



ENGAGING AN ENVIRONMENTAL CONSULTANT FOR IMPACT ASSESSMENT | GUIDANCE FOR PROSPECTIVE CLIENTS

Why read this document?

The purpose of this document is to assist proponents (clients) to select and engage consultants who provide advice about the planning, assessment and implementation of development projects or other activities. This broad field is commonly described as 'impact assessment'.

Choosing the right consultant can mean the difference between the success or failure of your project. Impact assessment is a specialist field and a good consultant can save you considerable time and money by:

- reviewing your project design for any 'show-stoppers' that would prevent your project receiving government approval
- ensuring environmental studies are targeted towards the issues that are important, and avoiding unnecessary work
- steering you through the regulatory processes in the most efficient way
- assisting you with government negotiations to reduce project risk from a refusal or an approval with cost-prohibitive conditions.

Why Would You Require an Environmental Consultant?

Common reasons, which are not mutually exclusive, are:

- you do not have the necessary expertise or resources to carry out the work
- to ensure good environmental outcomes in implementing a project/development (the project)
- to satisfy regulatory requirements and gain approval for a project
- to engage with stakeholders who have an interest in a project
- to improve environmental practice
- to promote transparency through third-party assessment.

The Structure of the Environmental Profession

When choosing an environmental consultant, it is useful to understand the structure of the environmental profession and the wide range of consultants engaged in it.

The profession comprises general environmental practitioners and specialists:

- General environmental practitioners have broad environmental knowledge across a variety of aspects of the environment (including biophysical, social, economic legislative and administrative).
- Environmental specialists have a high level of expertise in a specific field, for example, ecology, archaeology and cultural heritage assessment, geotechnical assessment, site contamination, noise, air quality or water quality.

Broad environmental knowledge is required by consultants working in impact assessment, but not all general environmental practitioners have the necessary experience or skills. Impact assessment requires:

- an understanding of the relevant regulatory processes for impact assessment
- good analytical skills
- a knowledge of the most appropriate assessment methodology for the range of environmental matters that need to be addressed
- writing skills that can objectively present the project and its potential impacts to an interested readership
- the ability to identify and communicate with relevant stakeholders
- the ability to undertake effective scoping, which is the process of determining the nature and extent of environmental advice required for a project as the first stage of an impact assessment. Without such scoping, clients risk spending time and money on work which may be unnecessary and unproductive, while failing to have other important matters addressed.

Unless you have a clear understanding of the nature and extent of environmental advice you require, it is advisable to first seek the advice of a general environmental practitioner with experience in impact assessment. They are well placed to advise you whether you also need to engage one or more environmental specialists to address particular issues.

Consulting firms undertaking impact assessment vary widely in terms of their size, the services they offer and their fees. Firms range from large national or international companies, through to small local firms and sole practitioners. Different consultants come at a wide range of costs, which are not necessarily reflective of their ability to provide competent environmental advice. As with the engagement of any consultant, it is important to receive the best value for money. While a complex billion-dollar project may justify the services of a large, consulting firm with diverse specialist skills, a small project may be handled more efficiently by a local general practitioner.

Environmental professionals working in impact assessment come from a diverse range of academic backgrounds. You should ensure a consultant is appropriately qualified but the critical factor is that they have extensive and relevant work experience and a proven track record in delivering successful assessments.

Steps in Engaging a Consultant

There are several steps to engaging an environmental consultant. These depend on the complexity of the job and how you would like to develop professional relationships and may not always be essential.

Step 1. Establish your requirements. It is important to decide what you want from your consultant. If you have limited experience in this area, you may need to clarify your requirements as part of the interview process (steps 4 and 5 below). You can prepare a written brief at this stage, but many clients find it easier to start by talking through their

requirements with a prospective consultant(s) then have that consultant(s) prepare a written proposal (see step 5).

Step 2. Identify prospective consultants. Typically, you would identify three or more suitable consultants from reliable sources such as:

- professional colleagues
- consultant registers maintained by professional associations such as that on the Certified Environmental Practitioner (CEnvP) website
- regulatory authorities who may provide a list of possible consultants without making recommendations or comments
- business directories (printed or web-based, e.g. Yellow Pages, LinkedIn); and
- review of publicly available impact assessment reports in libraries or on websites, which also provide the opportunity to review the professional style of different consultants.

