MAKING THE EES PROCESS WORK FOR YOU
A LAWYER’S PERSPECTIVE

23 APRIL 2015
Tim Power, Partner, +61 3 9288 1484, tim.power@hsf.com
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