

CMMPRA

24th March 2005

Mr Brett Gray
Community Engagement Working Group Secretariat
Resources Division
Department of Industry, Tourism and Resources
GPO Box 9839
CANBERRA ACT 2601

RE: DRAFT PRINCIPLES FOR ENGAGEMENT WITH COMMUNITIES AND STAKEHOLDERS

Dear Brett,

Thank you for providing the opportunity to comment on the draft Principles for Engagement with Communities and Stakeholders, sponsored by the Ministerial Council on Mineral and Petroleum Resources (MCMPR).

In order to prepare this submission, the CMPA carried out discussions with our association's Management Committee in line with the guidelines as recommended for comment by MCMPR.

From these discussions a number of overriding issues were identified:

◆ **What do you consider to be the main issues for community and stakeholder engagement?**

As the stakeholder are identified, so too should the community representatives and others be listed through a declaration of their primary activities (over the last 5 years) including, a statement of the impact that the stakeholders business will have upon their place of residence, as well as any personal concerns they may have.

Community Lobbying – concern that the community through successful lobbying of the MCMPR could result in the termination of viable and valuable mining resource assets, resulting in loss of work authorities and closure of quarry sites in growing urban sectors.

Local Government through Town Planning Departments – need to take into account valuable mining resource sites when issuing future land developers permission to open new estates within the vicinity of existing quarry sites. Legislative buffer zones should not impede on the work authority holders asset, but be set out on surrounding land as park lands surrounding future estate planning.

It has been suggested on numerous occasions, that there is a need for a singularly responsible Government regulator to manage and regulate the earth resource assets within Victoria. If this were to occur, it may be possible to hold a single entity accountable for timely completion of their processing duties for work authority submissions and approvals. It may be appropriate to consider the inclusion of an "Evidence of Effort Statement" within the office bearer's personal key performance indicators. This "Evidence of Effort Statement" would be seen as a vehicle to document the tasks undertaken, restrictions and timelines involved in reaching and justifying outcomes pertaining to specific work authority submissions and be made available to the applicant where agreed timelines are not being met.

Recognition of the importance of those persons who support or do not object to the stakeholders proposals, must be given as much inclusion as practical throughout the consultation process.

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◆ **How effectively are these issues addressed in the draft principles?**

There are no inclusions in the draft principles that allow for Work Authority Holders to be involved in ongoing engagement with the MCMPR. The presence of a reputable Work Authority Holder representative at MCMPR board meetings could be a possible effective solution to engaging a work authority.

◆ **How comprehensive are the draft principles? What, if any, do you consider the major gaps of omissions to be?**

The major gap identified in these draft principles relates to working and communicating with Work Authority Holders. Communication with the Work Authority holders is just as important as community and stake holders engagement.

It was noted that in the communications sector of the draft principles (page 10), documenting and providing clear and concise information on what is to occur and what has taken place at meetings is best practice.

◆ **How well do the five principle groups reflect priorities for effective ongoing engagement?**

The CMPA Management Committee supports the five principles, but cautions that the degree of compliance/adherence be proportional to the stakeholders objectives/submissions.

It is also important to identify a further stakeholder at this point, being the regulator, (and the Local Council once the planning permit route has been instigated). The regulator in most cases, can make or break the process, and as such, there may be a need to include a sixth principle, “Commitment”.

This would be “Commitment” to an outcome which ensures:

- a) equitable market access
- b) resource availability
- c) resource security
- d) community awareness (importance of earth resources for the future wellbeing of their expected lifestyles)
- e) urgency - that the negotiation process is treated with priority

Clearly, the process of engaging local communities (and other interested parties) on such an issue as an extractive industry work authority application, is at best challenging or at worst personal and protracted. There is an obvious need for those regulators who are charged with the responsibility of ensuring that both earth resource shortages do not eventuate, and that their use is made effective. Protracted negotiations which are burdened with conciliatory or appeasing regulatory directives (often only being created out of expediency) must be carefully assessed and justified before they are enacted.

◆ **What do you consider to be the main obstacles or difficulties in establishing and maintaining effective ongoing engagement?**

The process of ongoing engagement must be carefully considered and only set in stone where the stakeholders submissions warrant it (for most CMPA members, this would never be required).

Where an ongoing engagement process is in place, it should only be maintained while it is supported with reasonable attendance (may be 50% of initial community participants). This is only appropriate as the stakeholders may be able to address those remaining community representatives in a less formal forum and achieve the same outcomes.

Conclusion

Stakeholder engagement which is proportionate to the communities concerns is logical and inevitable. Engagement for engagements sake is inappropriate. Incorporation of the regulator as an identified, committed stakeholder in the draft principles, would be a favourable route to promoting best practice outcomes and a balanced partnership approach.

Engagement can not be open ended for stakeholders who hold personal or ideological views that are either irrefragable or unnegotiable. Working with the local community in partnership on issues which are perceived as or are as a result of stakeholders activities, is absolutely necessary, as is supporting activities on an ongoing basis. Being accessible to community at all times for consultation once the stakeholders business is underway, is logical and practical. Having stakeholders trained in how to engage communities is also most appropriate.

Once again, thank you for providing the CMPA with the opportunity to comment and we trust our comments are of assistance.

If you would like to discuss this further, please contact Mr Ron Kerr of the CMPA on 03 9745 2132.

Sincerely,
Ron Kerr
Honorary CEO, CMPA Management Committee