

## Q & A | Proposed Changes to the Code of Ethics and Professional Conduct

### Q1. What is the purpose of these proposed changes?

The [EIANZ Corporate Plan 2020-2023](#) has an initiative to “advance the role of Indigenous knowledge and issues”. This led to the meeting at the Institute’s Annual Conference in Adelaide in 2019 and the request from Indigenous representatives to address our core documents, including the Code of Ethics and Professional Conduct.

The proposed changes draw attention to an ethical obligation and professional practice requirement to acknowledge and value the rights and interests of Indigenous Peoples in the protection and management of environmental values.

There is complexity associated with how these rights and interests are defined. At a global level they are framed by the United Nations Declaration on The Rights of Indigenous Peoples. In Aotearoa-New Zealand they are founded in the continued occupation of the country by Māori and Moriori people and the Treaty of Waitangi. In Australia they are founded in the occupation of the country by Aboriginal and Torres Strait Islander Peoples and in human rights, Native Title, and environmental and heritage legislation.

The proposed changes are a statement that wherever and in whatever form such rights and interests exist, an environmental practitioner ought, as a matter of ethical and professional practice, acknowledge their existence in the work they undertake.

By making the proposed changes, the EIANZ is laying the foundation for a long-term engagement between Indigenous Peoples and environmental practitioners. It is establishing the bona fides of the organisation as where the rights and interest of Indigenous Peoples is inseparable from good practice environmental management.

In the life of any organisation there are times when community expectations drive the need for change in foundational documents. These changes were encouraged by the voices of Indigenous Peoples expressing their disappointment at their lack of engagement by environmental professionals in environmental decision making. They have also been encouraged by the realisation that there are increasing numbers of Indigenous Peoples who are qualified to be EIANZ members and Certified Environmental Practitioners. In that light the EIANZ Board has identified the need to change the Code of Ethics and Professional Conduct to acknowledge and value the rights and interests of Indigenous Peoples in environmental management.

## **Q2. What level of indigenous engagement has been undertaken as part of this process?**

The proposed changes have been developed by the EIANZ Indigenous Engagement Working Group which includes Aboriginal and Māori members of the Institute, and an Aboriginal Certified Environmental Practitioner. The Working Group has consulted Indigenous people such as a former Aboriginal and Torres Strait Islander Social Justice Commissioner of the Human Rights Commission, a lead Indigenous author of the 2021 State of Environment Report, and senior Aboriginal and Māori academics.

Early in the development of the proposed changes, members of the EIANZ were politely told that building relationships with Indigenous Peoples would not progress until there was serious evidence that the environment profession was ready and willing to listen and hear Indigenous Peoples' voices. The proposed Code of Ethics changes are one of the first steps being made to show Indigenous Peoples of Australia and New Zealand that the EIANZ are willing and motivated to pursue genuine engagement.

As the EIANZ has engaged with Indigenous Peoples, they have been welcoming of the initiative, seeing it as laying the foundation for longer and continuing conversations.

These changes are just the first steps in an evolving conversation with Indigenous Peoples. There will be many conversations in the years ahead in Australia and Aotearoa-New Zealand. As environmental practitioners work across nation states around the globe they will be regularly challenged and welcomed to take into account the rights and interests of Indigenous Peoples.

## **Q3. If the proposed changes are ratified, when will they take effect and how will this align with EIANZ membership and CEnvP renewals?**

A significant number of EIANZ memberships fall due in the middle of the year, as do all renewals for Certified Environmental Practitioners. As part of the renewal process, members and Certified Environmental Practitioners must acknowledge that their practice has been in accordance with the Code of Ethics and Professional Conduct.

It is intended that a resolution seeking the ratification of the proposed changes to the Code of Ethics and Professional Conduct will be put to a Special General Meeting of the Association in May 2021, and that the resolution put at that meeting will include a date of effect of 1 December 2021. If the resolution to ratify the proposed changes is passed by the required 75% of the members attending the meeting and eligible to vote, the changed Code will come into effect on that date.

This will provide time for EIANZ members and Certified Environmental Practitioners to become familiar with the new provisions, for the Institute to offer information and training in relation to the implementation of the Code of Ethics and Professional Conduct, and for individual environmental practitioners to make any adjustments that they deem necessary to their practice.

