

Stakeholder Engagement and Consultation

Environmental impact assessment
Guidance for proponents

Document title	Stakeholder Engagement and Consultation
Contact details	Department of Environment, Parks and Water Security
Document Type	Environmental impact assessment guidance for proponents
Document review	3 years
TRM number	NTEPA2019/0141-018

Version	Date	Author	Changes made
0.1	25 April 2020	Environment Division	Adapted from previous guidance (May 2019) to match EP Act
0.2	18 May 2020	Environment Division	Addressed NT EPA comments (Meeting 50)
0.3	18 May 2020	Environment Division	Draft for consultation
0.4	7 July 2020	Environment Division	Addressed public comments
1.0	27 October 2020	NT EPA	Addressed NT EPA comments (Meeting 54)
2.0	6 January 2021	NT EPA	Consistency updates made

Acronyms	Full form
EIS	Environmental Impact Statement (includes draft EIS, Supplement to the EIS and any additional information requested following submission of the Supplement)
EP Act	<i>Environment Protection Act 2019</i>
EP Regulations	Environment Protection Regulations 2020
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
IAP2	International Association for Public Participation
NT	Northern Territory
NT EPA	Northern Territory Environment Protection Authority
SER	Supplementary Environment Report

Term	Definition
Cumulative impacts	<p>Impacts that can accumulate as a result of some or all of:</p> <ul style="list-style-type: none"> • additive or interactive processes and actions • interactions among multiple management measures (past, present and future) • a combination of multiple minor impacts over time • activities conducted over a wider area than the proposed action, such as the activities of multiple projects operating in a region.

Term	Definition
Environment	As defined in section 6 of the EP Act - all aspects of the surroundings of humans including physical, biological, economic, cultural and social aspects.
Environmental values	Aspects of the environment that are important or serve an important function, such as a river that provides beneficial uses to ecological and human communities, a site that is sacred to Aboriginal people, an animal or plant species that is threatened, or an area that is visited by tourists due to its aesthetic beauty.
Impact	As defined in section 10 of the EP Act - an event or circumstance that is a direct consequence of the action; or that is an indirect consequence of the action and the action is a substantial cause of that event or circumstance.
Significant impact	As defined in section 11 of the EP Act - an impact of major consequence having regard to: the context and intensity of the impact; the sensitivity, value and quality of the environment impacted on; and the duration, magnitude and geographic extent of the impact.
Stakeholders	Stakeholders are people or entities who are, or have the potential to be, directly or indirectly affected by a proposal and with an interest or stake in the outcome of a decision and/or the ability to influence its outcome, either positively or negatively. Stakeholders of a proposal undergoing environmental assessment can include individuals, communities, groups, non-government organisations, land councils, government agencies, industries and industry associations, and interest groups.

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 Environment Division of the Department of Environment, Parks and Water Security. Appointments with relevant staff can be made through the contacts below:

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1. Introduction

1.1. Overview

Proponents who commence the stakeholder engagement process early, with a strategic long-term view, are more likely to achieve overall positive outcomes for their proposal. Effective stakeholder engagement involves interactions between identified groups of people to build relationships, gain mutual respect and make better decisions.

The importance of community involvement in the environmental impact assessment process, particularly of Aboriginal people and communities, is expressly recognised in the objects of the *Environment Protection Act 2019* (EP Act; sections 3(d) and 3(e))¹.

Objects of the EP Act (sections 3(d) and 3(e))

- *to provide for broad community involvement during the process of environmental impact assessment and environmental approval*
- *to recognise the role that Aboriginal people have as stewards of their country as conferred under their traditions and recognised in law, and the importance of participation by Aboriginal people and communities in environmental decision making processes.*

One of the purposes of the environmental impact assessment process in the Northern Territory (NT) is to involve the community in planning and to ensure the community has an opportunity to inform decisions on proposed activities (EP Act section 42(d)). Further, the EP Act requires a proponent to consult with communities, take account of their views, document their knowledge and address Aboriginal values and rights (sections 43(a) to 43(d)).

When making a decision on an environmental approval under the EP Act, the Minister must consider the objects of the Act and be satisfied that the community has been consulted regarding the potential environmental impacts and benefits of the proposed action or strategic proposal (section 73(2)(a)).

This guidance document reinforces the objects of the EP Act and general duty of proponents under an environmental impact assessment relating to stakeholder and community involvement, and active participation of Aboriginal peoples and communities. This guidance primarily focuses on an ongoing process of stakeholder engagement that involves building relationships, actively sharing information, and bringing stakeholder voices into decisions that may affect or interest them.

Engagement involves communication, dialogue, listening and responding, and may involve formal consultation to meet legal requirements. Consultation involves two-way communication initiated by proponents to obtain feedback from stakeholders, usually through questions and answers. The NT EPA considers that both proponents and the community benefit from the respectful relationships, deeper dialogue, and collaborative decisions that result from ongoing stakeholder engagement rather than being limited to specific consultation activities.

