Principles for Engagement with

COMMUNITIES and STAKEHOLDERS



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Ministerial Council on Mineral and Petroleum Resources













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PURPOSE

WHAT IS THIS DOCUMENT?

This document sets out principles for effective liaison between the resources sector, the community and stakeholders. It is intended as a guide for anyone associated with the exploration and development of mineral, coal, oil and gas resources. Genuine engagement with stakeholders is essential for promoting and achieving sustainable development. Further information on principles, strategies, toolkits and practices for community engagement are listed in further reading.

The principles (and the corresponding elements under each) are general statements of good practice for use by governments, industry and communities. These principles do not prescribe specific ways to engage; many factors, including the type, scale and location of each individual operation, create unique conditions requiring a specific application of the principles to achieve the most practical outcome. The principles are intended to help people in the resources sector improve their engagement skills. They should also help companies recognise when they need to get help from outside experts in community consultation.

The nature of operations in the resources sector, whether they are in exploration, mining, or in the petroleum and pipeline industries, mean they have economic, environmental and social effects. The sector is the source of a significant proportion of the materials and energy on which society depends. It supports regional communities, creates employment, provides facilities and enhances services, including health, education and welfare, through its contribution to local, regional and national economies. The industry's commitment to sustainable development includes minimising any possible adverse effects on the community or environment.

The resources sector has long recognised that, to maintain its social licence to operate, it must engage constructively with communities and stakeholders, and has developed the expertise and skills to do so. The Ministerial Council on Mineral and Petroleum Resources (MCMPR) recognises the importance of the sector to

the community and also the value of effective engagement and has developed this agreed set of principles in collaboration with industry and other stakeholders.

It is becoming increasingly important that all parties learn to use public participation effectively, given limited community capacity, to ensure that engagement with the community and stakeholders goes beyond simply meeting the formal requirements of legislation.

WHO IS ENGAGED? COMMUNITIES AND STAKEHOLDERS

These principles draw on the understanding of 'community' and 'stakeholders' outlined in the Guidance for Implementation of *Enduring Value* — *the Australian Minerals Industry Framework for Sustainable Development*, launched by the Minerals Council of Australia in October 2004.

COMMUNITY (INCLUDING LOCAL AND AFFECTED COMMUNITY)

A community is a group of people living in a particular area or region. In resource industry terms, community is generally applied to the inhabitants of immediate and surrounding areas who are affected by a company's activities.

The resources industry needs to recognise the important role that communities can play in development planning and operations and the significant influence they can have on proposed developments. Companies must have the right attitude to community and stakeholder engagement, as communities will recognise consultation that is not genuine and a mutually satisfactory conclusion will be delayed or not reached. The resources industry needs to address community and stakeholder consultation as a central part of its business, not a peripheral 'part of the process'.

The term *local or host community* is usually applied to those living in the *immediate vicinity* of an operation, whether indigenous or non-indigenous people, and who may have cultural affinity with, a claim to, or direct ownership of an area affected by the operation.

Affected community refers to the members of the community affected by a company's activities. The effects are most commonly social (including cultural and spiritual), economic, environmental and political. While the economic and

associated social impacts of a company may be extensive and operate at provincial, state or national levels, these broader impacts would not typically be used to define the affected community.

STAKEHOLDERS

At the 2002 World Summit on Sustainable Development, stakeholders were defined as 'those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or *can* influence it, as well as those affected by it'. Stakeholders might include local community members, non-government organisations, governments, shareholders and employees. It should be recognised that some stakeholders have different value systems, protocols and customs.

BACKGROUND

The MCMPR is an intergovernmental council of Commonwealth, State and Territory resources Ministers which contributes to the national well-being by promoting the progressive and sustainable development of the Australian mining, minerals and petroleum industries. The MCMPR commissioned these *Principles for Engagement with Communities and Stakeholders* in order to realise the vision it developed in 2003 for the resources industry to 2025, namely that

Australia is recognised as a world-class location for minerals and petroleum exploration and development, with a competitive resources industry valued for its contribution to the sustainable development of the nation and the world.

This recognition will come from, among other elements, a

high level of community engagement and community appreciation of the industry's contribution to a sustainable future.

