

2020

**CEnvP Scheme Certified Practitioner
Survey in response to proposed changes to
the EIANZ Code of Ethics and Professional
Conduct**



The Certified Environmental Practitioner
Scheme
12/22/2020

CEnvP response to proposed changes to the EIANZ Code of Ethics and Professional Conduct



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Background

In response to EIANZ seeking feedback on proposed changes to the Code of Ethics and Professional Conduct, on the 27th November 2020 the CEnvP Scheme emailed practitioners inviting them to complete a survey. The proposed changes relate to recognition of Indigenous values and practices.

The survey provided all the same background material that was provided to EIANZ members and asked the same four questions were asked along with some additional ones¹. A full copy of the survey is attached.

Results of survey – all CEnvP responses

General

There was a 23% response rate to the survey (221 responses out of 959 Certified practitioners²). The largest number of responses were received from General CEnvPs (57%) followed by CEnvP-SC (29%).

59% of respondents hold EIANZ membership only, 16% EIANZ and other membership(s) and 19% other memberships only. As a comparison, 36% of all CEnvPs are EIANZ members.

Q1 Do you endorse the concept of incorporating the recognition of Indigenous knowledge and engagement in the Code of Ethics and Professional Conduct?

	Percentage of respondents (%)
No	7
Unsure	10
Yes	83

¹ CEnvP chose to ask two additional questions but these are not reported here

² Note, it was requested that if someone was responding to the EIANZ email they should not complete the survey in order to remove the risk of double counting.



Q1.1 If you answered unsure to Q1, why?

The comments provided can be summarised as:

- I don't know enough about indigenous knowledge and the implications
- Agree but do not understand what it means for those working in non-EIA fields eg. site contamination
- Not sure how widely applicable it is across all types of practitioners
- Agree but don't think there is a conflict with the existing wording
- Existing code is sufficiently broad enough
- Not clear what it would mean for projects
- Indigenous engagement yes absolutely but "indigenous knowledge" is a slippery slope (science view)
- The concept of recognising the rights of all local people should be incorporated - and not dependent on race but based site specifically on the community in question
- It is a complicated issue

Q2 Are you willing to endorse these proposed changes or are there alternative words you would prefer?

	Percentage of respondents (%)
No	9
No, alternative wording	15
Yes	76

Q2.1 If you answered No, Alternative Words to Q2, what would you prefer?

The comments provided can be summarised as:

- This requires further stakeholder engagement - and an opportunity to understand the basis / consequence of changing the Code
- Indigenous peoples are included within 'all stakeholders' therefore don't need to be separately stated
- Add in "where they are applicable"
- Feels a bit clunky at the moment
- I don't have alternative words but are uncomfortable signing up to the proposed modifications with the necessary training.

Specific wording changes or comments were proposed by 47 respondents.



Q3 Do you think the practice guide will be sufficient to assist environmental practitioners to achieve the intent of the proposed changes?

	Percentage of respondents (%)
No	24
Yes	76

Q3.1 If you answered No to Q3, what additional guidance or support do you think will be required?

The comments provided can be summarised as:

- It is a good first step but not sufficient, more is needed
- Practice note is unworkable
- Training is required
- The expectation is high and potentially unclear as to who to consult
- Business and workplaces will need to be on board with this before many environmental practitioners will genuinely be able to commit to this
- The practice guide imposes an unnecessary obligation on practitioners which goes above and beyond the acknowledgement and value of the rights, interests and knowledge of Indigenous peoples
- We need to be sure that we do not introduce guidance that can not be implemented
- the guidance needs to be strengthened to highlight the fact that clients' short-term interests do not necessarily take precedence over indigenous values, and that environmental practitioners (esp CEnvP) cannot simply treat this as another box to tick
- The onus is put on the practitioner to show cause why they included or didn't include an indigenous view but provides no clear guidance on examples of when not including would be typically justified.



Q4 Do you have any other comments or questions in relation to the proposed changes?

46% of respondents had no other comments or questions.