¹ The NT EPA acknowledges that other relevant legislation may dictate further legal requirements for community consultation, for example, relating to Aboriginal stakeholders (as discussed in section 4.3). The NT EPA expects proponents to inform themselves of any such requirements and to comply with those requirements. This document outlines the NT EPA's expectations in regards to consultation and engagement undertaken for the purposes of the environmental impact assessment process.

The environmental impact assessment process, outlined in the EP Act and the associated Environment Protection Regulations 2020 (EP Regulations), provides formal opportunities for public consultation on environmental impact assessments. Further information on this avenue of consultation is provided in the guidance document titled ‘Making a public submission during the impact assessment process’² and is not discussed in this guidance.

The NT EPA recognises that stakeholder engagement and consultation are important components of social, cultural or health impact assessments, which may be included in an environmental impact assessment (see regulation 79 of the EP Regulations). It is important for proponents to recognise that engagement and consultation undertaken specifically for impact assessment may not meet the needs of broader stakeholder engagement for the proposal as a whole. This guidance document is part of a range of guidance prepared by the NT EPA to describe the environmental impact assessment process to all stakeholders. This document must be read in conjunction with other NT EPA guidance documents that provide detail on the environmental impact assessment process, as shown in Figure 1.

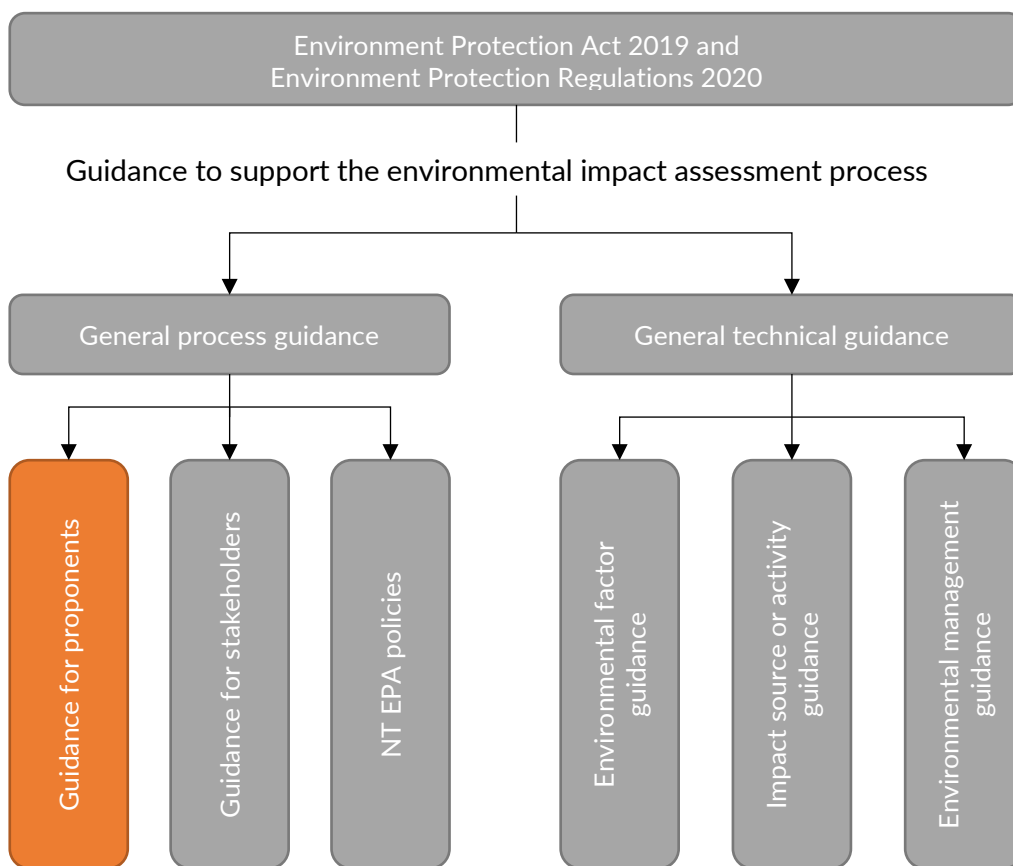


Figure 1 Environmental impact assessment guidance framework

² Available on the [NT EPA website](#) under General environmental impact assessment guidance – Preparing a public submission

1.2. Purpose of this document

This document provides guidance to proponents on the NT EPA's expectations for how effective stakeholder engagement is to be conducted and demonstrated, for proposals subject to assessment under the EP Act. It is expected that all engagement with stakeholders will comply with this guidance and will inform decision making under the EP Act. The effective application of this guidance will assist proponents in addressing:

- the objects of the EP Act, in particular sections 3(d) and 3(e)
- the proponents' general duties under the EP Act (sections 42 and 43)
- the statutory requirements relating to the purpose of environmental impact assessment
- long-term stakeholder engagement related to the proposal
- the standard of information required in a referral to increase the NT EPA's confidence in the prediction of potentially significant impacts of an action.

The NT EPA's confidence in predictions is fundamental to the NT EPA's decision about whether environmental impact assessment is required and, where relevant, the method of assessment (EP Regulation 59(d)). Proponents are reminded that providing complete and quality referral information is necessary for the NT EPA to decide that an efficient lower tier of assessment is sufficient to meet the requirements of the EP Act.