Recommendations by professional colleagues, if available, are likely to offer the quickest and most effective means of making contact with prospective consultants.

Step 3. Undertake a preliminary review of prospective consultants. If practicable, it is worth reviewing examples of the consultant's previous work. You may be able to do this through public impact assessment reports available in libraries or on websites. Environmental studies commonly involve a large writing component and there can be differences between consultants in both efficiency and effectiveness of their writing skills. If you cannot get ready access to suitable documents, you can follow this up at the interview or evaluation stage (steps 4 or 6 respectively).

Step 4. Meet the consultants. Having made initial contact with one or more consultants, arrange to meet them face-to-face. For larger, more complex assignments, meeting face-to-face is valuable in clarifying the scope of the work and establishing your confidence in the consultant. Meeting will also help you establish whether you feel comfortable working with the consultant.

For large or unusual projects, the consultant may wish to visit the project site with you, as it can sometimes be difficult for a consultant to make a reliable assessment of the environmental work required without first-hand familiarity with the site. Site visits and meetings will often be more productive if you forward the consultant any key background information (e.g. maps, plans, letters from regulatory authorities) beforehand.

It is up to you to decide whether you feel comfortable engaging the first consultant that you approach, or whether you wish to consider several consultants before engaging one.

Step 5. Request a proposal. If you have a clear understanding of your requirements, it is useful for you to prepare a written brief that the consultant(s) can respond to in writing in the form of a proposal. If you are uncertain about your requirements, however, you can

clarify these through discussion with the consultant. In either case, it is highly desirable for the consultant to prepare a written proposal setting out the scope of work they propose to do and the terms for carrying out the work, including timing and the financial arrangements as a minimum.

The brief needs to focus on those matters that will be important for you in choosing the consultant and not seek information that will have little bearing on the decision. In deciding whether to submit a proposal, consultants will weigh up the time needed to prepare a proposal against the expected cost of the job and likelihood of success. Good consultants are generally quite busy and may decline to respond to a poorly written unfocused proposal that is sent to a number of consultants.

The scope of the work may already be largely dictated by written advice, either general or specific to the project, provided by a regulatory authority. If so, it is important for you to make this information available to the consultant. If no such advice has been provided, an experienced consultant should have a good idea of what is required and should address this in the proposal. The proposal should also include a sufficient level of environmental scoping to identify whether any specialist consultants are likely to be required.

There are two common approaches for determining the financial basis for a consultancy: a fixed fee or payment on an hourly basis, with or without specified out-of-pocket expenses (e.g. travel, hiring premises for consultations, accommodation, report printing).

The fixed fee approach provides the higher level of certainty, provided that the scope of the work is clearly defined and agreed between you as client and the consultant. For tasks that may be considered 'routine', it should not be difficult for the consultant to estimate and justify a reasonably accurate fee as the basis for an agreement. Bear in mind, however, that should any additional requirements arise which are beyond the scope of what the consultant offered in the proposal (e.g. if you change the details of your brief or require additional tasks to be undertaken, or if a regulatory authority changes its requirements), you may be subject to a fee variation.

Payment on an hourly (plus expenses if applicable) may be more appropriate for a project which is still evolving and where the scope of the environmental work required cannot be reliably identified at the outset. This is a common arrangement in situations where you and the consultant have a strong ongoing relationship and a high degree of mutual trust. It is nevertheless still desirable for the consultant to nominate an order-of-magnitude price range in writing, without being bound to a fixed fee.

The consultant's proposal should also state whether payment is to be made on a regular (e.g. monthly) basis, on completion of specified deliverables (e.g. initial advice, draft report, final report) or on completion of the project. For short-term projects, payment on completion is common practice while for larger, more complex projects, a system of progress payments, either monthly or linked to deliverables, is the norm.

