

Evolution, revolution or reinventing the wheel: quality social impact assessment, by Jane Munday

One of Australia's great challenges in the 21st Century may well be to develop governance systems – including impact assessment - that foster co-management (Dale, 2014; 2018) of Northern Australia's prospective but fragile landscapes. My PhD research explores this idea in the context of a 'Develop the North' agenda¹. In colonial times, the 'North' was the scene of Aboriginal dispossession. The North still grapples with the contested land use as well as Indigenous aspirations to be at the 'wheelhouse of planning' for development (Morrison, 2016). A clash of values remains inherent in rhetoric on the 'untapped potential of the North' versus a culturally sustainable approach that incorporates traditional Aboriginal land management and worldviews (Altman & Kerins 2012; Whitehead 2012).

The 'North' is also of interest because some of Australia's earliest impact assessments were spawned by Commonwealth regulation of uranium mining in the Kakadu region of Arnhem Land in the Northern Territory. There was an industry lobby against land rights in the 1980s. This intensified when the Coronation Hill gold-uranium mine was stopped by Prime Minister Bob Hawke on cultural grounds after a Kakadu Conservation Zone Inquiry (Stewart et al. 1991), a decision likened by one mining magnate as akin to the 'fall of Singapore' (Lewis & Scambary 2016). In quick succession, this was followed by a new Prime Minister (Paul Keating), a recession, open arms to mining as the driver of growth and pressure to fast-track the (later contentious) McArthur River lead-zinc mine and port in the Gulf of Carpentaria in 1992 (with its Northern Territory and Commonwealth approvals done and dusted in four months).²

Most of the Northern Territory is covered by the *Aboriginal Land Rights Act (1976)* or *Native Title Act (1993)* that recognise the continuing spiritual connections of Aboriginal people to their land and seas. So, 'the North' offers specific challenges to the mandate, capacity and skills of regulatory policy and systems that evolved in other eras and other regions. The aim of my PhD research, therefore, is to inform better policy and the practice of impact assessment and develop a model of social and cultural assessment that delivers socially, culturally, ecologically and economically sustainable 'development of the North'.

Method

Audit of assessments: A literature review identified key themes in Northern development and best practice in social and cultural impact assessment. This informed an audit of all impact assessments and social studies in the Northern Territory since the Ranger Uranium Mine in 1974. The audit was intended to be a gap analysis between best and actual practice. It identified 154 studies (of which 31 were excluded due to missing documents, studies still in progress or relatively inconsequential projects) and included three from Western Australia (WA) as a benchmark. It proved challenging to find a complete set of reports and develop meaningful criteria for evaluation, given inconsistent approaches and the incomparability of projects. Initial evaluation criteria were simplified to consider whether studies adopted best practice methodologies, paid proportionate attention to social

¹ 'The North' covers the Northern Territory and north of the Tropic of Capricorn in Queensland and Western Australia

² see Toyne (1994) for a detailed account

impacts and public participation, and – where relevant – considered cultural impacts (beyond a legislated requirement for archaeological cultural heritage studies).

Dimensions of quality impact assessment: A literature review guided a synthesis of 10 dimensions of quality impact assessment covering both process and outcomes. Key literature considered was Bond et al. (2018) on the dimensions of quality assessment; the International Association for Impact Assessment (1999) Basic Principles; and Hanna and Noble (2015) and Hanna's (2016) criteria for effective impact assessment. Key informant interviews with 58 people across Australia explored dimensions of quality and perceived gaps. The focus was on experienced practitioners, regulators, researchers and other interviewees with good knowledge of assessments in Northern Australia. Most were asked to nominate the dimensions of quality then perceptions of the actual assessment system (covering studies, regulation, proponents and long-term management). Transcripts were analysed for word frequency, then a thematic analysis sorted descriptions against the dimensions of quality:

- participative
- interdisciplinary
- efficient
- effective
- rigorous
- legitimate
- purposive
- adaptive
- transformative
- maintains capacity.

(These are defined in more detail in a handout.)

Findings on quality

The key finding on dimensions of quality was widespread perceptions of an inefficient regulatory system (studies and assessment). The top words for the dimensions of quality were, in order of frequency: transparent, certainty, clarity and participative. Once the 250 descriptions of a quality system were sorted against the 10 benchmark dimensions, 'participative' emerged as the most valued dimension followed closely by 'efficient'.

When it came to perceptions of the actual system, only 35 (14%) of the 243 words and phrases used were positive. In order of frequency, the negative descriptions were under-resourced, frustrating, bureaucratic, inconsistent, political, tick the box, unparticipative, slow, unaccountable, uncertain and uncommunicative. When themed, 'inefficient' emerged strongly as the most frequently cited dimension (76 mentions compared with 29 for 'doesn't maintain capacity').

Further analysis suggested three key determinants of quality: a clear pathway, a good client and early and meaningful engagement. A clear pathway means a clear scope of work, certainty of timelines and goalposts not moving mid-stream. The influence of clients was raised by many regulators and consultants as the difference between studies shaping project decisions or 'tick the

box' approaches treating studies as impediments to approval. The latter attitude was cited as potentially delaying - not expediting - approvals.