The MCMPR Vision is an important starting point. It recognises that governments and government agencies have a direct role in engaging communities on how legislation, policies, programs and industry plans will affect them.

Key priorities for achieving the MCMPR Vision are valuing community and contributing to sustainable development. The Council believes that, to be highly valued by society for contributing not only economically but also socially and environmentally (that is, a triple bottom line outcome), and so maintain its social licence to operate, the industry must:

- operate to accepted world's best environmental practices
- demonstrate an overriding commitment to the health and safety of its employees and the communities in which it operates
- consult effectively with communities on decisions that may affect them
- create economic benefits for shareholders, employees and local communities as well as the nation (as owner of the resource).

In sponsoring the development of these principles, the Council emphasises:

increasing the level of community engagement with the industry

 improving the quality of community consultation and participation in decision-making processes.

The principles follow other Australian Government positions on engagement, such as the Principles of Consultation detailed in the National Environment Protection Council (NEPC) *Protocol for Consultation*. The NEPC key consultation objectives include:

- enhancing positive relationships with communities and stakeholders
- maximising stakeholder opportunity to provide information and feedback
- maximising understanding and timely involvement of stakeholders in company decisions that may affect the local community, including their social well-being, environment and economy
- enhancing the evaluation of company consultation processes.

CURRENT APPROACHES TO COMMUNITY AND STAKEHOLDER ENGAGEMENT BY THE RESOURCES INDUSTRY

The resources industry, locally and internationally, has acknowledged the need to develop and implement strategies for effective engagement. A key element of the International Council on Mining and Metals' (ICMM) Sustainable Development framework is the principles it has adopted to endorse continual improvement and the industry's contribution to sustainable development. One of the ICMM principles is to

implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

The need for engagement can be seen in many of the elements of the ICMM principles.

Enduring Value — the Australian Minerals Industry Framework for Sustainable Development (October 2004), developed by the Minerals Council of Australia, provides guidance for operational level implementation of the ICMM principles and elements by the Australian mining industry (www.minerals.org.au). Enduring

Value requires parties to 'implement effective and transparent engagement, communications and independently verified reporting arrangements with stakeholders', recognising the value of effective community engagement in ensuring that the mining industry remains sustainable.

Similarly, the Australian Petroleum Production and Exploration Association (APPEA) has drawn on the ICMM principles in developing the APPEA Principles of Conduct (September 2003). Principle 9, 'Open and effective engagement with the communities in which we operate', notes the value of effective, well-managed and open consultation on building confidence in the industry. The principle recognises that

effective engagement with communities communicates the likely impacts to stakeholders, gains an understanding of community values, concerns and interests, and recognises the importance of community engagement as an ongoing process.

The value of effective engagement is clear in a number of principles in APPEA's *Principles of Conduct* (www.appea.com.au).

The Australian Pipelines Industry Association revised Code of Environmental Practice refers readers to these MCMPR Principles. In the revised Code, the section on Stakeholder Consultation states that

Stakeholder consultation should continue throughout the life of a pipeline project to ensure that the community and the proponent are adequately aware of the issues. Consultation allows the proponent to maintain an open approach to project development and operation by identifying and addressing potential environmental issues.

It goes on to outline the key elements in an effective consultation process, (Identification of Stakeholders, Development of a Consultation Process and Identification and Addressing of Issues) and then refers to other guidelines (such as the MCMPR Principles) indicating that

Such publications should be consulted for guidance on consultation and information distribution to landholders and stakeholders. (www.apia.net.au)

INTRODUCTION

Engagement requires an open, active and voluntary approach to dialogue that identifies the current positions of all parties, outlines their objectives and outcomes, and discusses and identifies the processes to best achieve them. The parties to engagement may change over time, but engagement itself is a continual process.

Effective engagement with the community and stakeholders is essential for any successful enterprise. It can also result in a more efficient use of financial resources through:

- reduced risk of social conflict and associated delays and costs
- ensuring compliance with the relevant legislative framework
- quicker and smoother permitting and approvals processes
- reduced risk of criticism and resistance from outside parties.

Engagement is an ongoing and multi-faceted process that can include:

- providing information
- capacity building to equip communities and stakeholders to effectively engage
- listening and responding to community and stakeholder concerns
- including communities and stakeholders in relevant decision-making processes
- developing goodwill and a better understanding of objectives and priorities leading to confidence in decisions
- establishing a realistic understanding of potential outcomes.