The comments provided can be summarised as:

- These are good changes
- It is a good first step
- The need to change is not demonstrated
- Where Indigenous people involved in developing the proposed changes? If so, then this should be included. If not, then I think it's back to the start of the whole process.
- Does "All Stakeholders" not include Indigenous People by default?
- the term 'communities' needs to be defined as you have defined 'indigenous peoples'
- I would like to understand the objective of the proposed changes. What is EIANZ seeking to achieve, beyond a change in wording of the Code (?).

Specific comments included:

I support the incorporation of indigenous knowledge and experience but I do not see that it need to be specifically identified in a Code of Ethics. Being ethical is wholistic of all genders, races and communities - why are we only specifically noting the indigenous culture in the Code and not all genders, races, communities etc?

I've been searching for a couple of years now for an opportunity to get contaminated land practitioners a hui with Maori land managers, where they can talk and we can listen. So far there has been very little engagement between these groups (no contaminated land practitioners are Maori...), in my view to the great detriment of both. Not only has contaminated land practice been unsustainable and insensitive for the most part, but traditional knowledge cannot be expected to cope with modern chemical contamination unaided. If EIANZ would like to explore this concept, I would love to talk further.

Might be time for a broader set of changes beyond just the indigenous areas proposed. A few other things need updating.

Location specific training so that appropriate guidance can be provided would be very helpful. Ideally, support will be given to the Indigenous Peoples so that they are also able to make informed decisions and share their values and knowledge - has anything been able to provide support to them?

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If the proposed changes have been prompted by some policy shift, for example to freshwater policy, thought needs to be given to the blanket inclusion of certain actions. I need to know how those certified with CEnvP have the power to bring to life these high level objectives in the course of their work. I fully endorse the sentiment of what is trying to be achieved, but ask that consideration be given to how and if CEnvP practitioners can provide input. This will be dependent on the work that they are conducting. I would hate to find that I am not compliant with the Code of Ethics.

People gain this accreditation to demonstrate their capability as scientists, It should not be mandatory for them to be "environmental advocates" They should be capable of independently assessing information and reaching a scientific conclusion....regardless of whether it aligns with their particular belief system. Again this is a slippery slope of requiring Environmental Practitioners to be environmental advocates. We need to be impartial experts or we reach a point where we can no longer be trusted to provide impartial scientific assessments. So be careful with those wording changes.



Results of survey – CEnvPs that hold EIANZ membership

This section considers those that responded to the survey identifying that they hold EIANZ membership (includes those that hold EIANZ membership and others). The results therefore represent 142 CEnvPs that responded to the survey and have EIANZ membership. This represents 7% of the total EIANZ membership (2154 people are considered active members of EIANZ).

Q1 Do you endorse the concept of incorporating the recognition of Indigenous knowledge and engagement in the Code of Ethics and Professional Conduct?

	Percentage of respondents (%)
No	6
Unsure	11
Yes	83

Q2 Are you willing to endorse these proposed changes or are there alternative words you would prefer?

	Percentage of respondents (%)
No	8
No, alternative wording	15
Yes	76



Q2.2 If you answered No, Alternative Words to Q2, what would you prefer?

The responses below are word for word responses received.

