

Guideline

March 2012

Guideline for community consultation requirements for exploration

Keeping the local community informed is an important part of any exploration program. Even those who are not directly affected by exploration have an interest in what is happening. As a result, the NSW Government has now made effective engagement with the community a condition of all exploration licences. The government is committed to ensuring that licence holders are aware of the requirement to consult with the community and to provide them with the opportunity to comment on issues of environmental, social or economic importance.

This guideline sets out the requirements the licence holder must comply with regarding effective community consultation.

Templates and reporting guides have been prepared to assist in the identification of community and community groups, recording enquiries and complaints and reporting community consultation actions. They can be found at www.resources.nsw.gov.au.

COMMUNITY CONSULTATION CONDITION

The Community Consultation Condition states that:

The licence holder must engage with the community in relation to the planning for and conduct of prospecting activities authorised under the exploration licence.

The consultation must be undertaken in accordance with the 'Guideline for community consultation requirements for exploration' (NSW Trade & Investment) as amended from time to time.

An annual report on Community Consultation must be submitted to the department within 28 days following the grant anniversary date, together with evidence that consultation has been undertaken in accordance with the Guideline.

The Community Consultation Guideline is subject to review and may change from time to time. Licence holders should regularly review the latest version of this guideline to ensure they are compliant.

This condition does not replace or remove the requirement for access arrangements. In accordance with section 140 of the Mining Act

1992 and section 69C of the Petroleum (Onshore) Act 1991, a written access arrangement with the landholder is required prior to entering and undertaking any prospecting operations on the land.

COMMUNITY CONSULTATION

Community consultation is about involving people in making decisions that affect them. It aims to understand and address issues in the early stages of a project to ensure that the interests of the community are considered during the planning process.

Community consultation is important to identify potential issues, minimise the risk of conflict and provide additional information in relation to proposed exploration activities. An active and comprehensive consultation with the local community will establish a firm foundation for mutually beneficial relationships to develop.

Licence holders must undertake genuine and effective consultation with the community. The aim is to ensure that there are opportunities for interaction and feedback regarding potential

impacts of exploration activities and other issues of importance.

Effective consultation involves:

- A detailed identification of all stakeholders;
- Making sure all stakeholders are informed of the proposed program of work for the licence and are notified prior to the commencement of any authorised activities;
- Making sure all stakeholders are aware of any real or potential impacts;
- The purpose of the consultation being made clear – this includes what is being consulted on and what is non-negotiable;
- Expected levels of participation and commitment clearly expressed to the community;
- Setting up channels of communications that allow good community feedback and identification of potential issues;
- Providing feedback to the community on how their input has influenced decisions; and
- Maintaining a register of complaints and feedback, with details of actions taken in response.

The level and type of community consultation to be undertaken will depend on the specific exploration program, the resources available and the scale of the project.

Holders of large licences, or licences involving extensive operations, may be required to consult with numerous communities or community groups who may be affected by their activities.

DEVELOPING A COMMUNITY CONSULTATION PLAN

Explorers must consider community consultation to be an integral component of the exploration program. It should have a clear objective, be timely and be allocated to an appropriate member of staff as a key responsibility. Ideally,

the community liaison officer should be a well-known local person who can help establish the trust that will be needed for successful long-term operations.

Consultation should also begin as early as possible. Seeking views from the local community at an early stage will assist explorers to identify the best way of interacting and engaging with the community as the process moves forward.

There are a number of key steps involved in consulting with the community including:

1. Identification of the community

For consultation to be effective, those involved must represent a wide range of community interests. To assist in the identification of community members that are either directly or indirectly affected by the proposed activities, a detailed description or analysis of stakeholders should be completed.

Possible stakeholders may include:

- Landholders;
- Neighbouring properties;
- Community groups;
- Local environment groups;
- Catchment groups;
- Native Title holders or claimants;
- Cultural bodies (historic or indigenous);
- Local chamber of commerce;
- Local government; or
- Relevant government agencies

To gain a better understanding of the character, interests and needs of the community, the analysis should also take into account the level that individual stakeholders will be impacted by the proposed activities.

The level of impact can be described as high, medium or low:

- High impact means significant, repetitive, regular or frequent aspects of the project that will affect people's lives and lifestyles, such as excessive noise and dust. This may include landholders and neighbours.
- Medium impact refers to occasional, or regular but infrequent aspects of the project that may be partial or avoidable/manageable.
- Low impact refers to infrequent and very occasional impacts of the project that will not affect the community's wellbeing.

Interaction with stakeholders will vary depending on the level of interest and/or impact associated with the activity.

2. Providing information to the community

The community consultation plan must outline how and when any information will be delivered to the community. This should include the type of information provided, in what form (such as verbal, printed or electronic) and how it is to be distributed.

Any information provided to the community should be balanced, objective and communicated in plain language, free of technical jargon.

