

Guide for making a public submission

Environmental impact assessment Guidance for stakeholders

Document title	Guide for making a public submission
Contact details	Department of Lands, Planning and Environment
Approved by	NT EPA
Document review	As required
TRM number	NTEPA2019/0141-020~0014

Version	Date	Author	Changes made
0.1	1 April 2020	Environment Division	First draft version
0.2	20 April 2020	Environment Division	Draft for consultation
0.3	24 June 2020	Environment Division	Comments from public exhibition addressed where appropriate and discussed at NT EPA meeting 52
1.0	26 June 2020	NT EPA	Approved
2.0	6 January 2021	NT EPA	Updated for consistency with guidance material
3.0	7 June 2023	Environment Division	Consistency and publishing updates
3.1	4 November 2024	Environment Division	Updated for consistency
4.0	17 March 2025	NT EPA	Approved

Further information

Further information and guidance on the environmental impact assessment process is available on the NT EPA website at: www.ntepa.nt.gov.au.

If you require assistance in applying this guidance to your circumstances, please contact the Environmental Assessment Unit of the Department of Lands, Planning and Environment. Appointments with relevant staff can be made through the contacts below:

Email: eia.ntepa@nt.gov.au
 Tel: 08 8924 4218

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1. Introduction

The Northern Territory Environment Protection Authority (NT EPA) is responsible for administering the environmental impact assessment (EIA) process in the Northern Territory (NT) under the *Environment Protection Act 2019* (EP Act) and Environment Protection Regulations 2020 (EP Regulations). As set out in section 42 of the EP Act, a purpose of the EIA process is to ensure that the community has the opportunity to participate in, and to have its views considered, in decisions on a proposed action or a strategic proposal (hereafter collectively referred to as a **proposal**).

Public consultation is a key element of EIA in the NT. An object of the EP Act (section 3(d)) is to provide for broad community involvement during the process of EIA and environmental approval. The NT EPA invites public comment at various stages of an EIA process and publishes submissions received in line with the EP Act and EP Regulations. Any interested person wishing to make a submission during public consultation is welcome to do so. Submissions must be addressed to the NT EPA and submitted by 11:59pm Australian Central Standard Time (ACST) on the day that the submission period ends.

The NT EPA may also invite public comment on draft guidance documents that provide advice on the operation of the EP Act.

The purpose of this guidance is to provide advice on making a submission to the NT EPA in relation to an EIA process or guidance document under the EP Act.

2. Why make a submission?

By making a submission, you can express your views about a proposal or draft guidance document, give feedback, raise any issues of concern, contribute knowledge, and make suggestions for improvement. Your submission can help the NT EPA in its assessment of the accuracy, adequacy and suitability of EIA related documents, and can assist a proponent to understand and respond to individual and community views in relation to a proposal or draft guidance document.

The NT EPA considers submissions made during any stage of an EIA process in its decision-making, and in preparing its advice to the Minister about the potential significant environmental impacts of a proposal, the recommendations for avoiding, mitigating and managing those impacts, and the environmental acceptability of a proposal.

3. What to include in a submission

A submission may be as long or as short as you like. It can be helpful if you provide reasons for your conclusions and provide relevant supporting data or references. A submission must be, to the best of your knowledge, true and accurate and not be misleading or defamatory (refer to section 6 below). If your submission is on behalf of an organisation, you must have the appropriate authorisation from that organisation to make the submission.

Below are some questions that you may like to consider when preparing a public submission in relation to an EIA process:

- Does the document clearly describe the proposal and the existing environment? Does it identify the environmental issues that you consider important?
- Are the avoidance and mitigation measures committed to by the proponent adequate to manage any potential significant environmental impacts?

- Is there recorded or anecdotal community, scientific or traditional knowledge or understanding of the natural and cultural values of areas that may be impacted by the proposal, which could help in considering potential environmental impacts?
- Is there any other information that is incorrect or missing from the document?
- Could the project be improved in any way?
- Are there any alternative solutions or other ways of managing environmental impacts?