The document provides guidance on implementing stakeholder engagement and outlines:

- principles for best practice stakeholder engagement
- the steps involved in planning effective stakeholder engagement
- engagement approaches to achieve effective stakeholder engagement with Aboriginal and other stakeholders during the environmental impact assessment process
- reporting requirements to demonstrate that the outcomes of stakeholder engagement are used to inform the environmental impact assessment process and decision making.

A demonstration of effective engagement history will assist the proponent to proceed through the environmental impact assessment and approval process. If the project is approved, early and ongoing engagement will also help to avoid potential conflicts and delays that may otherwise occur due to community disengagement. Meaningful stakeholder engagement enables early identification of issues, addresses communities' expectations of their input into decisions that affect them, helps to identify necessary studies and how results should be presented, builds trust and relationships with communities, and ultimately leads to better decision-making and better project outcomes.

2. Principles for stakeholder engagement

The NT EPA recommends proponents adopt the following International Association for Public Participation's (IAP2) core values³ of engagement, as principles for best practice stakeholder engagement:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the stakeholder's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the participation of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the proposal and decision.

The NT EPA expects proponents to take a proactive approach to early stakeholder engagement as this enables proponents to identify and address issues raised by stakeholders before key decisions are made and when alternatives are still an option. It allows stakeholders to see how their inputs were addressed and contributes to gaining support for the proposal. Where stakeholders are effectively engaged to improve participation, potential conflicts are likely to be reduced, delays to the proposal are likely to be prevented and ultimately better environmental and social outcomes are likely to be delivered. Early engagement can also reduce project risks and make for a better project, for example, through the integration of Aboriginal knowledge and expertise.

The NT EPA expects that stakeholder engagement will be undertaken such that affected stakeholders gain an understanding of the impacts of the proposal, the proposed mitigation measures and benefits and have an opportunity to communicate their concerns, interests and aspirations to the proponent. Proponents should recognise the right for broad community involvement and input into proposals or decisions which may affect them. For this to occur, engagement methods need to be fit for purpose and appropriate to relevant stakeholders, including consideration of literacy, culture, gender, age and language. This is critical in the NT where engaging with remote and Aboriginal communities requires proponents to take into account cultural protocols, language and associated sensitivities.

³ International association for public participation (IAP2) (2015) Quality Assurance Standard for Community and Stakeholder Engagement

3. Planning effective stakeholder engagement

Effective stakeholder engagement requires careful planning. The steps below are adapted from the IAP2 standard and provide guidance to proponents on how to achieve and demonstrate effective stakeholder engagement.

3.1. Identify the objectives of stakeholder engagement

The proponent should develop clear objectives for stakeholder engagement and determine the purpose of their stakeholder engagement. This could include:

- identifying the specific communication needs of potentially affected communities, and identifying culturally appropriate methods of communication
- communicating and introducing the proposal to stakeholders and finding out their perceptions, concerns, interests, aspirations and issues with the proposal which in turn may inform aspects of proposal design, operation and closure and the stakeholder engagement process itself
- building relationships with key stakeholders, gaining local support and maximising positive benefits
- gathering information – stakeholders can inject knowledge, contribute to baseline information, new ideas and help identify risks resulting in better environmental impact assessment. Aboriginal stakeholders often have traditional knowledge of biodiversity and the local environment and can provide valuable input into the environmental impact assessment of a proposal
- meeting legislative requirements to engage with stakeholders for land access, agreements and approvals
- increasing efficiency of assessment and approval – the ability to demonstrate good engagement history can assist in understanding regulatory requirements and pathways and the assessment and approvals process, which can result in fewer adverse environmental impacts and fewer conflicts during and following assessment.

It is useful at this stage for the proponent to identify and clearly communicate to stakeholders the negotiable and non-negotiable factors. The negotiable factors are those that stakeholders can influence, while the non-negotiable factors are those that have already been decided. A clear understanding of these factors will inform the approach taken to stakeholder engagement activities.

3.2. Determine the level of engagement

There are various stakeholder engagement methods and the NT EPA refers proponents to the IAP2 spectrum for guidance. The IAP2 spectrum, shown in Figure 2, is an internationally recognised standard that assists with the selection of the level of participation in any stakeholder engagement.

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

		INCREASING IMPACT ON THE DECISION				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Figure 2 IAP2 spectrum for the level of engagement in stakeholder engagement

The IAP2 spectrum is one stakeholder engagement tool and a suitably qualified person⁴ may use a different methodology other than the IAP2 process to engage stakeholders. The NT EPA recognises different levels will be used for different stakeholder groups and at different stages of a proposal. Whatever the approach taken, it should occur early, often, and with a genuine intent to listen, respond to concerns, interests and aspirations, and seek acceptable compromises where possible.

3.3. Identify stakeholders and develop an analysis matrix

The NT EPA recommends proponents identify all stakeholders and focus on those stakeholders most affected by the potential ecological, social, cultural, economic and health impacts of the proposal. Proponents should use local governments, land councils, and/or other organisations, to assist when identifying stakeholders in particular regions.

