



Northern Territory
Environment Protection Authority

Guidance for Proponents – Stakeholder Engagement

Guidance for proponents on best practice stakeholder engagement for environmental impact assessment

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| | |
|--|-----------|
| Abbreviations and glossary | 3 |
| 1 Introduction..... | 5 |
| 1.1 Purpose..... | 5 |
| 2 Core values for stakeholder engagement..... | 6 |
| 3 Steps for effective stakeholder engagement..... | 6 |
| 3.1 Identify the objectives of stakeholder engagement | 7 |
| 3.2 Determine the level of engagement..... | 8 |
| 3.3 Identify stakeholders and develop a stakeholders analysis matrix | 8 |
| 3.4 Stakeholder engagement plan..... | 9 |
| 4 Engaging with stakeholders | 10 |
| 4.1 Engaging early with stakeholders | 11 |
| 4.2 Engaging with Aboriginal stakeholders | 11 |
| 4.3 Statutory obligations for Aboriginal stakeholder engagement | 14 |
| 4.4 Presenting the NOI and EIS to stakeholders | 15 |
| 4.5 Stakeholder feedback, evaluation and review..... | 16 |
| 5 Suitably qualified person | 16 |
| 6 Reporting stakeholder engagement processes..... | 16 |
| 7 Further reading | 17 |

Abbreviations and glossary

| Term | Definition |
|---------------|---|
| Collaboration | To partner with stakeholder and/or stakeholder groups for the development of mutually agreed solutions and a joint plan of action. It involves two-way/multi-way communication where sharing knowledge, learning, negotiation and decision making occurs on both sides |
| Consultation | A process to gain information and feedback from stakeholders to inform decisions. It involves limited two-way communication – ask questions and stakeholder provides answers. It does not mean a mutual agreement about decisions are reached but acknowledges better decisions can be made through stakeholder input |
| EA Act | <i>Environmental Assessment Act 1982</i> |
| EIA | Environmental impact assessment – a process for identifying the risks and potential environmental impacts with a proposal and designing appropriate avoidance and mitigation measures to improve environmental outcomes and maximise positive benefits. |
| EIS | Environmental Impact Statement (includes draft EIS, Supplement to the EIS and any additional information requested following submission of the Supplement) |
| Engagement | Actively bringing stakeholder voices into decisions that affect or interest them. It involves communication, dialogue, listening, responding and the building of relationships |
| Environment | As defined in the EA Act, “ <i>environment means all aspects of the surroundings of man including the physical, biological, economic, cultural and social aspects</i> ” |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i> |
| IAP2 | International Association for Public Participation |
| NOI | Notice of Intent – the name given to the information that notifies the NT EPA about a proposed action |
| NT EPA | Northern Territory Environment Protection Authority |
| Proponent | Person or company seeking to pursue a proposal |

| Term | Definition |
|--|--|
| <p>Proposal (or proposed action)</p> | <p>Specified in section 4 of the EA Act as:</p> <ul style="list-style-type: none"> • the formulation of proposals • the carrying out of works and other projects • the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the Commonwealth, the States and other Territories) • the making of, or the participation in the making of, decisions and recommendations • the incurring of expenditure <p>Often referred to by proponents as 'project'</p> |
| <p>Social licence to operate</p> | <p>The recognition and acceptance of an organisation's contribution to the community in which it operates, beyond the minimum legal requirements and striving for stakeholder relationships based on honesty and mutual respect. It measures the level of acceptance that stakeholders have for the organisation and proposal.</p> |
| <p>Stakeholder</p> | <p>Any entity 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 can include individuals, communities, groups, non-government organisations, land councils, government agencies, industries and industry associations, and interest groups.</p> |

1 Introduction

Meaningful engagement by proponents with the community and stakeholders is fundamental to conducting an open, transparent and robust environmental impact assessment. Proponents who commence stakeholder engagement processes 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, make better decisions and assist proponents in obtaining and maintaining a social licence to operate.

The environmental impact assessment process provides an early platform for proponents to engage with their stakeholders to identify and address environmental and social impacts of a proposal. While there are formal opportunities for stakeholder input during the environmental impact assessment process and statutory obligations under other relevant legislation, the Northern Territory Environment Protection Authority (NT EPA) considers meeting these minimum statutory requirements are not a replacement for proponents to specifically engage with affected stakeholders. Taking a proactive approach to early stakeholder engagement enables proponents to 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. It is in everyone's interest that stakeholders are effectively engaged to improve participation, reduce potential conflicts, prevent delays to the proposal and ultimately deliver better environmental and social outcomes.

Stakeholder engagement aims to ensure 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 with the proponent. It recognises 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 important in the Northern Territory where engaging with remote and Aboriginal communities requires proponents to take into account cultural protocols, language and associated sensitivities.