Under 'promote environmental principles' get rid of the silly quote marks around 'communities' (which imply they are not really communities at all!)
I don't agree with the wording change for "Practice competently (d). Adding indigenous peoples prior to "all stakeholders" seems to be infer that indigenous people are somehow separate from "stakeholders" and community. I would prefer to see a new separate additional clause under "Practice Competently" with something more along the lines of: "Respect and consider indigenous knowledge and expertise in decision making processes..." or something similar
I understand the term indigenous has potentially negative connotations to some aboriginal groups. Given the principles would apply across Australia and New Zealand i would suggest the term "First Nations" should be the primary term with indigenous instead added in the asterisked footnote. But rather than me suggest that, consult with aboriginal/maori groups on this.
Under d) Indigenous people are stakeholders; this wording makes it sound like IP are an addition to stakeholders. I would prefer an earlier definition of stakeholders. making it clear the IP are part of this group not an add on to it.
Happy with that wording but it s a slippery slope.
For item (d) above, there should be no change to the original wording. 'All stakeholders' incorporates Indigenous people and is considerate of the pathway to reconciliation. Reconciliation should be about making one view of belief compatible with another. By separating Indigenous people from other stakeholders, this is moving away from the concept of reconciliation. The other text changes to specifically mention Indigenous peoples, their knowledge and values is good.
Its tricky, I think indigenous values are important and after Rio Tinto caves blowing up how fraught that is. I'm thinking insert "where appropriate". I would think that for many smaller urban projects there would be a standard waiver of indigenous involvement, but for larger projects or on obvious identified locations the involvement would be good. Australia doesnt have a good track record with these and its partly the way the acts and guidelines are written. A code of ethics is good but a bit toothless without good acts in parliment and supporting GIS mapping layers.



<p>PROMOTE ENVIRONMENTAL PRINCIPLES</p> <p>b) Advocate the protection of environmental values and the mitigation of environmental harm, based on scientific evidence and technical expertise, taking into account traditional knowledge management practices where they are applicable".</p> <p>PRACTICE COMPETENTLY</p> <p>d) Promote the involvement of all stakeholders including indigenous people and the local community in decisions and processes that may impact on environmental values</p>
<p>I agree in concept, but as per previous comments - I do not think the definition should be isolated only to indigenous people. I think our code should incorporate all of a community in a place, regardless of race. Respect should still be maintained for cultural values, but our code should be inclusive of everyone. Not too sure how to word that!</p>
<p>More a question - traditional knowledge is technical expertise and should be recognised as such. Not sure the proposed changes reflect this</p>
<p>4. 'About Us' to include a statement clarifying that the term 'environment' is inter alia a living system "which includes human beings". We say this in the CoE under "Our Values and Expectations". I don't think this detracts from the next statement (...acknowledges and values...), which I endorse, but it avoids the implied inclusion of human cultural practices that are inimical to environmental sustainability.</p>
<p>I only endorse the proposed changes to the code, preamble and EIANZ website information. Not the guidance note.</p>
<p>May as well keep b) and d) consistent wording</p> <p>d) Promote the involvement of all stakeholders and human communities in decisions and processes that may impact on environmental values</p>
<p>The changes are not necessary. The institute should promote best science approach to assessment of environmental issues, irrespective of where the science took place, or which group, culture, organisation, race is responsible for the best science.</p> <p>In point (d) by promoting involvement of "Indigenous people, stakeholders and the community", it sounds as though indigenous people are not part of the community. It is much simpler and more inclusive to leave it as it is and use the term all.</p> <p>The proposed changes take my mind back to Orwell's, Animal farm, where by the rules become more complicated and less inclusive over time. The proposed changes make a simple set of principles more complicated than they need be and by making the changes they start to contradict the original intent.</p>
<p>The term indigenous has different meanings in different parts of the world. In Africa and Europe identifying indigenous peoples is difficult and can create conflict. You can also argue whether</p>

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indigenous peoples have always maintained country and place in a holistic manner. I would prefer a non political definition of indigenous people such as used in IFC Performance Standard 7.
most of it is fine. (d) is clumsy
d) Promote the involvement of all Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values
this implies that Indigenous people may or may not be stakeholders..... perhaps;
d) Promote the involvement of all stakeholders including Indigenous peoples and the wider community in decisions and processes that may impact on environmental values
I support inclusion in principle, and support changes to a) and c). however the emphasis of b) seems to be for practitioners working in a relevant space. As an environmental practitioner, recognition of traditional knowledge and management practices is only applicable to a subset of jobs. Would prefer a 'where relevant' clause.
Practice competently (d) leave as "...all stakeholders" B(3) don't include new 3rd paragraph. B(4) yes include this section.
A(b) I think the change is unnecessary. I endorse the concept/sentiment of the change, but I think we should base our actions on scientific evidence and technical expertise - this should cover Indigenous knowledge and management practices with a sound scientific basis.
However, why do we separate "indigenous people" from community in the change of section D). I seems like their are no part of the community.
First Nations and First Peoples are very specifically North American terms that don't belong in an EIANZ document. While they are currently popular among the 'woke' set and the ABC, they do not have currency or acceptance in Australia. I can't speak for NZ.
I also think there is an issue which assumes all indigenous people have equal levels of cultural knowledge, which is simply not true and I would have to say that there are probably only a minority of indigenous people actively using that knowledge for environmental management.
Promote the involvement of all people, stakeholders and the community in decisions and processes that may impact on environmental values
An asterisked footnote to be added to explain: * 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
Promote the involvement of all stakeholders, including Indigenous peoples and the community in decisions and processes that may impact on environmental values