Stakeholder analysis and mapping is an important step to identifying key stakeholders to inform the engagement approach. Key stakeholders include those who exert influence over collaboration and decision-making processes as well as people and communities directly affected by the project (e.g. because of their knowledge, role, skills, or relationships with other key players), and whose support (or lack thereof) may be critical to the success or failure of a proposal.

⁴ Refer to Section 3.5

The NT EPA recommends proponents complete a stakeholder analysis matrix to:

- identify key stakeholders
- analyse the impact and influence those stakeholders will have over the proposal
- identify issues important to each stakeholder
- identify how each stakeholder could contribute to, or be affected by, the proposal
- propose a strategy for proactively engaging with defined stakeholder groups including those stakeholders who may be marginalised or disadvantaged, including consideration of culturally appropriate methods
- conduct feedback, evaluation and review of stakeholder engagement activities
- report stakeholder engagement outcomes in impact assessment documents.

Stakeholder identification and analysis will strongly influence the communication and engagement techniques to be employed and should be appropriately assessed prior to developing the engagement plan.

3.4. Stakeholder engagement plan

The NT EPA expects proponents to develop a stakeholder engagement plan prior to commencing engagement activities. A stakeholder engagement plan assists proponents with facilitating engagement at all stages of the project including planning for assessment, design, construction, operation, rehabilitation and closure.

The plan should define the approach to stakeholder engagement and describe how communication between proponents and stakeholders will be managed, including the use of culturally appropriate methods. Contents of a stakeholder engagement plan should include:

- a description of the proposal and regulatory requirements for approval and operation
- a description of any previous engagement undertaken
- purpose, scope and objectives of the plan
- the stakeholders and groups to be consulted and why they were identified
- the techniques and methods for engaging with identified stakeholders
- an overview of the scheduled engagement activities and timetable of key events
- a description of resources and responsibilities for implementing stakeholder engagement activities
- a description of any plans to involve stakeholders in monitoring of proposal impacts and mitigation programs
- a description of how results of stakeholder engagement activities will be reported back to affected stakeholders
- a demonstration of commitment to engaging with stakeholders in accordance with the IAP2 public participation spectrum and core values
- a demonstration that the objectives and general duty of the EP Act have been met.

The NT EPA expects proponents to make their stakeholder engagement plan public as a way to increase stakeholder and community trust.

3.5. Suitably qualified person or company

In some circumstances, a proponent may hold sufficient qualifications and expertise, in-house, for best practice stakeholder engagement standards to be met. In such cases there is likely to be a long term relationship with parties established through many years of the full engagement cycle being demonstrated (including through the development, construction and operation of a venture). In other cases, including new ventures, the services of an independent and suitably qualified professional trained in undertaking best practice stakeholder engagement standards will be expected.

When this is the case, the proponent should also be directly involved in the stakeholder engagement process to build and maintain stakeholder relationships that will continue post assessment and into the life of project. It is important that the proponent is aware, and hears directly from, affected stakeholders to learn about issues and how they can respond to stakeholder feedback.

4. Engaging with stakeholders

The NT EPA provides the following general recommendations to proponents for stakeholder engagement during the environmental impact assessment process:

- clearly communicate to stakeholders the purpose of the engagement activity, how stakeholder contributions will be used, and the degree of influence that stakeholder input will have on the proposal
- clearly state the knowledge gaps of the environment specific to the proposal, what is being done to get better information, describe how the gap is to be managed in the interim and provide updates on addressing those gaps as information becomes available
- provide accurate information in a way that can be easily understood and is tailored to meet the needs of the target stakeholder group
- provide information in advance of consultation activities and decision making in ways and locations that make it easy for stakeholders to access
- clearly communicate the elements of the proposal that may be able to be changed as a result of feedback from stakeholders, or the alternatives stakeholders and/or proponents may choose from
- promote two-way dialogue that gives both sides the opportunity to exchange views and information, to listen, follow up issues raised and how they have been addressed to close the loop
- be inclusive in representation of views, including gender diversity, vulnerable/most disadvantaged and/or minority groups
- use processes that are free of intimidation or coercion, and that desirably include the use of independent facilitators for meetings
- provide clear mechanisms for responding to people's concerns, suggestions, and grievances
- provide sufficient time and opportunity for stakeholders to voice their opinions and concerns that may influence the proposal outcomes
- consider where consultations will take place, appropriate representatives, the chronology of consultations, and the language and format
- consider stakeholder mobility in remote and urban communities where significant movement and turn-over of populations are common between the stages of a proposal, from early planning to approval, implementation and closure
- consider what information needs to be withheld for commercial, private or cultural reasons and how this may impact stakeholder engagement

- consider the physical environment where engagement is taking place (remoteness and weather conditions)
- incorporate stakeholder input into the proposal design
- report back to stakeholders on how their input has influenced proposal-related decisions.

4.1. Engaging early with stakeholders

The NT EPA expects proponents to engage early with stakeholders. This enables proponents to address stakeholders' concerns, influence stakeholder perception, develop positive relationships and benefit from stakeholder knowledge. Engaging with stakeholders early in the environmental impact assessment process is the best way of communicating the proposal and its risks and potential impacts and mitigation and management measures.

