Impact Assessment evolution or revolution? It depends on whom you ask

Session #79b Let’s talk about this – Evolution or revolution for IA
Wednesday 2 May 2019

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Overview of the EIA process

<table>
<thead>
<tr>
<th>Basic EIA process</th>
<th>Stakeholders</th>
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</thead>
<tbody>
<tr>
<td>Screening - “relevancy” decision to require EIA (By assessing authority)</td>
<td>Proponent, regulator</td>
</tr>
<tr>
<td>Scoping - identify the important issues (Proprietor and assessing authority)</td>
<td>Proponent, consultants, regulator</td>
</tr>
<tr>
<td>EIS - Environmental impact statement (By Proprietary)</td>
<td>Proponent, regulator, consultants, researchers, community, non-government organisations</td>
</tr>
<tr>
<td>Public Review of EIS (Proprietor must respond to public comment)</td>
<td>Regulator</td>
</tr>
<tr>
<td>Reporting - advice (By assessing authority)</td>
<td>Proponent, regulator, consultants, researchers</td>
</tr>
<tr>
<td>Approval Decision (By Minister)</td>
<td></td>
</tr>
<tr>
<td>Implementation of impact (If follow-up) (By propiriitary - checked by assessing authority)</td>
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Figure Source: Adapted from Sadler, 1996.

Introduction

The direction that EIA takes in the future will largely depend on stakeholders engaged in the process.

Different stakeholders will have different expectations of EIA, which can lead to conflict throughout the EIA process (Beanlands and Dunker, 1983; Elliott, 2014; Fuller, 1999; Morgan, 1998; Morrison-Saunders, 2018; Sadler, 1996).

There may be more to expectations than has previously been considered.

Understanding of stakeholder expectations has the potential to assist in determining the best way forward for future IA practice.

From the headlines…

Angry residents vow to block Roe 8 construction
- ABC News (23 Oct 2015)

Perth wetlands group wins court challenge against controversial Roe 8 highway extension
- ABC News (16 Dec 2015)

WA environmental watchdog needs radical reform, review finds
- ABC News (17 May 2016)

Roe 8: Perth’s environmental flashpoint in the WA election
- The Conversation (9 Mar 2017)

WA election: Labor win stops Roe 8 in its tracks
### EIA stakeholders

<table>
<thead>
<tr>
<th>Stakeholder type</th>
<th>Typical roles</th>
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<tbody>
<tr>
<td>Regulator</td>
<td>Administration of the EIA process including the development of policies and guidance materials.</td>
</tr>
<tr>
<td>Local resident</td>
<td>Provide additional information on local issues of interest.</td>
</tr>
<tr>
<td>Environmental NGOs</td>
<td>Provide additional information on local environmental issues of interest.</td>
</tr>
<tr>
<td>Consultants</td>
<td>Provide technical expertise throughout the EIA process.</td>
</tr>
<tr>
<td>Academics</td>
<td>Contribute to the theoretical discourse of EIA by presenting evidence for how (and why) EIA can be most effective.</td>
</tr>
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### Conceptualising expectations

**Definition of expectations** are numerous and diverse (Huron, 2008; Sitzia & Wood, 1997).

**Expectation** is ‘a belief that something should happen in a particular way, or that someone or something should have particular qualities or behaviour’ (Macmillan Dictionary, 2017).

In the context of EIA an expectation is defined as a belief that EIA should happen in a particular way, or have particular qualities.

### Stakeholder expectations

With the EIA literature two bodies of work are relevant to stakeholder expectations:

1. Studies that suggest general expectations based on the author’s knowledge and experience of EIA.
2. Studies that imply expectations based on empirical research.

### General expectations (i)

<table>
<thead>
<tr>
<th>Stakeholder type</th>
<th>General expectations</th>
</tr>
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<tbody>
<tr>
<td>Decision maker</td>
<td>Expect the EIA process to be transparent and thorough. Expect the decision to be made based on the EIA findings.</td>
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<tr>
<td>Local residents</td>
<td>Expect the EIA process to be relevant and useful to their community. Expect to be involved in the decision-making process.</td>
</tr>
<tr>
<td>Local environmental groups</td>
<td>Expect the EIA process to be rigorous and scientifically sound. Expect the findings to be relevant to their local environment and community.</td>
</tr>
</tbody>
</table>

Table source: (Petts, 1998: p.150)
Highlights the pluralistic nature of EIA (Morrison-Saunders et al. 2013).

Empirical research (i)

Varies in focus and context.

Examples from WA:
- Practitioner perspectives on the role of science in EIA (Morrison-Saunders & Bailey, 2003).
- Practitioner perspectives on the role of informal strategic advice (s.16 of EP Act) (Martin & Morrison-Saunders, 2015).

Implicit in nature i.e. engaging stakeholders on various aspects of EIA.

Expectations may be inferred from the results and recommendations within these studies.

Empirical research (ii)

What influences EIA quality in WA (Morrison-Saunders et al., 2001).

Study result:

‘... social, economic, and political considerations were frequently identified as major non-scientific factors influencing the decision-making process’ (p.324)

Implied expectations that:

Several factors (i.e. environment, socio-economic) should form the basis of EIA decision-making [Proponents, Consultants, Regulators, Other government agencies]

Expectations types

Utilising the dimensions of effectiveness (Bond et al. 2015; Pope et al., 2018) to frame expectation types:

1. Procedural effectiveness: Have appropriate processes been followed that reflect institutional and professional standards and procedures?
2. Substantive effectiveness: To what extent does the assessment lead to changes in process, actions, learning or outcomes?
3. Transactive effectiveness: To what extent, and by whom, is the outcome of conducting the assessment considered to be worth the time and cost involved?
4. Legitimacy: Was the assessment process perceived to be legitimate by a wide range of stakeholders?
### Expectation level

EIA follow-up at different levels and their relationships (Arts and Morrison Saunders, 2004, p.631)

### Stakeholder Expectations Framework

- **Procedural expectation**: a belief that the EIA process should be undertaken in accordance with institutional and professional standards and procedures.
- **Substantive expectation**: a belief that the EIA process should lead to changes in processes, actions, learning or outcomes.
- **Legitimacy expectation**: a belief that the EIA process should be perceived as legitimate by a wide range of stakeholders.

### Example stakeholder expectations

- **Better quality ESDs should deliver better quality environmental outcomes** [Academics]
- **Timely regulatory advice from the assessing authority** [Proponents]
- **The EIA process should be an instrument for sustainable development** [Environmental NGOs]

### Roe Highway Stage 8 Extension

Key Expectation: Roe 8

Local residents / Environment NGOs expect the EIA process to be a vehicle to prevent ‘stop’ development

[Substantive expectation] + [Meta expectation]

Highlighted aspects of the WA system at variance:

- Statutes do not prevent development (Bailey et al. 2018)
- Appeal process is not a forum to voice general opposition (Doherty, 2010)
- Judicial reviews are concerned with legality of administrative decision, not overall merit of a decision (Law Reform Commission of WA, 2002)

Leading to proposed solutions to meet this expectation in the future.

Conclusion

Evolutionary ideas (have been implemented)

- Substantial changes to EIA Administrative Procedures and accompanying guidance material.
- EPA’s approach to public consultation and engagement processes online and through social media.

Revolutionary approach

- The reform of environmental law
- Deliberative democracy for decision-making and
- Change of IA tool.

Before calling for evolution or revolution, it is worth exploring the type (and level) of expectations held by stakeholders.

Thank you, any questions?

References