



Environment Institute
of Australia and
New Zealand Inc.

EIANZ SPECIAL RESOLUTION EXPLANATORY NOTE

Proposed changes to the Code of Ethics and Professional Conduct

The purpose of these changes is to appropriately acknowledge the rights and interests¹ of Indigenous Peoples in the EIANZ Code of Ethics and Professional Conduct and associated guiding documents of our Institute.

BACKGROUND

Australia and Aotearoa-New Zealand have different histories with respect to recognising the rights and interests of Indigenous Peoples. Nevertheless both countries are on converging pathways to ensure that Indigenous Peoples have a role in decisions regarding the protection and management of environmental resources

During the 2019 EIANZ Conference, a lunchtime meeting about encouraging greater involvement of Indigenous Peoples in the environment profession arrived at two important conclusions regarding EIANZ: that we have so far not adequately engaged with Indigenous Peoples, and that we have the opportunity to lead the environment profession and industry in recognising Indigenous rights and interests,

Two senior Māori environmental practitioners had been invited to that meeting, and reminded the EIANZ members present that Indigenous Peoples had been stewards of the environment long before our profession, guided by their established principles for sustainable management of nature and resources. They saw little benefit in engaging with EIANZ until it had taken concrete steps to incorporate recognition of Indigenous practices and adoption of Indigenous engagement principles in its guiding documents.

Out of that gathering came a plan for action to set the EIANZ on a path towards meaningful engagement between Indigenous Peoples and environmental practitioners.

¹ The term 'rights' is consistent with the United Nations Declaration on the Rights of Indigenous Peoples; and throughout this background paper, the term 'interests' includes the values and knowledge of Indigenous Peoples of both nations.

The first step was the formation by the EIANZ Board of the Indigenous Engagement Working Group (Working Group). Its members are Di Buchan, Alan Chenoweth, Lachie Wilkinson, Belinda Bastow, Isobel Oldfield, Jon Womersley, Helen Ross and Korako Edwards. While not formally a member of the Working Group, Noongar man Prof Stephen van Leeuwen (BHP Curtin Indigenous Chair of Biodiversity and Environmental Science) also provided advice, which is greatly appreciated.

The Working Group has, with the Board's approval, pursued a 'Road Map' of activities - the better recognition of Indigenous Peoples' rights and interests in the criteria for accreditation of environmental qualifications; the engagement of Indigenous scholars in the Australasian Journal of Environmental Management; the development of a scheme to support Indigenous environmental students; and amended wording for the EIANZ website terminology and the Code of Ethics and Professional Conduct (the Code). For the Australian Chapter, the Working Group is also preparing a 'Reflect' Reconciliation Action Plan (RAP) under the Reconciliation Australia framework.

The Working Group gave priority to identifying shortcomings in important 'public-facing' EIANZ documents, and has recommended to the Board several changes to the website and Code to correct these past oversights, and thereby demonstrate the Institute's intention to remove any perceived impediment to engagement. The Code is important because it is publicly available as a statement of the ethical commitments of members and CEnvPs, and represents their accountable obligations. Accordingly, it is key to meaningful engagement with Indigenous Peoples.

In 2012, when the Code was last amended, there was no specific mention of Indigenous Peoples, notwithstanding that Aotearoa - New Zealand had already moved significantly to embed Māori values and knowledge in the stewardship of the environment. This oversight also failed to recognise Indigenous rights in Australia, which had been documented through the evolution of the Native Title regime. Community appreciation of Indigenous Peoples' interests has been further advanced through the work of Reconciliation Australia. More recently, the Uluru 'Statement from the Heart' and the destruction of the Juukan Gorge site have brought these issues to public attention in Australia.

Further background to the processes followed by EIANZ Board and its Working Group and committees in formulating and amending these proposed changes, and in providing opportunities for member feedback, are detailed below in the section "How Have These Proposed Changes Emerged" on page 5.

The changes proposed are an interim measure, intended to correct an oversight and to update language which had unintentionally excluded Indigenous rights and interests. The wording of these clauses may well evolve further as a result of the RAP process in Australia and engagement with Māori experts and organisations, and

may also change as EIANZ reviews and updates the Code over the next few years, coordinated by the Ethics Committee.