Early engagement can influence the process of developing a project so that alternative or mitigating designs can be incorporated in the project going forward, for example, during site selection and route selection to avoid or minimise the potential impacts of a proposal. This is a critical step in demonstrating consideration of the environment decision hierarchy early in the development of the proposal.

The NT EPA expects engagement with key stakeholders prior to submission of a referral so that stakeholder views can be gathered while the proposal plan is still being developed. There may be many uncertainties and unknowns at this stage but the proponent should use these early stakeholder interactions to identify potential issues, risks and benefits, and to invite comments and ideas to generate alternative decisions in proposal planning and design. Results of early engagement should be provided in the initial referral to the NT EPA and inform the identification of potential impacts, mitigation measures and benefits.

Should no evidence be provided in the referral process, whilst the NT EPA may still accept the referral, its decision on the referral would take the absence of stakeholder engagement into account. This may result in further studies being required of the proponent, preventing an 'assessment on referral information' method.

4.2. Engaging with Aboriginal stakeholders

Most proposals subject to environmental impact assessment in the NT, particularly those located in remote areas, will be on land subject to Aboriginal rights and/or interests and therefore must interact with Aboriginal people and communities as land owners, custodians and stakeholders. Consulting with Aboriginal communities in a culturally appropriate manner is a statutory requirement of proponents undertaking an environmental impact assessment process under the EP Act (s43(b)). It is important to recognise that culturally appropriate engagement can be complex, is likely to require sensitivity, and normally should be conducted by independent people experienced in this area. [Land councils](#) may assist in identifying the best approach to engaging with specific Aboriginal communities.

Proponents also have the following duties in relation to Aboriginal community and stakeholder engagement, under section 43 of the EP Act⁵:

- to consult with affected Aboriginal communities in a culturally appropriate manner

⁵ This is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples (2007)* which provides internationally recognised principles for the treatment of Indigenous people for proposals that affect them.

- to seek and document community knowledge and understanding (including scientific and traditional knowledge and understanding) of the natural and cultural values of areas that may be impacted by the proposed action
- to address Aboriginal values and the rights and interests of Aboriginal communities in relation to areas that may be impacted by the proposed action.

Proponents are required to engage with Aboriginal stakeholders for all matters related to the proposal. This includes identifying any cultural, social, economic and environment values significant to Aboriginal stakeholders that are likely to be impacted by the proposal. For example, matters that are likely to be impacted by the proposed action such as land and resource use and management, land ownership / tenure, cultural values, heritage values, sacred sites, cultural practices, and, an area that is, or could in the future be, subject to a native title claim or determination. It is also important that proponents discuss economic development aspirations with communities, and consider how these could be incorporated into the proposal.

There is value for proponents in drawing on the traditional knowledge and the expertise of Aboriginal people and communities in assisting with planning, research, risk identification, management and mitigation and resolving issues and decision making.

Aboriginal stakeholders must be consulted about proposals and given opportunities to discuss and influence the outcomes of actions and decisions that may affect them. An important consideration is that of [Free Prior and Informed Consent](#), where participants can make well-informed decisions in a culturally-appropriate manner that is free from coercion and sufficiently in advance of approvals or commencement. The NT EPA expects proponents to carry out appropriate stakeholder participation and consultation such that affected communities understand the proposal and its potential impacts (both positive and negative).

The proponent should provide the following information to Aboriginal stakeholders, as a minimum:

- information about the proponent
- information about the proposal, including management plans
- the extent to which activities will, or are likely to, affect the environment both inside and outside the affected land area
- proposed water, timber or other requirements to be obtained from the land
- estimated infrastructure and numbers of vehicles and people that are likely to be on the affected land
- proposed mechanisms for minimising social impact
- proposed methods for rehabilitation and closure, if applicable.

In addition, the proponent should pay attention to:

- documenting local knowledge, as per general duties under the Act
- working with Aboriginal people to identify values and impacts
- consideration of education and training, employment and economic development opportunities and
- consideration of how local people can be engaged in research, monitoring and reporting activities.

Special consideration is required when planning engagement with Aboriginal stakeholders due to the complexities of sparsely populated regions, long distances, harsh climates, variety of language and cultural groups, and a history of poor engagement on development proposals. Proponents should ensure the right stakeholders are identified and engaged, including the land councils.

The following resources can help with planning engagement with Aboriginal stakeholders:

- For remote communities, the [BushTel website](#) (NT Government 2020a) is an important resource for community information and contacts.
- The [Best Practice Guide for Remote Engagement and Coordination](#) (NT Government 2020b) provides guidance on how to conduct good engagement with remote Aboriginal communities to achieve mutually beneficial outcomes, including transparent of decision-making.
- The Aboriginal Peak Organisations Northern Territory’s (2017) [Partnership Principles](#) provide guidance on developing a partnership-centred approach for non-Aboriginal organisations engaging in development in Aboriginal communities.

The NT EPA suggests proponents follow the general steps outlined in Table 1 for effective engagement with Aboriginal stakeholders. The sources of this information include NT Government (2020b), the International Council on Mining and Metals (2015), and suggested action examples from the land councils.

