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Our reference: SS032-12

14 November 2012

The Hon. Barry O'Farrell, MP
Level 40 Governor Macquarie Tower
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Via email: office@premier.nsw.gov.au

The Hon. Greg Smith MP
Attorney General
Level 31 Governor Macquarie Tower
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Via email: office@smith.minister.nsw.gov.au

The Hon. Brad Hazzard MP
Minister for Planning & Infrastructure
Level 31 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Via email: office@hazzard.minister.nsw.gov.au

Mr. Alex Greenwich MP
Member for Sydney
58 Oxford Street
PADDINGTON NSW 2021

Via email: sydney@parliament.nsw.gov.au

Dear Premier and Ministers,

Re: Letter in support of continued funding - EDO NSW (formerly Environmental Defender's Office NSW)

We write this letter in support of the EDO NSW ('EDO'). In this regard, we respectfully request that you confirm its ongoing funding under the Public Purpose Fund (or make available other financial accommodation) for a minimum period of three (3) years.

We are voluntary Regional Organisation of Councils and the peak NSW local government association representing coastal councils. Established in 1989, we represent fifteen Sydney coastal councils with the mission to provide leadership through a coordinated approach to sustainable coastal management (see: www.sydneycoastalcouncils.com.au/).

We understand that the Government's funding of the EDO is in jeopardy: current funding will expire at the end of March and future funding is uncertain. We further understand that, unsurprisingly, this situation is significantly impairing the EDO's ability to conduct its affairs thus placing at risk its provision of advice, representation, education and information to the community on environmental and planning matters.

We have cause to draw upon the EDO's environmental and planning law expertise from time to time and are therefore well placed to make this submission. We use the information and advice provided to build the capacity of our Member Councils and, more generally, stakeholders and the community at

large. For example, in relation to our Mapping and Responding to Coastal Inundation project (a partnership with CSIRO addressing coastal risks and developing model planning and management responses), we engaged the EDO to conduct a comparative assessment of international, Australian State and Territory legislation and policies addressing the coast and planning. This information was disseminated to Member Councils (and made available on our website¹ and presented to the 2011 NSW Coastal Conference). We have also engaged the EDO in relation to a project which produced a report entitled *Coastal Councils Planning for Climate Change* (an assessment of Australian and NSW legislation and government policy provisions in relation to climate change relevant to regional and metropolitan NSW coastal councils). This report is also publicly available on our website². In all our dealings with the EDO they have acted with the utmost professionalism, skill and competence.

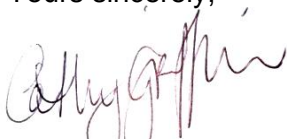
The environment is important; it is essential to our existence. The EDO assists to protect our environment. The EDO also empowers the community. It serves as a communications conduit between the community and the three elements of government, namely the legislative, executive and judiciary, providing access to and assisting in navigating and understanding legal, policy and other complex systems and administrative processes. It educates and gives capacity, making submissions and actively participating in reviews and inquiries.

Community members, local government and not-for-profit organisations do not have the specialist resources to undertake the work of the EDO. Specifically, the EDO conducts public interest environmental litigation (i.e. in the public interest) and has been instrumental in many precedent setting cases, demonstrating public participation in action³. Such litigation is a key element of contemporary environmental legal systems⁴. To reduce or abolish funding to the EDO would effectively censor the voice and status of the environment (and the community), impacting society generally, including future generations. The returns to the community, the environment and stakeholders far outweigh the funding the EDO receives.

The role assumed by the EDO is a valid, constructive and necessary part of the political process. It assists to shape debate and promote discourse. Its role is not antagonistic but complimentary. It serves to filter out vexatious matters by only assuming carriage of *prima facie* meritorious claims, often in relation to areas requiring judicial clarification. Supporting the EDO is supporting the community. Accordingly, providing funding to institutions such as the EDO is a hallmark of good government and we implore that you confirm ongoing and adequate funding of the EDO under the Public Purpose Fund (or via some other funding arrangement) for a minimum period of three (3) years.

We would be pleased to elaborate on any aspect of this letter and invite you to contact Stephen Summerhayes on 9246 7326 or via email at Stephen@sydneycoastalcouncils.com.au if you require any further information or documentation.

Yours sincerely,



Cr Cathy Griffin
Interim Chairperson

¹ <http://www.sydneycoastalcouncils.com.au/sites/default/files/Audit%20of%20Sea%20Level%20Rise%20Coastal%20Erosion%20and%20Inundation%20Legislation%20and%20Policy.pdf>

² <http://www.sydneycoastalcouncils.com.au/sites/default/files/coastalcouncilsplanungforclimatechange.pdf>

³ David Robinson, The Environmental Defender's Office NSW, 1985-1995, Environmental and Planning Law Journal 155-178 (1996).

⁴ Chris McGrath, Flying Foxes, Dams and Whales: Using Federal Environmental Laws in the Public Interest, Environmental and Planning Law Journal 324-359 (2008).