Effective engagement requires more than just addressing rights and responsibilities. It cannot be a coerced action but must be an integral part of core business planning. Engagement should be maintained throughout the life of a project — from the planning stage through to construction/implementation, operation/review and finally through to closure.

MCMPR PRINCIPLES FOR ENGAGEMENT WITH COMMUNITIES AND STAKEHOLDERS

This section provides an overview of the concepts, principles and elements necessary for engagement and thereby the building of positive relationships with communities and stakeholders. This document draws on existing principles that identify the key elements for effective engagement.

Many resource companies have well-established policies and procedures for engaging communities and stakeholders. Such policies and procedures are necessary to ensure strong working relationships and to secure access to resources.

The MCMPR principles can help people in the resources sector develop engagement policies at a corporate level and provide a guide to examples of effective engagement at a site-specific level. It is anticipated that, as governments and resource companies review their approaches to engagement in the light of these principles, a consistent purpose and approach will emerge that will benefit all parties.

The principles (and the corresponding elements under each) serve as general statements of good practice for use by governments, industry and communities. These principles do not prescribe how to specifically engage as it is recognised that many factors, including the type, scale and location of each individual operation create unique conditions requiring a specific application of the principles to achieve the most practical outcome. The principles are intended to help the sector to ask the right questions and find the appropriate answers to improve its engagement skills.

Ongoing evaluation is an important part of the implementation of these principles. Evaluation through monitoring and reviewing the engagement processes and seeking timely feedback, will assess the effectiveness of engagement and identify areas for future focus and improvement, encouraging a culture of continual improvement and openness.

MCMPR PRINCIPLES FOR ENGAGEMENT WITH COMMUNITIES AND STAKEHOLDERS

1 COMMUNICATION

Open and effective engagement involves both listening and talking

- a) Two-way communication
- b) Clear, accurate and relevant information
- c) Timeliness

2 TRANSPARENCY

Clear and agreed information and feedback processes

- a) Transparency
- b) Reporting

3 COLLABORATION

Working cooperatively to seek mutually beneficial outcomes

4 INCLUSIVENESS

Recognise, understand and involve communities and stakeholders early and throughout the process

5 INTEGRITY

Conduct engagement in a manner that fosters mutual respect and trust

A description of the elements of these principles is included in detail on the subsequent pages.

PRINCIPI ES AND ELEMENTS

Successful engagement is based on some simple, practical principles that represent a mix of common sense, good business practice and ethical considerations. The key principles for effective community and stakeholder engagement which the MCMPR encourages the resources sector to adopt are:

COMMUNICATION

Open and effective engagement involves both listening and talking

1) TWO-WAY COMMUNICATION (WHO DO COMPANIES NEED TO TALK AND LISTEN TO?)

- Foster co-ownership of the communication process.
- Clearly define lines of communication.
- Maximise community and stakeholder opportunities to say what they want and to provide information and feedback.
- Ensure company representatives take part in consultation and are accessible to communities and stakeholders.
- Demonstrate active listening by responding to the issues of each community and stakeholder group and being sensitive to their concerns.
- Determine and use the right channels of communication to ensure the method of communication is appropriate to the relevant communities and stakeholders.
- Identify appropriate individuals and contacts to ensure the right people are engaged. Ensure the contacts are representative of their group.
- Build and maintain honest working relationships through the provision of accurate and timely information.
- Understand individual and group capacities to participate and incorporate this into planning.
- Recognise the importance of engaging at the most direct level and ensure the level is appropriate for the purpose.

2) CLEAR, ACCURATE AND RELEVANT INFORMATION (WHAT IS COMMUNICATED? WHAT DO COMMUNITIES AND STAKEHOLDERS WANT TO KNOW?)

- Identify and assess all relevant social, environmental and economic effects of activities.
- Provide information and analysis (where appropriate) that is technically or scientifically sound and relevant.
- Provide information in a form that is understandable by the target audience and in a way that genuinely assists people to understand and make informed decisions.
- Use independent expert advice when appropriate.
- Ensure access to information.
- Ensure the information provided is delivered in a culturally appropriate manner.
- Provide opportunities for communities and stakeholders to ask questions, to seek clarification of information provided and to contribute their own experiences and information.