Table 1: Actions that can be taken to achieve effective engagement with Aboriginal stakeholders

Steps	Actions
Plan Carefully	<ul style="list-style-type: none"> - seek anthropological and cultural advice - plan around the location/remoteness - consider climate and local events - consider language and cultural requirements - consider meeting structure and size
Active listening to Aboriginal stakeholders	<ul style="list-style-type: none"> - recognise their expertise - have a well-informed understanding of local Aboriginal history and current issues in the proposal area - respectful listening and willingness to learn and treating stakeholders as partners rather than beneficiaries - take extra time in meetings, listening to stories and having informal discussions in small groups or with individuals outside of official meetings.
Allow reasonable time for discussions	<ul style="list-style-type: none"> - engage as early in the proposal planning process as possible and seek input from stakeholders – ideally before the planning and research phase and definitely before the submission of a referral and supplementary environmental report or environmental impact statement - recognise Aboriginal stakeholders need time to consider the potential consequences of a proposal, particularly if they are unfamiliar or not had experience of that type of development - recognise Aboriginal stakeholders need time to discuss, consider a position and express their views - negotiate an agreement with stakeholder representatives on key dates and deadlines with consideration of statutory

Steps	Actions
	<p>processes and proposal time constraints but recognise the need to build some time flexibility into the engagement process</p> <ul style="list-style-type: none"> - avoid rushing – allow time and flexibility to build relationships and enable maximum participation - allow a reasonable time for stakeholders to understand and provide input into the proposal or issue - consider the complexity of and if late changes are made to the information and allow sufficient time for stakeholders to understand - respect Aboriginal stakeholders’ right to choose the time and location of meetings - respect Aboriginal stakeholders may need time to decide whether they wish to become involved in the engagement process or to reach consensus on proposal outcomes - allow time for Aboriginal stakeholders to identify the likely impacts of proposals and potential measures to mitigate or manage negative impacts and maximise potential benefits (e.g. related agreements).
<p>Understand and respect Aboriginal stakeholders and their customs</p>	<ul style="list-style-type: none"> - be aware of international standards and responsibilities on Indigenous rights - find out about community, Aboriginal governance, cultural protocols, local dynamics and any ‘burning’ issues - identify all relevant Aboriginal stakeholders which may be affected by the proposal – contact the land council or native title representative body to assist in contacting the correct groups and to ensure consultation is followed correctly - respect and follow local cultural protocols - accommodate for the diverse range of stakeholders, which may include suitable facilities for the elderly (e.g. wheelchair access) and families, and gender representative consultants (e.g. female liaison officer) - respect the private nature of Aboriginal cultural information and importance of the protection of cultural heritage and sacred sites. Contact the Aboriginal Areas Protection Authority (AAPA) and the relevant land council for guidance and assistance in ensuring active engagement with Aboriginal custodians in the identification and protection of significant and sacred sites. - understand and respect Aboriginal cultural events and family obligations may result in individual stakeholders being

Steps	Actions
	<p>unavailable at short notice and for extended periods of time</p> <ul style="list-style-type: none"> - ensure that appropriate people are involved at appropriate times (e.g. the general manager is present at critical stakeholder engagement meetings).
Communicating the Proposal	<ul style="list-style-type: none"> - communicate information in an accessible, linguistically and culturally appropriate, accurate and unbiased format to enable people to make informed decisions about proposals - define the proposal, objectives and outcomes - clarify the decisions being made and who will make them, as well as any related decisions already made - identify community and other stakeholders - identify the community engagement purpose, objectives and outcomes - plan and use methods and tools that suit the engagement and ensure the full participation of all stakeholders - identify risks and plan how to manage them throughout the proposal - facilitate stakeholders' understanding of the environmental impact assessment process.
Ensure openness and clear, frequent communication	<ul style="list-style-type: none"> - present outcomes from the environmental impact assessment process in a format that is readily accessible to Aboriginal stakeholders - provide information orally and visually (for example, through conversation, pictures, slides, animation, DVD and 3D models) in communities where literacy and access to technology are limited - give opportunity for Aboriginal stakeholders to visit other similar operations to obtain understanding of the proposal - include outcomes of Aboriginal engagement in the referral, SER or draft EIS that is made available for public comment - ensure stakeholders are informed before, during and after the engagement - ensure stakeholders are informed about how their advice was considered and applied - communicate how the social, cultural and economic impacts will be identified, managed, monitored and reported going forward and how stakeholders will remain engaged with that process, if the proposal proceeds.

Steps	Actions
Use local language	<ul style="list-style-type: none"> - use plain English to communicate technical concepts associated with the proposal – avoid jargon and scientific language - communicate in ways that are appropriate and understood – ask stakeholders if they would prefer to use interpreters, and in which language - use culturally appropriate and alternative non-written communication methods.
Report back	<ul style="list-style-type: none"> - identify processes for providing stakeholder feedback - communicate feedback to stakeholders before, during and after the stakeholder engagement process - collate feedback and provide to stakeholders.