The following examples provide a range of consultation methods that may form part of the community consultation program. They should be used as a guide only, and there may be more appropriate methods suited to individual circumstances:

- Fact sheets - A fact sheet is an effective way to initially inform the community about the exploration program. It should provide details on the exploration activities, in addition to information on the consultation process.
- Newsletters - these can be used initially to introduce the company and

- exploration program and then as a tool to maintain communication and continue to provide updates to the community.
- Contact telephone number for enquiries - any contact number set up should have an after hours answering service. Protocols should be established to ensure all enquiries are responded to in an acceptable timeframe.
- Public meetings (preferably with an independent facilitator) - public meetings can have value but they should generally be viewed as information sessions. They will allow an explorer to gauge the level of community concern.
- Community advisory committees – these may be established to allow ongoing and open discussion with the community. Companies can apply to the Minister to formalise the arrangement by setting up a community consultative committee (CCC) with an independent chairperson appointed by the Minister and representatives from local community groups, as well as NSW Trade & Investment (Resources & Energy), local government and the company.
- Shop front displays - establishing a shop front, which occurs in many country towns, is a good way of liaising with the local community. It provides a simple, straightforward way of explaining to local residents what plans the company has and of answering questions.
- Briefings - these are a good way to inform local community leaders of the proposed exploration program and seek feedback. They may also be appropriate for local journalists.
- Email – this is an excellent way of maintaining communication with stakeholders, particularly if there are changes to the company's operations.
- Websites – these can be used to detail information about the exploration program and company. Depending on

the capabilities, it could also be used to register and respond to community comments.

- Advertising - this may be useful in keeping the community up to date with any developments of the project, particularly in relation to other consultation methods such as public meetings and shop front displays.
- Media releases

Consultation with local councils

Within 28 days of the exploration licence being granted, the licence holder must write to the general manager (or equivalent) of all local councils within the area of the licence and advise:

- The existence and extent of the licence;
- A contact person and phone number for enquiries – including an after hours voice mail system;
- The information available on the Department of Trade and Investment, Resources and Energy website regarding landholders' rights and any other relevant material regarding the licence (such as the licence holder's website, information brochures or newsletters) and;
- Their proposed plans for community consultation.

3. Receiving and considering feedback from the community

The community consultation plan must also consider how the community is able to provide feedback to the licence holder. The consultation methods listed above outline some examples of how this may occur.

Good consultation also involves providing information to the community on how their feedback was used in the planning and decision making process.

Managing differences in community consultation expectations

Sometimes the needs and wants from the community regarding the consultation process will differ from what the licence holder can or is willing to provide. To reduce the risk of differences in expectations, it is important to be clear about why the community is being engaged and what can be achieved from the process.

One way to manage expectations is to develop a well written statement that:

- Carefully and clearly summarises the intent and issues to be dealt with; and
- Provides details of what the community is being asked to participate in and why.

Engaging the community at an early stage, and establishing good communication channels and clear messages will also assist to manage any differences in expectations.

4. Responding to complaints and other communication from members of the community

Having a system in place to respond to feedback and complaints acknowledges the importance of complaints and assures the community that concerns are being investigated.

An effective and accessible feedback and complaint handling system will help develop and maintain a good working relationship with the local community.

The process for lodging feedback must be made easy and may include the establishment of a dedicated phone line, email address or the ability to lodge feedback on a website.

If actions are required as a result of any feedback, the person who lodged the feedback should be kept informed.

A regular review of all feedback is also recommended, as this will enable the explorer to identify any areas for improvement.

REPORTING

Licence holders must maintain a record of community engagement and have a process in place to respond to complaints and feedback. A register of complaints and feedback received must be kept, with details of actions taken also recorded.

In accordance with the Community Consultation Condition, an annual report on community consultation must be submitted to the Department of Trade and Investment, Resources and Energy within 28 days of the anniversary of the licence being granted, together with details of consultation that has been undertaken. The annual report must include records of:

- Consultation with relevant government agencies (including local councils);
- Consultation with impacted landholders and community groups;
- Issues identified and actions taken;
- Outcomes of the consultation;
- Commitments for further consultation;
- Proposed future consultation; and
- A summary of complaints and actions taken to address these complaints.

Please refer to the template, 'A guide for reporting on community consultation for coal and petroleum exploration activities in New South Wales', for more information on how the report should be presented.

Evidence of the community consultation must also be retained and provided to the department on request.

MONITORING

The department will monitor licence holder performance through the review of annual

reports and investigation of community complaints.

When reviewing community consultation performance, the following criteria will be assessed:

- Community consultation activities conducted;
- Description of stakeholders and rationale for their inclusion;
- Information and analysis on community attitudes and expectations;
- At what stage of the project the community was engaged;
- How the community was involved and the methods used. This includes the type of information provided, in what forms (eg. verbal, printed, radio or electronic) and how it was distributed;
- What the community consultation program hoped to achieve;
- Evidence of how feedback and complaints have been dealt with and used by the licence holder; and
- Details of feedback provided to community as a result of the activities undertaken.

A licence holder's compliance with these guidelines will be considered when determining an application for renewal or any further approvals under the exploration licence.

FURTHER INFORMATION

The NSW Mineral Council's Community Consultation Handbook provides further information to assist licence holders build strong relationships with the communities in which they operate.

Further information in relation to community consultation, land holder rights and access arrangement templates can be found on the NSW Trade & Investment website:

www.resources.nsw.gov.au