In preparing a submission in relation to draft guidance material prepared by the NT EPA to provide advice about the requirements or processes under the EP Act, you may wish to consider whether your submission:

- Clearly addresses the text of the draft document itself and does not focus on unrelated issues.
- Outlines what the key issues are and makes suggestions for issues to be addressed or to improve the draft documents.
- Proposes alternate text to improve the draft document.
- Is concise, relevant, clear and highlights your own perspective.
- Only includes comments suitable for publication online.

When writing a submission, you should understand the EIA document type, who the statutory decision-maker is, and what will guide the decision.

For a submission to be considered valid under the EP Act, it must:

- include your name and contact details (address or email) or the contact details of the body or group making the submission
- be signed by you or the representative making the submission
- be received before the closing date for submissions - unless you have received an extension.

A valid signature includes:

- a hand-signed document that is scanned or photographed
- a name typed at the bottom of an email or uploaded document, or
- an electronic signature placed at the bottom of the email or uploaded document.

If a submission does not comply with these requirements, it will not be considered.

There is no specific format to use for a written submission.

If you would like your submission to be either withheld from publication or published anonymously, consider whether you have made this clear in your submission.

4. What to exclude

It is recommended that you do not include the following in your submission:

- any personal information that you do not want published
 - public submissions will be published on the NT EPA website in the name of the submitter, unless you request to have your name withheld

- the NT EPA will redact the contact details of private individuals who make a public submission (such as individual email addresses, residential home addresses, individual phone numbers, and signatures)
- defamatory allegations, unsubstantiated claims, and other derogatory statements
- the names and identifying details of other people (unless you have their written consent).

5. Group submissions, form responses and petitions

Joint submissions and petitions must include the names of all participants in the submission.

If the NT EPA receives a number of submissions in the form of a campaign letter, or a petition prepared by a body or organisation, the NT EPA may publish one of the submissions or the substance of one of the submissions, or the substance or intent of the petition, along with the total number of submissions received, or the total number of persons who signed the petition.

A group submission must:

- nominate a person as the representative of the body or group
- state the name and contact details of the representative
- be signed by the person making the submission or, in the case of a body or group, the representative.

This person must ensure they are authorised to represent the group or body making the submission.

6. Making your submission effective

An effective comment would be one that considers the purpose of EIA (section 42 of the EP Act) and that refers to a relevant issue or key matter in the relevant EIA or guidance document, noting that the definition of environment under the EP Act includes physical, biological, economic, cultural, and social aspects.

Below are some points to help make your submission effective:

- Be brief, simple, and clear. Organise your thoughts logically. Try to be specific, rather than general in your comments.
- Where possible, relate your comments to specific sections of the EIA or guidance document. Preferably, each comment should include a reference to the relevant section of the EIA or guidance document.
- Use dot points and headings to help organise your ideas. Use photographs, maps, or sketches where appropriate.
- Be constructive in your comments, such as by identifying additional potential impacts, or options for avoiding, mitigating or managing impacts; or by suggesting alternative text in guidance documents.
- Attach or provide links to any factual information you may wish to provide, such as scientific reports. Ensure your information is accurate.
- Include a summary of the main points if your submission is longer than a few pages.
- It is equally important to comment on parts of a proposal or on guidance documents that are positive or provide benefits and opportunities for the community.

Each submission is considered important, and those submissions that communicate reasons for concern and provide useful information, advice or suggestions are of most value.

7. Requests not to publish submission

All public submissions received during an EIA process will be provided to the proponent and published on the NT EPA webpage, unless approval is granted to withhold a submission, or part of a submission, from publication. Public submissions received during consultation on guidance documents may be published on the NT EPA website, unless the submission includes a clear request to withhold from publication or publish anonymously.

A request not to publish a submission (or part thereof) may only be made to the NT EPA at the time of making the submission. The NT EPA will then decide whether to withhold the submission (or part thereof) from publication or may decide to remove any identifying information of the submitter prior to publication. If the NT EPA decides to not publish a submission (or part thereof), it must still provide a copy of the submission to the proponent after removing any identifying information of the submitter.