The NT EPA also refers proponents to the Australian Government guidance (Commonwealth of Australia 2016) on [best practice indigenous engagement for environmental impact assessments under the Environment Protection and Biodiversity Conservation Act 1999 \(EPBC Act\)](#). That guidance also emphasises the importance of engaging early with Aboriginal stakeholders and demonstrating cultural awareness and sensitivity to issues of potential concern.

The Aboriginal Interpreter Service provides professional interpreters covering the major languages of the NT and should be engaged by proponents to disseminate information in language, where applicable. Proponents should note that even when stakeholders can conduct general communications in English, an interpreter for the predominant language may be necessary to facilitate understanding, especially in relation to complex matters.

4.3. Other statutory obligations for Aboriginal stakeholder engagement

The NT is unique with more than 50% of its land and about 85% of its coastline held as freehold title by Aboriginal Land Trusts on behalf of traditional owners, with much of the remainder subject to native title. There are international standards, as well as legal, statutory and/or regulatory processes in NT and Commonwealth legislation for consulting with Aboriginal people, and in some cases requiring the consent of Aboriginal people, if they are to be impacted by a proposal. The NT EPA expects proponents to inform themselves about, and comply with, their obligations under the: *Northern Territory Aboriginal Sacred Sites Act 1989*, the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), and the [Native Title Act 1993](#) (Cth).

The NT EPA expects proponents to liaise with

- [AAPA](#) for advice on sacred sites and to assist with identifying and consulting with the appropriate Aboriginal custodians.
- [Land councils](#) for advice on Aboriginal stakeholder engagement (e.g. timing, who to consult, sensitive information), sacred sites, anthropological information and other expertise
- The [National Native Title Tribunal](#) for advice on Native Title and Indigenous land use agreements.

4.4. Presenting environmental impact assessment material to stakeholders

In developing the engagement plan, proponents should consider how they will present the findings of the environmental impact assessment process in a way that stakeholders will understand and at appropriate times. Environmental impact assessment findings are generally presented in documents including the referral and potentially a Supplementary Environmental Report (SER) or an Environmental Impact Statement (EIS) or a significant variation. These documents are often large, complex and/or highly technical which can make them inaccessible to some stakeholders.

Proponents should detail in their stakeholder engagement plan how and when the environmental impact assessment information will be presented to potentially affected stakeholders at an appropriate level. Emphasis should be placed on information directly relevant to the affected stakeholders, including potential negative ecological, social, economic, cultural, and health impacts and how these will be managed, and the potential benefits of the proposal. Stakeholder issues and concerns raised and how these have been or will be addressed should also be clearly communicated.

For Aboriginal stakeholders, the NT EPA expects information materials to summarise and highlight the main risks and potential impacts of the proposal in a culturally appropriate format and language, accompanied by graphics and illustrations or other media to assist with interpretation. Wherever possible, Aboriginal people should be asked when, where and how they prefer to receive information about the proposal, the potential impacts, and proposed management measures. It may be necessary for a proponent to engage a person or organisation with appropriate expertise to assist with this.

Proponents should be aware of the need to withhold any information from publication that is considered culturally important or secret according to Aboriginal tradition⁶. When such information is critical to assessing environmental impacts, proponents should use an alternative method to present information, with the approval of the relevant knowledge holder(s). It is recommended that proponents develop their stakeholder engagement plan in collaboration with land councils who can advise a proponent on the communities to engage with.

4.5. Ongoing stakeholder engagement

The NT EPA expects proponents to continue to engage with stakeholders beyond the proposal planning stage and the environmental impact assessment process and through to final decommissioning or closure of the proposed action. This is in recognition that environmental decision-making does not end with the issuing of an environmental approval. Ongoing engagement should be included in the stakeholder engagement plan. Implementation of ongoing engagement will assist proponents

- maintain relationships with the community and stakeholders
- achieve positive outcomes for the community
- inform decisions regarding operation and closure of the proposal
- meet the object of the EP Act (section 3(e)) to recognise the importance of participation by Aboriginal people and communities in environmental decision-making processes.

⁶ In accordance with section 38 of the NTASS Act

4.6. Stakeholder feedback, evaluation and review

Feedback from proponents to stakeholders is an important part of the engagement process and the proponent should inform stakeholders on how their input has been incorporated into decision-making. The proponent should ensure:

- a statement of what input was collected and how it was used is promised to all stakeholder participants as part of the engagement process
- processes are identified for feeding back the results to stakeholders
- feedback is collated and made available to stakeholders.

The proponent should also clearly explain to consulted stakeholders which suggestions or concerns were not considered, and why. This helps the proponent establish credibility, manage stakeholder expectations and reduce stakeholder consultation fatigue.

The proponent should evaluate and review the outcomes of the engagement process to determine whether stakeholder engagement objectives were met and to ensure the evaluation process continuously improves engagement practices.

The evaluation process enables proponents to make sure engagement was relevant and meaningful to stakeholders and that stakeholder input was considered in important proposal decisions such as for proposal design, operations and proposed mitigation measures.