The Working Group identified the opportunity for changes to the EIANZ website and Code as follows:

- In the 'About Us' tab of the EIANZ website
- In the Preamble to the Code
- In the first element of the Code – 'Promote Environmental Principles'; and
- In the fourth element of the Code – 'Practice Competently'

'ABOUT US'

The proposed change to the 'About Us' page of the website is a statement that, if adopted, would say:

"EIANZ acknowledges and values the rights and interests of Indigenous Peoples in the protection and management of environmental values through their involvement in decisions and processes, and the application of traditional Indigenous knowledge."

This is a respectful and affirmative statement stating that, as an organisation, the EIANZ recognises that Indigenous Peoples should be involved in decision making, and their knowledge respected and applied. Many organisations have similar statements publicly proclaiming their respect for and intention to involve Indigenous Peoples.

For clarity, a change is also proposed to the 'About Us' page that, if adopted, would say:

"The term 'environment' includes human societies and cultures."

This is a statement that the EIANZ has an inclusive view of environment that encompasses humanity as well as the natural and physical world. A general statement of this nature avoids the need for repeated explanations of the links between the environment and human cultures.

Moving then to the changes proposed to the Code:

'PREAMBLE'

The proposed change to the Preamble would, if adopted, incorporate into the Code a third paragraph identical to that in the 'About Us' website page:

"EIANZ acknowledges and values the rights and interests of Indigenous Peoples in the protection and management of environmental values through their involvement in decisions and processes, and the application of traditional Indigenous knowledge."

The proposed changes use the term 'Indigenous Peoples' throughout. There are several terms in common use in each country when referring to Indigenous Peoples. For clarity, a change is proposed to the Code that, if adopted, would say (as a note attaching to the first appearance of the term 'Indigenous Peoples):

** the term 'Indigenous Peoples' includes First Nations, First Peoples, Aboriginal, Torres Strait Islander and Tangata Whenua (Māori), all of whom have maintained country and place in a holistic manner over multiple generations.*

ELEMENT – 'PROMOTE ENVIRONMENTAL PRINCIPLES'

The proposed change to ethical principles would, if adopted, amend principles a) and b) of the 'Promote Environmental Principles' element of the Code.

Principle a) would be amended to insert the word 'values' as a characteristic of humanity, that environmental practitioners would advocate if they were signatories to the Code.

Principle a) would also be amended to remove the reference to a singular 'human community' and replace it with the plural '*human communities*'. This recognises the diversity of human communities generally and supports our specific acknowledgement of Indigenous Peoples.

Principle b) would be amended to remove the word 'objective' as an adjective describing 'scientific and technical knowledge', and instead place emphasis on 'evidence and expertise' (see paragraph below). This change recognises the knowledge gained through millennia of experience and handed through generations of Indigenous Peoples to be part of our cumulative environmental knowledge.

Principle b) would also be amended to remove the words 'scientific and technical knowledge' and replace them with the words '*scientific evidence and technical expertise*'. This places the emphasis on 'evidence' and 'expertise' when considering the protection of environmental values and mitigation of environmental harms. When taken with the principles set out in the Practice Competently element of the Code, this construction mandates the consideration of fundamental aspects of competent practice which recognise a wide range of values.

These proposed changes to the language used in the first part of the Code demonstrate that the EIANZ acknowledges and values the traditional knowledge and environmental management of Indigenous Peoples. It mandates environmental practice that engages with and takes account of knowledge and expertise that Indigenous Peoples may wish to contribute.

ELEMENT – ‘PRACTICE COMPETENTLY’

The proposed change to ethical principles would, if adopted, amend principles d) of the ‘Practice Competently’ element of the Code.

Principle d) would be amended to insert the words ‘*Indigenous Peoples*’ before the word ‘stakeholders’, consistent with Indigenous Peoples’ sensitivity over the economic implications of the term ‘stakeholders’. There is growing recognition internationally that Indigenous Peoples have rights and a special status in decisions relating to management of natural resources, beyond having a ‘stake’ in such decisions. The inclusion of this language demonstrates that the EIANZ acknowledges this important distinction and recognises the rights of Indigenous Peoples with respect to environmental decisions. It mandates environmental practice that engages with and takes account of knowledge and expertise that Indigenous Peoples may wish to contribute.