1.1 Purpose of this document

This document provides guidance to proponents on the NT EPA's expectations for how effective stakeholder engagement is conducted and demonstrated, for proposals subject to assessment under the *Environmental Assessment Act 1982* (EA Act)¹. The document provides guidance to proponents to implement stakeholder engagement consistently and outlines:

- best practice standards for planning and conducting early and continued stakeholder engagement processes
- engagement approaches to achieve effective stakeholder engagement with Northern Territory and Aboriginal stakeholders during the environmental impact assessment process

¹ The NT EPA acknowledges that proponents may have other legal requirements for consultation specified in relevant legislation, such as the *Native Title Act 1993*. 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 minimum expectations in regards to consultation undertaken for the purposes of 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.

An ability to demonstrate effective engagement history can assist the impact assessment and approvals process and potentially lead to less conflicts and delays post assessment that may occur due to community disengagement. Meaningful stakeholder engagement enables early identification of issues, addresses community expectations of input into decisions that affect them, ensures studies and material are relevant, leads to better decision-making and helps to build trust and relationships with communities.

2 Core values for stakeholder engagement

Various methodologies and guidance materials can be used to assist in gaining the best out of a stakeholder engagement process. Of these, the NT EPA recommends proponents adopt the International Association for Public Participation's (IAP2) core values² of engagement to guide their stakeholder engagement approach³. These core values inform best practice engagement and are:

1. Stakeholder 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. Stakeholder participation includes the promise that the stakeholder's contribution will influence the decision.
3. Stakeholder participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
4. Stakeholder participation seeks out and facilitates the participation of those potentially affected by or interested in a decision.
5. Stakeholder participation seeks input from participants in designing how they participate.
6. Stakeholder participation provides participants with the information they need to participate in a meaningful way.
7. Stakeholder participation communicates to participants how their input affected the proposal and decision.

3 Steps for effective stakeholder engagement

Effective stakeholder engagement encompasses a number of steps and activities over the life of a proposal. These can be divided into seven steps that are adapted from the IAP2 standard and provide guidance to proponents on how to achieve and demonstrate effective stakeholder engagement:

² International association for public participation (IAP2) (2015) Quality Assurance Standard for Community and Stakeholder Engagement

³ Where proponents choose to adopt another approach, the NT EPA expects the proponent will include within its assessment material an explanation of the methodology adopted and the reasons for adopting that methodology.

1. Clearly identify the purpose and objectives of stakeholder engagement
2. Determine the level of participation (IAP2 Public Participation Spectrum)
3. Identify relevant stakeholders and develop a stakeholder analysis matrix
4. Develop and implement a stakeholder engagement plan
5. Engaging with stakeholders
6. Conduct feedback, evaluation and review of stakeholder engagement activities
7. Report stakeholder engagement outcomes in impact assessment documents.

Each of these steps is addressed further below.

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:

- communicating and introducing the proposal to stakeholders and finding out their major concerns which in turn may inform aspects of proposal design, operation and closure
- identifying issues of concern which may in turn inform a good stakeholder engagement process that suit the type, scale and sensitivity of the proposal
- building relationships and reputation 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 assessment of a proposal
- obtaining a social licence – building awareness of the proposal with stakeholders and responding to local concerns and issues and addressing potential adverse impacts of the proposal. Gaining a social licence to operate is also about addressing perceptions and proactively engaging and communicating with stakeholders
- meeting legislative requirement 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 the assessment and approvals process and result in 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 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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The IAP2 spectrum is one stakeholder engagement tool and a suitably qualified person 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, with a genuine intent to listen, respond to concerns and seek acceptable compromises where possible.

3.3 Identify stakeholders and develop a stakeholders analysis matrix

The NT EPA recommends proponents identify all stakeholders and focus on those stakeholders most affected by the potential environmental, economic and social impacts of the proposal. Stakeholders are people or entities who are directly or indirectly affected by a proposal and with an interest or stake in the outcome of a decision, or have the ability to influence its outcome, either positively or negatively.

A proposal undergoing environmental assessment has stakeholders that include individuals, communities, groups, non-government organisations, land councils, government agencies, industries and industry associations, and interest groups. Proponents should use local governments or land councils 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 (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.

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 the stakeholder
- identify how the stakeholder can contribute or oppose the proposal
- propose a strategy for proactively engaging with defined stakeholder groups including those stakeholders who may be marginalised or disadvantaged.

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 assessment, 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 consideration of culturally appropriate methods. Contents of a stakeholder engagement plan include:

- a description of the proposal and regulatory requirements for approval and operation
- purpose, scope and objectives of the plan
- the stakeholders and groups to be consulted and why they were identified
- the techniques and methods to be employed 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.