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In point b) above the wording "objective scientific and technical knowledge" has been replaced with "scientific evidence and technical expertise, taking into account traditional knowledge and acknowledging Indigenous management". I am assuming the last addition will allow for the traditional Indigenous spiritual knowledge there may be no scientific evidence. No problems with this.

I am wondering though whether it should be "objective scientific evidence" at the beginning as there are many ways of looking at an issue and it depends often what evidence you show as to what aspect of a issue is shown up to be addressed.

Q3 Do you think the practice guide will be sufficient to assist environmental practitioners to achieve the intent of the proposed changes?

	Percentage of respondents (%)
No	23
Yes	77

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Q5 Do you have any other comments more broadly on the Code?

The responses below are word for word responses received.

Thanks for the people noticed and helped to reform this code
the term 'communities' needs to be defined as you have defined 'indigenous peoples'
I would like to understand the objective of the proposed changes. What is EIANZ seeking to achieve, beyond a change in wording of the Code (?).
Agree with recognition and inclusion. EIANZ will need to advocate a portal where Indigenous 'knowledge' is maintained and a source to seek 'knowledge' may be obtained. We would want to iron out any conflicting views between the nations beforehand.
Keep simple
The need to change is not demonstrated. Accepting that a formal acknowledgement of Indigenous knowledge serves a purpose ie to reinforce to practitioners that knowledge beyond their base exists and should be used where relevant; then reducing content to concise statements that amount to practical guidance is required.
Does "All Stakeholders" not include Indigenous People by default?
It is a good first step.
I do not know the history of these changes and which Indigenous groups contributed to these changes. It is about getting away from Cultural Imperialism in written documents from the perspective of non indigenous past to contribution from Indigenous perspectives. It is about customary law that relates to the environment being recognised by written law as Underlying Law. Best not codified as each linguistic/cultural group has its own customary law.
I do support the changes subject to ensuring these are supported by Indigenous groups that have been consulted on these changes.
None. I agree that the first peoples should be taken into consideration.
Might be time for a broader set of changes beyond just the indigenous areas proposed. A few other things need updating.

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We need to sure we have very wide engagement with members on this, as the changes set a vey high bar and we need to be able to live up to them. My view is that our member engagement should be a stepped process. Comments received by 18 December should be collated and we should hold member webinars in late Jan and February to further the discussion. Dec 18 should not be the end of member consultation.

I strongly support the spirit and intent of the changes.

People gain this accreditation to demonstrate their capability as scientists, It should not be mandatory for them to be "environmental advocates" They should be capable of independently assessing information and reaching a scientific conclusion....regardless of whether it aligns with their particular belief system. A great example of this is Mike Joy jumping on a flood 29/11/2020 and publishing photos to advocate for better stormwater controls when a freak event caused consented Stormwater controls to be overcome (if we are to believe him). As an extreme advocate does such behavior align with the requirement for a scientist to provide impartial evidence. Again this is a slippery slope of requiring Environmental Practitioners to be environmental advocates. We need to be impartial experts or we reach a point where we can no longer be trusted to provide impartial scientific assessments. So be careful with those wording changes.

Its a good move. Thank you.

In addition to the practice guide, training sessions should be provided.

Where Indigenous people involved in developing the proposed changes? If so, then this should be included. If not, then I think it's back to the start of the whole process.