Step 6. Evaluate proposals. Whether you have invited one proposal or competing proposals, take the trouble to evaluate them carefully to ensure that they provide the scope that you want under acceptable terms of cost and timing. Specific points to consider include:

- **Understanding of the brief.** You should be satisfied that the consultant understands what you require. The consultant's proposal should also be tailored to your specific requirements and not just be a generic response to your request for a proposal which may not be comprehensive or entirely relevant.
- **Relevant knowledge and experience.** Ensure that the consultant and any specialists have the relevant expertise and proven track record in impact assessment to carry out the required task or are in a position to organise additional resources if needed. The consultant should also demonstrate local knowledge of the biophysical, social, economic and regulatory environment, either by being based locally or working regularly in the geographical area. Many aspects of the environment and the regulatory processes relevant to it vary greatly from place to place. Someone who works regularly in the geographical area of interest starts at a significant advantage in knowledge over a consultant who needs to learn about a new environment.
- **Timing and available resources.** Be satisfied that the consultant's other work commitments will not preclude your project from being completed in a timely manner. You should be aware, however, that some environmental assessments (e.g. surveys for certain plant or animal species; or to obtain access to rail systems or under major roads) can only be undertaken at certain times of the year and may dictate the completion date for the work. Most formal environmental review and consultation procedures involve statutory timeframes, which may also influence the timing of the work program.
- **Price.** The price quoted for a project is usually a function of the time and costs spent on it and the hourly charge-out rate of the personnel involved. Hourly rates need to be balanced against experience, because more experienced consultants may be able to do better work in less time. Consulting rates vary widely in the environmental profession and the rates charged by different consultants do not necessarily reflect their relative levels of experience. In particular, because of their lower overheads, consultants who operate as sole practitioners or with a small support staff may offer lower rates for an equivalent or superior service than a larger firm.
- **Insurance.** You should be satisfied that the consultant has appropriate levels of professional indemnity and public liability insurance.
- **Continuity of personnel.** Impact assessment projects can extend over a long period, sometimes several years, and it is desirable for the same people to be involved throughout. Changing personnel in the middle of a project can cause it to lose momentum with loss of corporate knowledge and potential delays while a new consultant gets 'up to speed'. You should be satisfied that the consultant has a reasonable chance of seeing the project to completion. Whether the consultant is part of a firm or a sole practitioner, you should require contingency arrangements to be in place in the event of that person becoming unavailable to complete your project.

- **Interpersonal relationships.** For the sake of both yourself and the consultant, you should be satisfied that the consultant is someone with whom you feel comfortable working.
- **Relationships with other consultants.** If other consultants are engaged on the project, it is important that all consultants can work together productively, with a clear understanding of who is responsible for the overall project management. That person may be yourself, a technical consultant (e.g. a town planner, architect, or engineer) or, if the project has a strong environmental component, the environmental consultant. Whatever arrangement exists, you should be satisfied that the environmental consultant can work effectively within that arrangement.

Appointing your Consultant

Once you have decided to appoint a specific consultant, you should confirm this in writing. This may simply involve accepting the consultant's proposal and terms and conditions or have them agree to your terms and conditions. In particular, you should confirm the basis for payment in terms of eg fixed fee or hourly rate (with expenses if applicable), progress payments if applicable, and how variations would be charged for in the event of changes to the scope of the project.

Some consultants or clients require formal legal agreements before establishing a professional relationship while others are happy to proceed on a handshake. This is assuming a shared understanding of the client's brief. While formal documentation is good business practice, it may result in higher (often hidden) costs. For a small, simple engagement, the cost of preparing a legal contract may exceed the cost of the job itself. In this case a simple letter of engagement might suffice. The nature of the client-consultant relationship is also likely to influence the level of formal documentation that is appropriate.

Working with Your Consultant

Your relationship with the consultant should not end with their appointment but should continue throughout their work. The most effective type of client-consultant relationship is one where the consultant works **with** you, not just **for** you. This puts the responsibility on you (or your nominee) and the consultant to maintain regular contact; and for you to carefully monitor the consultant's progress and to review and respond to any material that the consultant produces, especially where comment is requested.

Should circumstances require any variations to the scope of work being undertaken by the consultant (particularly if this has financial implications), you should be satisfied that the scope and conditions are adequately documented and that you both share an understanding of what is involved.