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

4 Engaging with stakeholders

The goal of stakeholder engagement during the environmental impact assessment process is to ensure timely provision of relevant and easily understood information to stakeholders. The NT EPA recommends proponents:

- ensure stakeholders have clarity on the purpose of the engagement activity, how their contributions will be used and the degree of influence their 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 they become available
- provide accurate information in a way that can be easily understood and 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 which may be able to be changed as a result of feedback from stakeholders, or the alternatives they 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 is common between the early stages of a proposal and to its approval and implementation
- 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 feedback into the proposal design and report back to stakeholders.

4.1 Engaging early with stakeholders

Proponents should consider early engagement as a valuable opportunity to address stakeholders' preliminary concerns, influence stakeholder perception and to develop positive relationships. 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 strongly influence final site and route selection to avoid or minimise the potential impacts of a proposal.

The NT EPA recommends engaging with key stakeholders prior to submission of a notice of intent (NOI) so that stakeholder views can be gathered while the proposal plan is still being developed. There may be still many uncertainties and unknowns at this stage but the proponent should use these early stakeholder interactions as a source for predicting potential issues and risks and to invite comments and ideas to generate alternative decisions in proposal planning and design. This in turn results in a more informed NOI that can assist the environmental impact assessment process to focus on the significant matters and potential impacts and mitigation measures. Evidence of any early stakeholder engagement should also be provided in the NOI.

4.2 Engaging with Aboriginal stakeholders

Many proposals subject to environmental assessment in the Northern Territory include Aboriginal people and communities as stakeholders, and may be located in remote areas. Engaging with Aboriginal people is important but can be complex, requires sensitivity and in some circumstances should be conducted by independent people experienced in this area. Land councils may assist in identifying the best approach to engaging with specific communities.

Australia supports the *United Nations Declaration on the Rights of Indigenous Peoples (2007)* which provides internationally recognised principles for the treatment of Indigenous people on proposals that affect them. These include respect for Indigenous local knowledge, cultural heritage and traditional practices that contributes to sustainable development and whole of environment management. The NT EPA expects proponents to engage with Aboriginal stakeholders for all matters related to the proposal including any cultural, social, economic and environment values significant to Aboriginal stakeholders that are likely to be impacted by the proposal.

Aboriginal stakeholders should be consulted about proposals and given opportunities to discuss and influence the outcomes of actions and decisions that may affect them. It is the proponents' responsibility to ensure the process of stakeholder participation and consultation has been carried out appropriately with the desired outcome that affected communities understand the proposal and its potential impacts (both positive and negative). In this way, the potential negative impacts of a proposal can be avoided or minimised and positive contribution to community and social development in Aboriginal communities maximised.

The difficulties of sparsely populated regions, long distances, harsh climates, many different language and cultural groups and a history of fraught relationships with governments and operators of development proposals require special consideration when planning engagement with Aboriginal stakeholders. Proponents should ensure the right stakeholders are identified and engaged with – not only the people who are willing to talk with them.

The Northern Territory Government's *Remote Engagement and Coordination Strategy* provides guidance on how to improve engagement with remote Aboriginal community members to achieve better outcomes, including improving transparency of decision-

making processes. It comprises of six elements that provide practical guidance, mechanisms and tools for remote engagement work including a framework for ongoing review and evaluation to improve remote engagement. Table 1 has been adapted from the *Best Practice Guide for Remote Engagement and Coordination* and also includes suggested action examples from the land councils and the International Council on Mining and Metals, *Good Practice Guide Indigenous Peoples and Mining*:

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

| Steps | Actions |
|---|---|
| Active listening to Aboriginal stakeholders | <ul style="list-style-type: none"> - 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 before the submission of a NOI and draft EIS - recognise Aboriginal stakeholders need time to process information and 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 processes and proposal time constraints but recognise the need to build some time flexibility into the engagement process - 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 |

| Steps | Actions |
|---|--|
| | <p>impacts of proposals and potential measures to mitigate or manage negative impacts and maximise potential benefits (e.g. related agreements).</p> |
| <p>Understand and respect Aboriginal stakeholders and their customs</p> | <ul style="list-style-type: none"> - 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) for guidance and assistance in ensuring active engagement with Aboriginal custodians in the identification and protection of sacred sites - understand and respect Aboriginal cultural events and family obligations may result in individual stakeholders being unavailable at short notice and for extended periods of time - ensure that appropriate people are involved at appropriate times (e.g. the general manager is present at critical stakeholder engagement meetings). |
| <p>Communicating the Proposal</p> | <ul style="list-style-type: none"> - communicate information in an accessible, linguistically 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 stakeholder’s understanding of the |

| Steps | Actions |
|---|--|
| | 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 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 communicate how, if the proposal proceeds, the social, cultural and economic impacts will be identified, managed, monitored and reported going forward and how stakeholders will remain engaged with that process. |
| 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 – use interpreters in language understandable to Aboriginal stakeholders in the region - use culturally appropriate and alternative non-written communication methods. |

The NT EPA also refers proponents to the Australian Government guidance on best practice indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act; Cth). 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 can be engaged by proponents to disseminate information in language.