3) TIMELINESS (WHEN DO COMPANIES COMMUNICATE?)

- Seek community and stakeholder views as early in the proposal development stage as possible.
- Understand and recognise the need to build relationships, capacity and knowledge before making decisions.
- Allow enough time for community and stakeholder issues to be raised and addressed and for stakeholders to review and respond to information.
- Establish clear and realistic timeframes for community and stakeholder input.
- Maintain engagement throughout the life of the project, from the planning stage through to construction/implementation, operation/ review and finally through to closure.

- Respect timeframes that will allow community and stakeholder representatives to consult appropriately with their constituencies.
- Provide information within appropriate timeframes and contexts and identify the reporting period. Make any critical deadlines and timeframes clear to communities and stakeholders.
- Ensure timing is convenient to allow adequate community and stakeholder representation.
- Recognise, respect and accommodate changes to timeframes where necessary.

TRANSPARENCY

Clear and agreed information and feedback processes

1) TRANSPARENCY (HOW IS INFORMATION ABOUT THE ENGAGEMENT PROCESS COMMUNICATED?)

- Clearly identify company objectives for the project. Clearly articulate the preferred outcomes of the engagement process.
- Identify the objectives of the community and stakeholders.
- Clearly explain or negotiate (where required) the decision-making processes and ensure that communities and stakeholders understand company objectives.
- Clearly outline and negotiate (where required) the boundaries of the engagement process, commitment of resources and level of influence of the various parties involved in the process.
- Clearly articulate the preferred outcomes of the project (e.g. operating conditions, environmental objectives).
- Clearly set out the process and provisions for two-way feedback.
- Reinforce the expected outcomes throughout the process. Provide information immediately on any changes to the expected outcomes.
- Report openly the input from all communities and stakeholders and include feedback on their input.

2) REPORTING (WHAT IS DOCUMENTED?)

- Document decisions and outcomes of meetings with communities and stakeholders.
- Report appropriate performance information on the consultation through an agreed process.
- When appropriate and practicable, support performance information with verification.

COLLABORATION

Working cooperatively to seek mutually beneficial outcomes

(How capable are stakeholders and community groups of participating in the process? Where can help be found to support community groups in this process?)

- Recognise that adequate time and resources are needed by industry, governments and communities to effectively engage.
- Share expertise.
- Work in cooperation.
- Establish joint ownership of outcomes, seeking mutually beneficial outcomes where feasible.
- Comprehensively deal with the issues and seek community and stakeholder input into responses.
- If appropriate, take an active role in local community affairs.
- Consider independent mediation processes to deal with disagreements and disputes.

INCLUSIVENESS

Recognise, understand and involve communities and stakeholders early and throughout the process

(What are the cultural characteristics of communities and stakeholders? Do they have the ability, experience and/or access to support to deal with this process?)

- Identify the relevant communities and stakeholders, recognising they may change over time.
- Identify and, where possible, understand community issues, interests, aspirations and concerns to better define what matters most to the community.
- Facilitate (where appropriate) community and stakeholder engagement.
- Acknowledge and respect the diversity of communities and stakeholders
- Respect the culture and heritage of local communities, including the traditional owners of the area.
- Accept the different agendas of different communities and stakeholders and ensure that dominant groups are not the only voices heard.
- Ensure there are appropriate systems, with minorities and other marginalised groups having equitable and culturally appropriate ways to engage, so groups that may be under-represented or hard to reach take part.
- Acknowledge that in few circumstances is it feasible to involve the entire community.
- Prepare a consultation plan and tailor engagement strategies to meet the needs of community groups, their accessibility and information needs.

INTEGRITY

Conduct engagement in a manner that fosters mutual respect and trust

(What is the ability to build credibility and confidence?)

- Agree on the ground rules for the process and obey them explain what the process is trying to achieve.
- Be open about the nature of the engagement process and make it clear from the beginning what decisions are outside the scope of the process.
- Clearly articulate what is negotiable and what is not negotiable in the engagement process. Give reasons for decisions.
- Ensure realistic expectations are set and agreed early in the process.
- Take responsibility for company actions and live up to promises.
- Report often on progress accurately and promptly.
- Ensure the proclaimed values of company policies and codes of conduct at the corporate level are consistent with practice on the ground.
- Ensure that all community opinions and rights to object or support a project/policy are respected. Acknowledge and respond to community concerns.
- Treat people fairly and without discrimination.
- Respect legal, ethical, and human rights.
- Be honest, even when the news is not good or favours the company.