Responsible environmental consultants are bound by a code of ethics and professional conduct. If your intended project might lead to conflict with that code or is otherwise undesirable from an environmental perspective, the consultant is obliged to inform you



accordingly. A good professional consultant is one who will provide frank and fearless advice, and a responsible client is one who is prepared to listen to that advice. Where there may be differences of opinion on a particular matter, clients and consultants with a good working relationship can work to achieve a solution that meets your objectives as client without compromising environmental values. The role of the impact assessment consultant is not just to identify environmental problems, but to assist in finding solutions to those problems, as well as other ways of enhancing the environmental outcomes of the project.

Consultants can provide direct and frank advice to you about the project, which is intended for your consideration alone. Consultants may also prepare environmental impact statements (EISs) or other public impact assessment reports on your behalf which are available to regulatory authorities and commonly to the wider community for information and comment. While the consultant may write the public report, you are responsible for agreeing to its content. You need to ensure that any commitments that the report may make towards environmental management, including mitigation measures or subsequent monitoring, are practicable and acceptable from your perspective.

Public impact assessment documents usually require a description of the project, written in terms which the lay reader can understand. While the consultant should be skilled in knowing how best to present that information to the public, it may be necessary for you or one of your technical consultants to provide the relevant background information to the environmental consultant and also to review the latter's rewrite for factual accuracy.

It is reasonable to expect the environmental consultant to provide you with a draft of any public reports produced on your behalf, and for you to request amendments to improve factual accuracy or style of presentation. You should also ensure that any commitments made in relation to environmental protection or enhancement measures are practicable and acceptable from your perspective. You cannot, however, expect the consultant to include statements which are untrue or otherwise in breach of their code of ethics. Indeed, if information is included which does not have a sound professional and technical basis, this could adversely affect your own reputation as well as that of the consultant and could prejudice the success of your project.

Dispute resolution

If you are dissatisfied with a consultant's performance and have not been able to resolve the matter with the consultant, the EIANZ might be able to help you if the consultant is a member (see below). Alternatively, you could consider mediation by a third party such as the Australian Disputes Centre or a member of the (barristers') Bar Association to help you resolve the dispute. If the matters cannot be resolved by mediation, arbitration might be the next step to avoid any litigation which could be expensive for both parties.

Project completion

When engaging a consultant, you and the consultant should also be clear about when the engagement is considered to have been successfully completed. This is likely to include the stage at which all final reports have been submitted to you, any works have been completed satisfactorily, and any other documents that you require have been sent to you. The consultant will also want to know when the final payment will be made by you, as part of project closure.

Continuity of Consultant Services

If you have established a good working relationship with an environmental consultant and are happy with that consultant's work, there is much to be said in maintaining that relationship for any future projects in which you may be involved. This facilitates the future consultant selection process and leads to working efficiencies which can be beneficial in terms of both cost and quality.

How EIANZ can help you

Responsible environmental practitioners are professional people who are bound by a code of ethics, such as EIANZ's [Code of Ethics and Professional Conduct](#). If you consider that a member of EIANZ has breached the Code, you can lodge a complaint and the Institute will respond and if necessary, take action.

The EIANZ has also established a Certified Environmental Practitioner scheme (CEnvP) which is strongly ethics-based (www.cenvp.org). The CEnvP scheme includes a category for impact assessment specialists, who are individuals with extensive experience in that field. You can find more information in the [CEnvP register](#) on the experience of certified consultants and the firms that employ them, although consulting firms are not certified themselves or listed in the register.

Other Sources of Information

Environment Institute of Australia and New Zealand. [EIANZ Code of Ethics and Professional Conduct](#). This is the professional Code which binds all EIANZ members and Certified Environmental Practitioners. This will assist clients in understanding the professional obligations of environmental consultants.

Environment Institute of Australia and New Zealand. [Good practice scoping in impact assessment](#). A detailed discussion of environmental scoping which explains the scoping process and the issues associated with it.

Certified Environmental Practitioner program. [Key proficiencies for Impact Assessment Specialists](#). This provides further information on the proficiencies that are considered necessary for certification as an Impact Assessment Specialist and may assist you in selecting your consultant.