In light of Jukkan Gorge recently I think this is a progressive move in the right direction.

I support the incorporation of indigenous knowledge and experience but I do not see that it need to be specifically identified in a Code of Ethics. Being ethical is wholistic of all genders, races and communities - why are we only specifically noting the indigenous culture in the Code and not all genders, races, communities etc?

I'm uneasy about the inclusion of the word 'values' in a) of PROMOTE ENVIRONMENTAL PRINCIPLES of the CoE. We use the term 'environmental values' in the CoE, and we set out "our values" on pp3-4 of the CoE. With the proposed inclusion of this word in a) we are stating the obvious (cultural values, both "good" and "bad", are part of environmental practice), but possibly might be sowing a little bit of confusion. It is after all the indigenous values of land stewardship and environmentally sustainable management that we are seeking to acknowledge and incorporate into our CoE and daily practice, not those cultural values that are inimical to environmental sustainability. Not including the word "values" in a) would not detract from the overall intent of the changes, and would not imply that we advocate for all human community values regardless of their environmental impact.

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Great initiative of the CEnvP scheme and EIANZ, well done for recognising this gap and filling it so thoughtfully.
I believe this is overdue and support it. But practitioners also require more resources and training, the EIANZ is well placed to deliver this, and perhaps make it a mandatory training resource to be completed.
It is concerning that the detail on this are requirements are hidden in this survey, in the guideline attachment that has to be downloaded separately and reviewed in detail to find out items that we are bound to do (or at least written in a way that means we are bound to do, even though that may not be the intention). The survey responses could therefore be weighted incorrectly.
I recommend that a more fulsome review of the human, cultural and societal threads in the code be undertaken. Filling the gap with respect to indigenous values is important and should proceed, but a more fulsome review with resulting contemporising process should follow.
I think it is a positive and important initiative to make the proposed changes and I congratulate EIANZ on this.
I think it is a good initiative, we need to make sure we get the right balance.
Needs more considered thought.
I do not disagree with what is proposed (else I would have answered no to questions 1 and 2), just feel that: 1. The terminology is a bit ambiguous 2. The intent while with merit is perhaps too ambitious, particularly when it comes to "over and above any statutory obligations". Attempting to fulfil this, will be very difficult in the consulting world and may well prohibit ongoing work with established clients. I appreciate that the aim of the Code is to improve all spheres of development, whether small or large projects. My concern is that the amended Code will place too much of an onus on the practitioner and hasn't fully considered the commercial implications of what is being asked. Ultimately in the real world of consulting, expecting a developer (who is already likely to be cost sensitive) to consider additional costs when they are not legally required.. is not realistic. CEnvPs with a good working relationship with their clients maybe in a position to have this discussion, but again think the "over and above any statutory obligations" needs to go ta ta's for now. Perhaps a future objective to work towards to?
These changes are overdue from an organisation that hopes to be an environmental leader



Appendices

CEnvP Survey Form on Proposed Changes to Code of Ethics and Professional Conduct
sent to Certified Environmental Practitioners



IMPORTANT: Proposed changes to Code of Ethics and Professional Conduct



Dear CEnvP

This survey relates to changes proposed by the Environment Institute of Australia and New Zealand (EIANZ) to the Code of Ethics and Professional Conduct (Code) which underpins your certification. The proposed changes relate to recognition of Indigenous values and practices.

Your feedback through completing this survey is important to us. Responses will be anonymously collated as part of a formal submission to EIANZ from the Certified Environmental Practitioners Scheme (CEnvP Scheme).

Please complete the survey by **Thursday 10 December 2020**.

