

Environment, Resources and Development Committee

31 May 2018

**Re: Community Engagement Charter**

The Environmental Defenders Office (SA) Inc (“the EDO”) is an independent community legal centre with over twenty-five years of experience specialising in environmental and planning law. EDO functions include legal advice and representation, law reform and policy work and community legal education. The EDO appreciates the opportunity to provide a submission to the Committee.

A core interest of the EDO is how the community can engage in environmental and planning decision making. The involvement of the public in this area is essential as it facilitates appropriate scrutiny and gives a level of confidence to the public that there has been an open and rigorous decision making process.

Research has shown that the most effective consultation recognises the expertise that sits within the general community. Their needs are listened to and their views properly taken into account in reaching decisions. If this occurs, it is more likely that the outcome of the process will be accepted by the public at large. Without community acceptance the risk of a legal challenge to the decision increases. Public confidence in decision making is promoted by public participation, transparency and accountability which also safeguard against corrupt conduct and the perception of corrupt conduct.

For example, in the area of environmental assessment, a good process is one where free and frank debate and discussion can be undertaken on particular development proposals whether they be for mining, industrial, agricultural or commercial projects. It is one where third parties have statutory rights to comprehensive information about proposals and the ability to make representations on the proposal, have them considered as part of the assessment and decision making processes and then a right to take any decision makers decision to an independent body for review.

The EDO is particularly concerned by section 44 (8) of the Planning, Development and Infrastructure Act 2016 which excludes the Community Engagement Charter from covering assessment applications. We do not believe it is sufficient for the Charter solely focus on policy development. Whilst it is acknowledged that the Committee is examining the contents of the

Office: Level 1, 182 Victoria Square, Adelaide, SA

Post: GPO Box 170, Adelaide, SA, 5001

Phone: (08) 8359 2222 | SA Country Freecall: 1800 337 566

Email: [edosa@edo.org.au](mailto:edosa@edo.org.au) | Web: <http://www.edosa.org.au>

Charter as drafted we also urge members to confer with colleagues regarding repeal of section 44(8) and consequential re drafting of the Charter. If this fails to occur this will only serve to increase the community's dissatisfaction with the planning system and processes.

Please contact the writer should you require any clarification of the contents of this submission.

Yours faithfully

A handwritten signature in cursive script that reads "mBallantyne". The signature is written in black ink on a light-colored background.

Melissa Ballantyne  
Coordinator/Solicitor  
Environmental Defenders Office (SA) Inc.