HOW HAVE THESE PROPOSED CHANGES EMERGED?

The proposed changes to the Code, and the public-facing ‘About Us’ statements on the EIANZ website, have been prepared by the Working Group and reviewed through feedback and multiple iterations. Initially a [Statement of Objectives](#) for Indigenous engagement was proposed and adopted by the EIANZ Board, and notified to members in ‘Institute Inside’ on 29 May 2020 (in Australia’s National Reconciliation Week), referring to a commitment to recognising Indigenous values and practice in its Code of Ethics.

The Working Group’s proposed Code changes were then submitted to the EIANZ Board in June 2020. The Board referred these proposed changes to the Advisory Council and the newly formed Ethics Committee, both of which were supportive with minor suggested changes. The proposals were then circulated to all Division and Chapter Presidents on 11 August, inviting them to discuss the amendments at their AGMs and with their committees, and provide feedback to Central Office. The Working Group’s agenda for Indigenous engagement, including an intention to recommend Code changes, was also notified to members in ‘Institute Insider’ #192 (commemorating International Day of the World’s Indigenous Peoples) on 14 August.

Following this, the proposed changes were posted on the EIANZ website (and in the ‘member only’ section) on 12 October, also inviting feedback. The revised version of the proposed changes was also sent to Ghangulu elder and former Human Rights Commissioner Mick Gooda (https://en.wikipedia.org/wiki/Mick_Gooda) for review. Mr Gooda supported the proposed changes and suggested refinements in terminology to make the changes consistent with human rights practices. The changes have been referred to the Māori Biodiversity Network, and formal feedback is yet to be received.

The EIANZ Board endorsed the changes (as amended following feedback) on 19 October, and members were notified in 'Institute Insider' #202 on 23 October, again with an invitation for feedback. To date, Central Office has received responses from NSW Division and from three members, two in response to 'Institute Insider' and one in response to the AGM Notice.

FURTHER READING

Should the proposed changes have raised matters that you wish to explore further, here are some links and papers that are places to start.

Language, Style, and Acknowledgement

The 'Australian Government Style Manual' is relevant -

<https://www.stylemanual.gov.au/format-writing-and-structure/inclusive-language/aboriginal-and-torres-strait-islander-peoples#there-is-no-single-aboriginal-or-torres-strait-islander-identity> (**Note:** There is no direct equivalent publication in Aotearoa - New Zealand.)

The Australian and New Zealand School of Government publication 'Respect for Indigenous peoples and cultures' is relevant - <https://www.anzsog.edu.au/preview-documents/publications-and-brochures/5223-indigenous-protocol-final/file>

Academic Papers and Links

- Helen Ross, Elspeth Young and Lynette Liddle (1994) Mabo: An Inspiration for Australian Land Management, Australian Journal of Environmental Management, 1:1, 24-41, DOI: 10.1080/13221698.1994.11978478 (To link to this article: <https://doi.org/10.1080/13221698.1994.11978478>)
- te ao Māori – The Māori worldview - <http://www.environmentguide.org.nz/issues/biodiversity/maori-and-biodiversity/>
- Alexander Gillespie () Māori, Biodiversity and International Law - http://lianz.waikato.ac.nz/PAPERS/al_gillespie/biodiversity.pdf
- Michael Davis (1998) Biological Diversity and Indigenous Knowledge, Parliamentary Library Research Paper 17 (1997-98), http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/52605/upload_bin/526055.pdf;fileType=application/pdf#search=%221990s%201998%22
- Fulvio Mazzocchi (2006) Western science and traditional knowledge, EMBO Reports Vol 7 | No 5 | 2006 - <https://doi.org/10.1038/sj.embor.7400693>
- Living Knowledge – Indigenous knowledge in science education, Common Questions (2008) ARC Research Project - http://livingknowledge.anu.edu.au/html/educators/02_questions.htm
- Helen Ross and Melissa Nursey-Bray (2020) Acknowledging Country properly, Australasian Journal of Environmental Management, 27:3, 245-248, DOI: [10.1080/14486563.2020.1810873](https://doi.org/10.1080/14486563.2020.1810873) (To link to this article: <https://www.tandfonline.com/doi/full/10.1080/14486563.2020.1810873>)