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MAKING THE EES PROCESS WORK FOR YOU

A LAWYER'S PERSPECTIVE

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FIRST PRINCIPLES

- Understand the process and its expectations
 - assessment and approval options: ‘best fit’
 - identify the key government stakeholders and influencers
 - it’s not a regulatory ‘box ticking’ exercise, it’s a *decision-making* process

INFLUENCING THE PROCESS OF EIA

- *Key proponent* decisions
 - the proposition: the size and shape of project, flexibility
 - budget, scope and timing of investigations
 - whether community engagement is meaningful or not
 - extent and substance of interaction with government stakeholders

Why are the proponent's decisions important.....?

ASSESSMENT AND APPROVAL

...because you want the government to support and approve your project!

- *Key government decisions*
 - are regulators satisfied that the project complies with their policies and guidelines?
 - is the panel satisfied that the project complies with government policy, impacts are acceptable, and that there has been sufficient consultation?
 - is the Minister for Planning satisfied that the project should be approved?

MAKING EIA WORK FOR YOU

- Considerations for proponents and their advisers
 - regulators typically expect their policies and guidelines to be complied with
 - meaningful community engagement with a view to achieving community acceptance
 - leverage the investigation and assessment to refine project size and shape and improve everyone's understanding of your project
 - robust risk assessment framework, acknowledging that people's perceptions of risk vary
 - panels and decision-makers typically don't like uncertainty or loose ends: risk assessment very important

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