepared for them by government staff be one page only, regardless of the complexity of the issue. These briefs are always structured around the four headings of 'issue', 'background', 'comment' and 'recommendation'.

You should consider this when lobbying decision-makers, including ministers, government staff, councillors and council staff. It is one of the fundamental principles of good communication that you speak the language of your audience.

This does not mean that your message needs to be 'dumbed down'. Briefs frequently 'cheat' by providing multiple appendices that support and amplify on the points contained on the front page of the brief itself. Adopting this approach may be a difficult, time consuming, but ultimately worthwhile, exercise. As Cicero famously observed: 'If I had more time, this would be a shorter letter'.

2 Letters

Writing a letter to decision-makers, particularly elected politicians, is a powerful campaign tool.

The receipt of letters on a particular issue, especially from local constituents, can motivate a politician to find out more about that issue and take action to satisfy the concerns of voters. This is of particular use when elections are scheduled.

Letters are most effective when many people write to the same politician. Avoid 'form' or pre-prepared letters where possible, and encourage people to write in their own style. Faxed and emailed letters are treated the same as posted letters by politicians.

Writing to other decision-makers, such as a Minister, developer, government agency or regional committee, is also effective in raising awareness of your concerns early on, and in opening communication with various decision makers. This may help to resolve the areas of concern without resorting to legal action.

The same considerations relating to structure of submissions apply to writing letters.

3 Petitions

Petitions to government, while not as effective as letters, can give you the numbers to encourage decision makers to take your concern seriously. When lobbying, both the quality and quantity of petitions can help.

Petitions may be presented to any person, to local councils, or to state or federal parliaments. Petitions to State or Federal Parliaments must be presented by a member of parliament.

There are guidelines for the format of petitions to state and federal parliaments. To obtain a copy of these guidelines, call the state or federal parliament or visit one of the following websites www.parliament.nsw.gov.au (state parliament) or www.aph.gov.au (federal parliament).

Email petitions, where an email is forwarded inviting people to add their names to the bottom of a list are not well regarded. This is because the names are repeated on a number of different emails so it is not an accurate reflection of the numbers of people who signed the petition.

A better choice is the internet petition where supporters are directed to a specific website to add their names to a single list.