4.3 Statutory obligations for Aboriginal stakeholder engagement

The Northern Territory 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 a number of legal, statutory

and/or regulatory processes in Northern Territory and Commonwealth legislation for consulting with Aboriginal people if they are to be impacted by a proposal. The NT EPA expects proponents to inform themselves about, and comply with, these requirements.

Aboriginal sacred sites are recognised and protected under the *Northern Territory Aboriginal Sacred Sites Act*. The Aboriginal Areas Protection Authority (AAPA) is the independent body responsible for provision of information about existing sacred sites, conducting sacred site avoidance surveys and issuing authority certificates with conditions for ensuring sacred sites are not damaged by proposed works. Under the Act, the AAPA has a statutory obligation to consult with custodians of sacred sites on or near the vicinity of the land which the proposal may affect. The NT EPA expects proponents to liaise with AAPA for advice on sacred sites and to ensure the appropriate Aboriginal custodians are consulted.

In the Territory, land councils established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), have a role to determine the identity of traditional Aboriginal owners to facilitate discussions, determine people's wishes and opinions, protect people's interests and consult with Aboriginal people on any proposal relating to the use of Aboriginal land and ensuring their rights to negotiate for compensation. Under the *Native Title Act 1993*, the National Native Title Tribunal is an independent agency with statutory responsibilities to consult with Native Title holders if the proposal falls within an area of the Native Title Determination and to assist with negotiating Indigenous land use agreements.

Aboriginal people are not one homogenous group and people will have different responsibilities to speak on behalf of an area or place. It is important to understand the authority of people being consulted, for example, custodians of sacred sites or Native Title holders, to ensure the right people are consulted. There may also be circumstances where Aboriginal people, while not holding the legislative rights to be consulted, are residents of a particular community and have the right to be consulted like that of any other member in that community.

4.3.1 Role of land councils

Relevant land councils can provide assistance to proponents on the following matters:

- advice on appropriate timing of consultations
- advice regarding estate interests to assist in identifying who to consult
- anthropological information and expertise to support consultations
- advice regarding sensitive site information, cultural protection requirements and archaeological material.

4.4 Presenting the NOI and EIS to stakeholders

In developing the engagement plan, proponents should consider how they will present the findings of the environmental impact assessment to ensure stakeholders understand the contents and findings of the NOI and EIS. These documents are usually large, complex and highly technical which makes them inaccessible to many stakeholders.

Proponents should detail in their stakeholder engagement plan how the environmental impact assessment information will be presented to affected stakeholders at an appropriate level. Emphasis should be placed on information directly relevant to the affected stakeholders such as potential negative environmental impacts, 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 who may have particular communication needs, 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. For example, proponents should consider input of non-standard information such as referring to the sound of running creek water as a surrogate reference to seasonal flows.

4.5 Stakeholder feedback, evaluation and review

Feedback to stakeholders is an important part of the engagement process and the proponent should report back to stakeholders how their input was incorporated into decision-making. The proponent should ensure:

- a statement of feedback 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 influenced important proposal decisions such as for proposal design, operations and proposed mitigation measures.

5 Suitably qualified person

In some circumstances an independent and suitably qualified professional trained in undertaking best practice stakeholder engagement standards will be required.

At the same time, the proponent should 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 the proponent is aware and hears directly from affected stakeholders to learn about issues and how they can respond to stakeholder feedback.

6 Reporting stakeholder engagement processes

The outcomes of stakeholder engagement that occurred throughout the environmental impact assessment process should be reported in the draft 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

- stakeholder feedback, concerns and issues raised (including the means by which these have been or will be addressed)
- 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
- commitments made during or as a result of stakeholder consultations for ongoing stakeholder engagement processes throughout all stages of development including 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.

Further engagement activities are expected to be conducted for preparation of the Supplement to the draft EIS and may be conducted to inform any additional information requests. Details of engagement activities should also be reported in these documents. Details of Aboriginal site information, intellectual property, cultural protection requirements or archaeological material may be sensitive and the proponent should consult with the NT EPA on the preferred presentation of that material before submitting the EIS documents.

Proponents should provide sufficient information for the NT EPA 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. These environmental factors cover five themes of Land, Water, Sea, Air, and People and Communities and have specific objectives that are used by the NT EPA to determine whether the environmental impact of a proposal may be significant. 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).

7 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

Department of Finance WA (2015) Stakeholder Engagement Guidelines for 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, Social impact assessment guideline September 2017

Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Guidance on appropriate consultation can be found in 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

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)