

PARTICIPATING IN DECISION-MAKING

INTRODUCTION

This fact sheet was produced by the Environmental Law Association to help members of the public participate effectively in environmental decision-making processes.

OPPORTUNITIES FOR PUBLIC PARTICIPATION

This fact sheet focuses on opportunities for participating in statutory decision-making processes, with a particular emphasis on environmental impact assessment (EIA) under the *Environment Management Act 2005*.

The EIA process provides formal opportunities for public participation in decisions about a wide range of development types, including, but not limited to:

- tourism developments
- commercial and industrial development
- logging and sawmilling operations
- mining and mineral exploration
- quarries and gravel extraction
- coastal land reclamation.

For more information about the EIA process, please refer to **Fact Sheet 1: Environmental Impact Assessment**.

The pollution licensing process established under the *Environment Management Act* does not provide formal opportunities for public participation. Nonetheless, you may be able to influence pollution licensing decisions by writing to the Department of Environment. For more information about pollution licensing, refer to **Fact Sheet 2: Pollution Law**.

For information about the role of traditional resource owners in decisions about logging and fishing, refer to **Fact Sheet 3: Forestry Law** and **Fact Sheet 4: Fisheries Law**.

ENVIRONMENTAL ADVOCACY TOOLS

Effective involvement in environmental decision-making may require the use of a range of advocacy tools. For example:

- meetings with decision-makers
- letters, submissions and petitions
- posters and information sheets
- email, internet, newspaper and radio
- public meetings and information sessions.

ACCESS TO INFORMATION

Accurate **information** is vital for effective environmental advocacy and legal action. Key sources of information include:

- government agencies
- evidence gathering and field research
- internet, news media and library research
- environment groups and universities.

To facilitate public access to environmental information, the *Environment Management Act* establishes a **public register**, including:

- EIA reports
- EIA review reports
- EIA approvals
- EIA compliance reports
- pollution permits.

The register must be made available for **inspection** and **copying** by the public at the offices of the Department of Environment during normal office hours.

RESPONDING TO DEVELOPMENT PROPOSALS

The EIA process provides formal opportunities for public comment, via **written submissions** and **public meetings**. To respond effectively to a development proposal:

- read the EIA application, EIA report and associated documents;
- seek expert advice on legal and technical issues if necessary;
- participate actively in consultation meetings at each stage of the EIA process;
- discuss your concerns with influential people in the local community;
- prepare a written submission to the decision maker; and
- consider forming a community group and publicising your concerns in the media.

EFFECTIVE SUBMISSIONS

To maximise the effectiveness of your written submissions and comments at public meetings:

- use clear, calm language;
- prepare thoroughly – consider seeking legal or scientific advice;
- focus on the key environmental issues – avoid irrelevant information;
- address the statutory criteria that the decision-maker is required to consider;
- provide evidence to support your view – observations, physical evidence, scientific evidence, documentary evidence.

In the case of written submissions:

- attach relevant supporting documents;
- include your name and address and date your submission; and
- ask somebody to read your submission to make sure that it is clear and persuasive.

LEGAL AND TECHNICAL ADVICE

The **Environmental Law Association** (ELA) can provide legal and technical advice to help you participate effectively in environmental decision-making processes. ELA may also be able to help you write submissions or prepare for public consultation meetings.

For **free initial advice**, call the ELA advice line during business hours: (679) 331 9084.

ELA may provide further legal and scientific assistance in cases that meet the association's casework guidelines. This assistance will usually be provided free of charge, although fees may be charged in cases where the client has adequate financial means.

In deciding whether to take on a case, ELA will consider the existing workload and resources of the association, and the financial situation of the person requesting assistance.

USEFUL CONTACTS

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Department of Environment
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Tel: 331 1699

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University of the South Pacific
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DISCLAIMER: This fact sheet provides general information about the law, and is no substitute for legal advice relating to your particular situation. ELA accepts no responsibility for any loss resulting from reliance on the information provided in this fact sheet.

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