While studies have become more technically proficient, their burgeoning size was seen by interviewees as adding little additional insight or value to decision-makers or the community. Many terms of reference have become 'shopping lists' seemingly driven more by a fear of leaving something out than material risk to the community. Social impact assessment remains metaphorically and too often in reality at 'Appendix Z'. Few regulators, project managers or proponents have social science qualifications. The resultant biophysical monoculture of impact assessment and positivist natural science approaches (Moon & Blackman 2014) fails to address a societal 'trust deficit' (Coleman 2017) in regulators, government and companies. Australia's regulatory system, therefore, risks becoming unfit for purpose and out of step with standards such as the Sustainable Development Goals (UN 2015).

Findings of audit

The audit of environmental assessments in the Northern Territory (NT) produced some puzzling results:

- the intended gap analysis was abandoned when the audit found virtually no correlation (or at best a lag effect) between studies and best practice social, cultural and participative methodologies;
- a surprising result was the quality of many studies done decades ago, both for uranium projects in the 1970s and social, anthropological, economic and human geography approaches for Government inquiries (eg the Fox Inquiry of the Ranger Uranium Mine in 1977) and studies commissioned by land councils. It remains hard to beat the highly participative approach of the 1977 Berger Inquiry for the proposed Mackenzie Valley Pipeline in Canada, the 1991 Stewart Inquiry (Coronation Hill) and the Kimberley Aboriginal Social Impact Assessment (O'Faircheallaigh 2010);
- the first reference in NT regulatory studies to international standards came from the oil and gas industry, such as Blacktip, which commissioned anthropological social studies (Holden, 2004);
- about 2010 the best practice academic research gave way to a cluster of studies by social and environmental scientists working within environmental consultancies and an emerging methodology drawing on international standards, social planning and environmental impact assessment;
- some of the best regulatory terms of reference and assessment reports were in the early days of the NT's *Environmental Assessment Act* (the 1980s), and a period coinciding with a reforming Labor Government (from about 2004). In 2013, a new independent Environment Protection Authority issued Guidelines for Economic and Social Impact Assessment, but this milestone coincided with a commodities 'bust' and an inexplicable decline in terms of reference;
- overall, the quality of impact assessment in the NT could be characterised as patchy with flashes of excellence.

To explore these findings, I sought interviewees who could offer insights into the evolution of policy and regulatory systems over the decades. The key themes that emerge overall are power, politics and social and economic crises:

- the statutory power of land councils to negotiate for Aboriginal social and cultural studies as part of agreements, in response to poor regulatory studies or, in a rare example (Alcan, 2004), as part of approval conditions;
- competing reactions to social and economic crises in the resource states of WA, the NT and Queensland, with social impact units and reforms starting with WA in 1989 and Queensland in 1992 being jettisoned as ‘red tape’ during economic downturns or due to complacency (Dale, 2019 pers comm);
- the principles of ‘ecologically sustainable development’ in response to the conservation lobby pushing back on environmental degradation and industry disregard for land rights in the 1980s and 90s;
- the growth in institutional and research capacity in Queensland after 2008 in response to coal, coal seam gas and FIFO pressures, with government-mandated guidelines driving the growth of academic research and social capacity in environmental consultancies;
- the oil and gas industry in WA adopting international standards to guide their own social performance and sustainability reporting, despite social impact assessment not being required in this State;
- a failure to learn from best practice research over the past four decades by pioneers such as Helen Ross, Richie Howitt, Ciaran O’Faircheallaigh, Annie Holden, Sue Jackson, Allan Dale, Marcus Lane, Mike Niblett and Paul Josif. Their work is mostly confidential or lost in archives. There is no register of quality studies for emerging practitioners to learn from, no mandated standards, agreed competencies or requirement for qualifications;
- a creeping decline of standards in the past five years, along with budgetary constraints and a loss of capacity in consultancies, research institutions and regulators (but a resurgence in the infrastructure sector on the East Coast);
- the domination of environmental scientists many of whom, on their own admission, swim naturally in biophysical waters but feel uncomfortable venturing into unfamiliar waves where emotion, complexity and angry people live. Hence their reports may filter out human values, attitudes and perceptions.

Conclusion

It is 50 years since the world’s first environmental legislation (the US *National Environmental Policy Act 1969*) was enacted as a planning tool to predict and manage the impacts of projects. Social assessment has evolved, but still battles for space at the decision-making table. Despite a wealth of best practice standards, practitioners continue to lament the gaps and cyclical fortunes in real world practice (Dale, Taylor & Lane 2000).

Impact assessment remains one of the world’s most successful and enduring policy initiatives (Hanna & Noble 2015). However, taking stock at the half-century mark, it remains largely irrelevant, confusing and impenetrable to the people it intends to serve.

My preliminary findings suggest the challenge for social and cultural impact assessment is neither evolution nor revolution but reinvention: to learn from the literature and best practice of the past and rebuild a system wide and institutionally deep capacity.

In 2019, the Northern Territory, in particular, faces competing social and economic crises. This makes genuine reform problematic: a declining economy and pressure from industry to 'cut red tape' confounded with community disquiet and demands for a voice on the hot topic of fracking.

These preliminary findings have identified the building blocks for a proposed model that incorporates participative justice (people having an equal voice with technical experts based on procedural fairness and deliberative approaches); values due diligence (to determine the sensitivity of people and communities to change); culturally appropriate studies (where Aboriginal people have control over use of their knowledge and influence on the agenda and decisions) and the role of cultural or disciplinary capture on the evolution of a biophysically biased regulatory system. Finally, my PhD research will explore the ingredients needed to institutionalise a better model: through policy and legislation (a mandate); growing and retaining the capacity of the assessment supply chain (companies, consultants and regulators); and embedding change to withstand the short-termism of political and policy cycles.

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