The question of ethical practice and professional conduct is always one for the individual environmental practitioner to inform themselves on and resolve the dilemmas that may arise. EIANZ offers members an anonymous service that provides them with advice and support on ethical issues.

Only in the event of a formal complaint about the conduct of an EIANZ member or a Certified Environmental Practitioner does an issue arise as to which Code of Ethics and Professional Conduct ought to apply. That is a threshold matter that the EIANZ Disciplinary Committee will decide, with the date of the event about which a complaint is made determining the version of the Code that the member or certified practitioner had signed at the time.

#### **Q4. What information and training will EIANZ provide?**

The training and information provided will address Indigenous values and engagement relevant to environmental practice. This will include discussions about Indigenous knowledge systems and Indigenous cultural values. There will also be coverage of practice requirements in laws and guidelines relevant to environmental practice. One example is the guidance document prepared by the Australian Government, "Engage Early", which aims to improve how proponents engage and consult Indigenous peoples during the environmental assessment process under the EPBC Act. There are also formal policies relating to water planning. The New Zealand National Policy Statement on Freshwater Management includes human health values, ecological values and tangata whenua values. Australia's National Water Initiative requires inclusion of Indigenous representation in water planning wherever possible, and the incorporation in water plans of Indigenous social, spiritual and cultural objectives and strategies for their achievement. The National Environmental Protection Measure for the Assessment of Contaminated Sites requires that due regard be given to sites of cultural or spiritual significance, in particular, the significance that Indigenous people attach to the land; and that heritage values should be assessed prior to any physical assessment of contamination, and advice sought from local representatives of the National Congress of Australia's First Peoples.

#### **Q5. If the changes are ratified, what do EIANZ members and CEnvPs who don't agree with them do?**

Every profession has a code of ethics, compliance with which is fundamental to being a member of the profession. Taking on and using the EIANZ Code of Ethics and Professional Conduct is a way for a person to demonstrate that they are an ethical and professional environmental practitioner.

Should a current EIANZ member or a Certified Environmental Practitioner feel that they cannot comply with the proposed changed Code of Ethics and Professional Conduct then, ultimately, they can elect not to continue their membership or certification.

The EIANZ, as the body representing the environment profession, leads by showing the way to a future that engages Indigenous Peoples in environmental management. The ethical standards and professional conduct followed by environmental practitioners are for them to choose. The EIANZ Code of Ethics and Professional Conduct is a standard developed for the ethical governance of the environment profession.

#### **Q6. What is EIANZ's plan with the Practice Guidance Note?**

The EIANZ has prepared a draft Practice Guidance Note relating to engagement with Indigenous Peoples in environmental management. A revised document will be prepared addressing comments that people have made through submissions, surveys, and the upcoming workshops.

Based on comments received from EIANZ members and Certified Environmental Practitioners it is clear that there are opportunities not only for a general introductory Practice Guidance Note, but a nested set of guidance notes about different aspects of engagement with Indigenous Peoples in the course of environmental management. The EIANZ Indigenous Engagement Working Group will be identifying suitable subject areas, working with the Special Interest Sections, and the Ethics and Practice and Professional Development Committees of the Board, to develop guidance materials in the form of Practice Guidance Notes, bibliographies of published and on-line resources and opportunities for training.

Following the Special General Meeting and prior to 1 December 2021, EIANZ will undertake a training program for environmental professionals in the incorporation of Indigenous values and engagement in environmental practice.

#### **Q7. How does this work relate and align to the proposed full Code of Ethics review?**

A full Code of Ethics review is still some distance away and on the basis of previous reviews is likely to take some time to finalise. There was more than two years of work involved in finalising the current Code of Ethics and Professional Conduct. Members and Certified Environmental Practitioners can have strong views on the nuances of words from which meaning is constructed.

When commissioned by the Board, a full review of the Code of Ethics will be an opportunity to re-examine the provisions relating to Indigenous Peoples in the light of experience with implementation.

It would be easy to delay taking action and to make the consideration of Indigenous Peoples' rights and interests part of an omnibus approach. That, however, would not be the kind of approach that telegraphs to Indigenous Peoples that the EIANZ truly acknowledges and values their rights and interests. It would not say to environmental practitioners that we hear their voices, are willing to listen and learn, and are sincere in our desire to engage with them.