- It should take no longer than five minutes
- Inclusion of your name and contact details is optional
- All information gathered is considered confidential unless advised by the respondent
- If you are both a CEnvP *and* an EIANZ member please only complete this survey if you are not providing your feedback *directly* to EIANZ through their member consultation process.
- The questions in this CEnvP Scheme survey reflect those posed to EIANZ members
- For reference, here is the current [Code](#)
- If you are interested in information on the background to the proposed changes, please see the EIANZ President's message and other documents at the links below

Further Reading

[EIANZ President's message](#)

[Statement of Objectives for Indigenous Engagement](#)

[Indigenous Engagement Working Group's Road Map](#)

[AGM Special Resolution explanatory document](#)

[Draft Practice Guidance Note on ethical practice regarding Indigenous engagement](#)

SURVEY



(1) Do you endorse the concept of incorporating the recognition of Indigenous knowledge and engagement in the Code of Ethics and Professional Conduct?

- ☐ Yes
☐ No
☐ Unsure

(1.1) If you answered unsure to Q1, why?

A: Proposed Changes to Code (added words in red):

PROMOTE ENVIRONMENTAL PRINCIPLES

a) Advocate the integrity of the natural environment and the health, safety, values and welfare of the human community'communities' and future generations as being central to environmental practice

b) Advocate the protection of environmental values and the mitigation of environmental harm, based on ~~objective~~ scientific evidence and technical knowledge-expertise, taking into account traditional knowledge and acknowledging Indigenous management

PRACTICE COMPETENTLY

d) Promote the involvement of all-Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values

B: Proposed Changes to Preamble and EIANZ website information (added words in red):

3. Amendments to the opening paragraphs to the Code (on the EIANZ web page) to include, as a 3rd paragraph: "We acknowledge and value 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."

An asterisked footnote to be added to explain: * 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 an holistic manner over multiple generations.

4. The EIANZ website 'About Us' page should include a statement clarifying that the term 'environment' includes human societies and cultures; and the statement "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."



(2) Are you willing to endorse these proposed changes or are there alternative words you would prefer?

- ☐ Yes
☐ No
☐ No, Alternative Words

(2.1) If you answered No, Alternative Words to Q2, what would you prefer?

C: Proposed inclusion of Practice Guidance Notes

If you would also like to comment on the draft EIANZ practice guidance note on Indigenous engagement, please read [the Draft Guidance Notes here](#) and answer question (3). Otherwise, go to question (4).

The purpose of the Practice Guidance Note is to assist environmental practitioners in understanding their ethical obligations in relation to the rights and interests of Indigenous Peoples in the Code of Ethics and Professional Conduct.

(3) Do you think the practice guide will be sufficient to assist environmental practitioners to achieve the intent of the proposed changes?

- ☐ Yes
☐ No

(3.1) If you answered No to Q3, what additional guidance or support do you think will be required?

(4) Do you have any other comments or questions in relation to the proposed changes?

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(5) Do you have any other comments more broadly on the Code?

(6) Do you believe that the Code adequately addresses all ethics and conduct matters that arise in the course of your work as a CEnvP?

If no, why/please expand

(7) Which CEnvP type do you hold?

- ☐ General
- ☐ Site Contamination
- ☐ Site Contamination (Auditor)
- ☐ Impact Assessment
- ☐ Ecology
- ☐ Climate Change

(8) Which Memberships do you hold?

- ☐ EIANZ
- ☐ Other:

Add any other memberships you may hold

Name (optional)

First Name

Last Name

Email (optional)

Add your email if willing to be contacted regarding any of your comments

End of Survey

The CEnvP Scheme thanks you for your response.