GLOSSARY OF TERMS

Collaboration

Working together to share expertise and ownership of outcomes; joint engagement in projects and activities.

Community (including local and affected community)

A community is a group of people living in a particular area or region. In mining industry terms, community is generally applied to the inhabitants of immediate and surrounding areas who are affected by a company's activities. The term local or host community is usually applied to those living in the *immediate vicinity* of an operation, being indigenous or non-indigenous people, who may have cultural affinity or claim, or direct ownership of an area in which a company has an interest.

Affected community refers to the members of the community affected by a company's activities. The effects are most commonly social (resettlement, changed services such as education and health), economic (compensation, job prospects, creation of local wealth), environmental and political. While the economic and associated social impacts of a company may be extensive and operate at provincial, state or national levels, these broader impacts would not typically be used to define the affected community.

Consultation

The act of providing information or advice on, and seeking responses to, an actual or proposed event, activity or process.

Engagement

At its simplest, engagement is communicating effectively with the people who affect, and are affected by, a company's activities (its stakeholders). A good engagement process typically involves identifying and prioritising stakeholders, conducting a dialogue with them to understand their interest in an issue and any concerns they may have, exploring with them ways to address these issues, and providing feedback to stakeholders on actions taken. At a more complex level,

engagement is a means of negotiating agreed outcomes over issues of concern or mutual interest.

Inclusiveness Developing a connection with those who are harder to reach;

ensuring that nobody is 'left out of the loop'.

Stakeholder At the 2002 World Summit on Sustainable Development,

stakeholders were defined as 'those who have an interest in a particular decision, either as individuals or representatives of a group. This includes people who influence a decision, or *can* influence it, as well as those affected by it'. Stakeholders might include local community members, non-government organisations, governments, shareholders and employees.

Social licence to operate

The social licence is the recognition and acceptance of a company's contribution to the community in which it operates, moving beyond meeting basic legal requirements, towards developing and maintaining the constructive relationships with stakeholders necessary for business to be sustainable. Overall it comes from striving for relationships based on honesty and mutual respect.

FURTHER READING

The following are internet links to existing Australian-based strategies and programs for engagement and assessments of engagement principles.

GOVERNMENT STRATEGIES IN AUSTRALIA

National Environment Protection Council Protocol for Consultation (Commonwealth), www.ephc.gov.au/pdf/nepc/protocol_consult_0699.pdf

Ask First: A Guide for Respecting Indigenous Heritage Places and Values, Australian Heritage Commission (Commonwealth) www.ahc.gov.au/publications/indigenousheritage/index.html

Terms of Engagement: A Toolkit for Community Engagement in the Murray Darling Basin (2002) (Commonwealth Department of Agriculture, Fisheries and Forestry)

www.affa.gov.au/content/output.cfm?ObjectID=964B470A-3B73-466A-B6768584E8F62999

Community Engagement in the NSW Planning System (NSW) www.iplan.nsw.gov.au/engagement/index.jsp

The attached link to a New South Wales government website provides a diagrammatic representation of community engagement: www.iplan.nsw.gov.au/engagement/techniques/index.jsp

Community Engagement Handbook for Queensland Health District Health Council Members (2002) (Queensland)

www.participateinhealth.org.au/clearinghouse/docs/qldcommunityengagement handbook.pdf

Engaging Queenslanders: An introduction to community engagement Engaging Queenslanders: Improving community engagement across the Queensland Public Sector

Engaging Queenslanders: An introduction to community engagement
Engaging Queenslanders: Community engagement in the business of government
Engaging Queenslanders: Working with Aboriginal and Torres Strait Islander
Communities

Engaging Queenslanders: A guide to community engagement methods and techniques

These documents can be found at the *Get involved in the Smart State* website www.getinvolved.qld.gov.au/

VicRoads Community Participation Strategies and Guidelines (1997) (Victoria), www.vicroads.vic.gov.au/vrne/vrninte.nsf/c8fe08f91030f82a4a256ada000b7e6e /adde0a79a7ec0e2cca256e6700800f1e/\$FILE/Community%20Participation.pdf