The NT EPA may also decide not to publish a submission (or part thereof), despite the submitter wishing it to be published. This may include, but not be limited to, information in a submission that would breach privacy, copyright, or other legislation, contains inflammatory, offensive, or inappropriate content, is defamatory or may expose a person to legal action, or that contains information that is confidential, culturally sensitive or commercially sensitive.

8. What happens next?

Your submission will be provided to the proponent and the NT EPA and published on the NT EPA website.

In the case of an assessment by referral information, submissions received on the referral will be considered by the NT EPA in making its assessment report.

In the case of an assessment by SER, the proponent is required to respond in the SER to the submissions received in relation to the referral information. Any submissions received on the SER will also be considered by the NT EPA in making its assessment report and, where applicable, in preparing any direction to provide additional information to the SER.

In the case of an assessment by EIS, the proponent will be required to respond to submissions received on the draft EIS, in the supplement to the draft EIS. Any submissions received on the supplement to the draft EIS will be considered by the NT EPA in making its assessment report and, where relevant, in preparing any direction to provide additional information to the EIS. Submissions received in relation to a draft TOR for an assessment by EIS or inquiry will be considered in preparing the final TOR for an assessment by EIS or inquiry. The NT EPA may consider submissions received when deciding whether to direct a proponent to provide additional information during an assessment process.

At the end of the EIA process, the NT EPA will prepare and publish an Assessment Report. The report will include a summary of the relevant issues raised in public submissions and should allow you to see how your concerns were considered.

In the case of a submission made in relation to a guidance document prepared by the NT EPA to provide advice on requirements and processes under the EP Act, the submission will be considered by the NT EPA in revising and finalising the document.

The NT EPA welcomes public comments on published guidance documents under the EP Act at any time, even if it has not invited comment. The NT EPA also welcomes public requests for it to issue, reconsider, modify, or rescind guidance documents. There is no statutory requirement for the NT EPA to publish submissions made in relation to guidance documents; however, it may choose to do so. If you do not wish for your submission on guidance material to be published, this should be made clear at the time the submission is made.

If you want to withdraw a submission, you may request to do so at any time before a statutory decision about the EIA process or guidance that the submission relates to is made.

9. How to make a submission

Public submissions may be made in writing to the NT EPA, and submitted:

- Online via the [Open consultations web page \(preferred method\)](#).
- In hard copy and posted to GPO Box 3675 Darwin NT 0801.
- By delivery in person to Level 1, Arnhemica House, 16 Parap Road, Parap NT.

Submissions may also be made orally in person or by audio or audio-visual communication or recording, or in any other manner approved by the NT EPA pursuant to regulation 265 of the EP Regulations.

Comments made via social media are not considered submissions. Comments sent by email to officers or generic accounts are discouraged, as file size and other constraints may prevent emails being received. Undelivered emails are not considered as submissions.

10. Further information

Further information and guidance on the EIA process is available on the NT EPA website at: www.ntepa.nt.gov.au.

You may keep up to date with NT EPA news, including opportunities for comment by completing the online subscription form at: <https://ntepa.nt.gov.au/publications-and-advice>.

If you require assistance in applying this guidance, please contact the Environment Division of the Department of Lands, Planning and Environment. Appointments with relevant staff can be made through the contacts below:

- Email: eia.ntepa@nt.gov.au.
- Tel: 08 8924 4218.

11. Privacy

The Department of Lands, Planning and Environment provide services to the NT EPA, including collection of information in submissions made to the NT EPA. The Department of Lands, Planning and Environment Privacy Policy sets out how you can access and/or correct your personal information and how you can make a complaint if you feel the NT EPA has not complied with the *Privacy Act 1988*.

All enquiries about access, correction or to make a complaint should be directed to the Privacy Officer on (08) 8999 4410 business days, 8.00am - 4.21pm or write to PO Box 496, Palmerston, NT 0831 or email StrategicServices.DLPE@nt.gov.au.