5. Reporting on stakeholder engagement

The stakeholder engagement processes undertaken prior to and during the environmental impact assessment process are to be reported in the relevant documentation including a referral, SER, EIS, or a significant variation. For an SER or EIS this should include:

- stakeholder engagement principles and processes adopted
- objectives and key performance indicators
- a profile of potentially impacted communities, and analysis of key stakeholders
- summary of stakeholder and engagement methods and activities including how and when they were consulted, where meetings took place, who attended, what was discussed and what were the results
- a summary of information provided to stakeholders, potentially including examples, in line with section 43(a) of the EP Act
- a description of how engagement methods were adapted to be culturally appropriate, in line with section 43(b) of the EP Act
- stakeholder feedback, concerns and issues raised (including the means by which these have been or will be addressed)
- a record of any community knowledge and understanding (including scientific and traditional) obtained on the natural and cultural values of areas that may be impacted by the proposed action or strategic proposal, in line with section 43(c) of the EP Act
- a description of how stakeholder input has informed the baseline analysis, social impact assessment, proposal design, the development of mitigation measures and maximise benefits and opportunities

- a description of how Aboriginal values and the rights and interests of Aboriginal communities have been addressed by the proposal design and mitigation measures, in line with section 43(d) of the EP Act
- commitments made during or as a result of stakeholder consultations for ongoing stakeholder engagement processes throughout all stages of development including after the environmental impact assessment process is completed, such as during operation, decommissioning and closure, should the proposal proceed
- processes for incorporating stakeholder feedback into the further development of proposal-specific management measures
- details of any stakeholder agreements to be negotiated, including agreements with state and local government agencies
- information about how stakeholders can have ongoing interaction with the proponent if the project is approved to ensure any emerging issues can be addressed
- consultation plan for future/ongoing engagement.

For assessment at the level of an EIS, it is expected that the bulk of engagement activities will be conducted and reported in the draft EIS, but that further engagement activities are likely to be required for the supplement to the draft EIS to respond to any changes to the proposal and further studies required.

Details of Aboriginal site information, intellectual property, cultural protection requirements or archaeological material may be sensitive and the proponent should consult with AAPA, the relevant land council, and staff supporting the NT EPA on the presentation of that material before submitting the referral, SER or EIS documents.

Proponents should provide sufficient information for the NT EPA and the Minister to ascertain that effective engagement has occurred and that the outcomes of stakeholder engagement have been adequately addressed. It should demonstrate how Aboriginal and key stakeholder knowledge has been captured from the engagement process and integrated into the assessment of the NT EPA environmental factors and the Minister's environmental objectives.

The environmental factors cover five themes of Land, Water, Sea, Air, and People and have specific objectives that are used by the NT EPA to assess the potentially significant environmental impacts of a proposal. For further information on these factors, proponents are referred to the guidance document - [NT EPA Environmental Factors and Objectives](http://www.ntepa.nt.gov.au/environmental-assessments/env-assessment-guidelines) on the NT EPA website (www.ntepa.nt.gov.au/environmental-assessments/env-assessment-guidelines).

6. Further reading

Australian Government (2016) [Community Engagement and Development](#), Leading Practice Sustainable Program for the Mining Industry

Australian Government (2016) [Working with Indigenous Communities](#), Leading Practice Sustainable Program for the Mining Industry

Ciaran O'Faircheallaigh (2009) [Effectiveness in social impact assessment: Aboriginal peoples and resource development in Australia](#), Impact Assessment and Project Appraisal, 27:2, 95 – 110

Department of Housing and Community Development (2015) [Remote Engagement and Coordination Strategy](#)

WA Government: [How to undertake effective stakeholder engagement at the start of your community services procurement](#)

Department of Planning and Environment, New South Wales (2017) [Community and Stakeholder Engagement](#), draft Environmental Impact Guidance Series June 2017

Department of Planning and Environment, New South Wales (2017) [Social impact assessment guideline](#) September 2017

Commonwealth of Australia (2016) [Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environmental Protection and Biodiversity Conservation Act 1999 \(EPBC Act\)](#)

Croal, P., C. Tetreault and members of the IAIA IP Section. 2012. Respecting Indigenous Peoples and Traditional Knowledge. Special Publication Series No. 9, International Association for Impact Assessment, Fargo, USA.

Hunt J (2013) [Engaging with Indigenous Australia – exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities](#), Issues paper n. 5. Produced for the Closing the Gap Clearinghouse. Canberra: Australian Institute of Health and Welfare & Melbourne: Australian Institute of Family Studies.

International association for public participation (IAP2) (2015) [Quality Assurance Standard for Community and Stakeholder Engagement](#)

International Council on Mining and Metals (2015) [Good Practice Guide Indigenous Peoples and Mining](#) 2nd Edition, ICMM, London

NT Government (2020) [BushTel website](#) (Information on remote communities of the NT)

NT Government (2020) [Best Practice Guide for Remote Engagement and Coordination](#)

State of Queensland, Department of State Development, Manufacturing, Infrastructure and Planning, March 2018 [Social Impact Assessment Guideline](#)

[United Nations Declaration on the Rights of Indigenous Peoples](#), A/RES/61/295, (2007)