Consulting Citizens — A Resource Guide

Consulting Citizens — Planning for Success

Consulting Citizens — Engaging with Aboriginal Western Australians
These documents have been produced by the WA Department of the Premier
and Cabinet and can be found at www.citizenscape.wa.gov.au

Interim Industry Guide to Community Involvement, (WA Department of the Environment), www.environment.wa.gov.au

RESOURCE INDUSTRY POLICIES AND STRATEGIES

Community Consultation and Involvement, Best Practice Environmental Management in Mining Series, Commonwealth Department of the Environment and Heritage, www.deh.gov.au/industry/industry-performance/minerals/

International Council on Mining and Metals (ICMM), www.icmm.com

Mining, Metals and Sustainable Development (MMSD), www.iied.org/mmsd/

Minerals Council of Australia, www.minerals.org.au

Australian Petroleum Production and Exploration Association (APPEA), www.appea.com.au

Developing New Approaches for Stakeholder Engagement in the Minerals Sector (2002) (URS), www.ausimm.com.au/whatsnew/stake1009.pdf

Zen and the Art of Stakeholder Involvement (1999) (Dr Fiona Solomon) www.minerals.csiro.au/sd/CSIRO_Paper_Stakeholder_Involvement.pdf

CASE STUDIES AND ASSESSMENTS

'On Schedule Eventually: A case study of problem solving through effective community consultation' (July 2000) — scheduled waste management (Commonwealth Department of the Environment and Heritage), www.deh.gov. au/industry/chemicals/scheduled-waste/pubs/community-consultation.pdf

Broadening our Horizons: An appraisal by the North Queensland Conservation Council of the environmental performance of BHP Cannington (June 2000), www.bhpbilliton.com/bbContentRepository/News/RelatedContent/ 20000609aa_asp.pdf

The Mining Sector has been involved in developing a sector supplement under the *Global Reporting Initiative* (GRI), a Collaborating Centre of the United Nations Environment Programme. The pilot supplement is proposed to work by 'identifying and targeting economic, environmental, and social performance issues and indicators specific to the mining, minerals, and metals industry. The Supplement can help companies to address these issues in a common fashion, producing more relevant, meaningful, and comparable reports.' (See globalreporting.org/guidelines/sectors/mining.asp)

Oliver, P.E., 2004, Developing Effective Partnerships in Natural Resource Management, unpublished PhD thesis, Griffith University, Nathan, Queensland.

Lawrence, R.L. & Deagen, D.A. 2001, 'Choosing Public Participation Methods for Natural Resources: A Context-Specific Guide,' Society and Natural Resources, Vol 14: pp. 857-872.

ACKNOWLEDGEMENTS

The development of these community and stakeholder engagement principles was initiated by the Ministerial Council on Mineral and Petroleum Resources (MCMPR) in 2003 to address one of the priority issues identified in the MCMPR Vision for the mining and petroleum industries to 2025 (see www.industry.gov. au/resourcesandenergy/mcmpr).

In March 2004 the MCMPR Sustainable and Indigenous Issues Subcommittee hosted an industry workshop to identify relevant engagement issues for the resources sector. Four resource industry associations participated in the Workshop — the Minerals Council of Australia, the Australian Petroleum Production and Exploration Association, the Australian Pipeline Industry Association and the Australian Coal Association. Workshop participants recommended that a working group be established to develop the principles, and agreed to act as an advisory group to the working group.

The Australian Local Government Association and WWF Australia agreed to join the working group to provide some community perspectives.

The MCMPR gratefully acknowledges the valuable assistance of its member jurisdictions, resource industry associations and companies, and the community participants and individuals who contributed to the development of these engagement principles. Particular thanks go to:

- Australian Coal Association
- Australian Local Government Association
- Australian Petroleum Production and Exploration Association
- Australian Pipeline Industry Association
- Minerals Council of Australia
- Rio Tinto Limited
- WWF Australia

The MCMPR also expresses its appreciation to the Minerals Council of Australia for permission to use and reproduce the definitions of community, engagement and stakeholder from *Enduring Value* — the Australian Minerals Industry Framework for Sustainable Development.