Submit Survey



Full List of CEnvP Survey Written Responses

(1.1) If you answered unsure to Q1, why?
<p>I agree with respecting and pushing forward respect of indigenous people, but I do not understand what Indigenous knowledge and engagement actually means in relation to non-EIA fields. i.e. contaminated sites specialists or contaminated sites. It would be hard to engage with Indigenous peoples for contaminated site remediation at industrial sites.</p> <p>So maybe just a tweaking of the wording.</p>
<p>I don't know enough about indigenous knowledge and what the implications may be to managing ethics associated with our profession. In principal the endorsement sounds like a good idea, however there could be serious implications which may not be easily resolved due to the "indigenous knowledge" being interpreted differently by different indigenous groups.</p>
<p>I am very supportive of Reconciliation objectives, however I do not believe there is a conflict between the original Code and recognition of Indigenous knowledge, and so I am unsure if there is value in adjusting the wording.</p>
<p>The EIANZ is unable to assure performance of its members with it's existing code. This is evident by the EIANZ incapacity to pursue non-performance on account of fear of litigation. Therefore a new code is a distraction in my view.</p> <p>The existing code is sufficiently broad to capture the requirement to utilise traditional knowledge of Indigenous people.</p> <p>I agree that a formal acknowledgement of Indigenous peoples' knowledge makes it clear that this information has application in specific cases.</p> <p>The practice guide (2b) is unworkable. The use of Indigenous knowledge is task specific; the guide does not make this point, rather is nebulous. The guide cannot be a 'wish' if it is to serve a purpose to assist individuals who are obliged to follow it. (3b) is also a 'wish' - practitioners can not undertake to follow guides that are impracticable. Fair dinkum this guide needs to be reformulated - adopt a less is more approach - and formulate the guide for practicable application.</p>
<p>Want to know more about the proposed changes and the implications for existing CEnvP registered people</p>
<p>I would need to understand more about the relationship / connection that indigenous knowledge and contaminated land (which is my specialty accreditation) have when carrying out my day to day work</p>

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I just can't see that there are mechanisms to ensure that this can be completed. It will put a lot of pressure onto people who want to do the right thing and abide by the code of ethics but can't because their work/workplaces just don't facilitate it (currently?).
In principal a clear yes, but on reflection I don't know, the extent of aboriginal / Maori consultation on the proposed wording. I'd like to see some key stakeholders have the opportunity to also endorse the concept of incorporating the recognition of Indigenous knowledge and engagement in a manner that also works for those groups, not just EIANZ professionals. EIANZ also has to hold up a mirror on this.
Indigenous engagement yes absolutely but "indigenous knowledge" is a slippery slope. We are environmental scientists and science will include any indigenous knowledge that has scientific merit. Science is not exclusive of valid knowledge and this watering down of science for political correctness should be avoided,
What does that mean to our projects, what guidelines and policies would we have to adhere to? I am concerned for all projects we would have to engage an indigenous rep which would add cost or delay the project?
Because I'm not sure how widely applicable it is. It may be very relevant to some areas of practice (particularly EIS), but not to others. I mainly work on remediation of big city industrial sites where the application of traditional knowledge and management would be very general and presumable would be captured by the application of sustainable practices. Most of these sites have important local stakeholders but not indigenous stakeholders.
indigenous knowledge may not reflect scientific evidence - I think it's a different way of viewing (and managing) the world. Also "environmental stewardship" which is a key ethos for indigenous people is already there.
I think that it is very important to protect the cultural identity of a place. However with NZ as an example, indigenous people are frequently given greater rights for involvement than the common population - regardless of how well established other races are within the country. This provides a sense of entitlement which does not always benefit the environment or sustainability. It creates an 'us and them' mentality. I think that the concept of recognising the rights of all local people should be incorporated - and not dependent on race but based site specifically on the community in question.
I am a contaminated land practitioner and I defer to my planning and engagement colleagues to lead the necessary steps to protect the rights and interests of indigenous people on any sites I am working on. It is not my area of expertise.

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<p>It is a complicated issue and understand and agree on the need to promote traditional owners rights and connection to country across the board. This could be a big ask for our industry given traditional owners would not have contemplated subsurface contamination (as it did not exist until the last 100 years or so). When remediation or management is required, the environmental values of the traditional owners can be considered. But there are clear examples where the traditional owners considerations were completely ignored. The scenario where the obligations (under these proposed changes) of the individual practitioner conflict with client or employer interests or obligations should be considered. There are scenarios where these competing obligations may conflict and the resolution of this conflict is still ethical.</p>
<p>All stakeholder experience and interests should be recognised including indigenous, not only in or specifically indigenous.</p>
<p>I have absolutely no problem with the engagement portion, however, while there is a place for Indigenous knowledge, any professional body should be primarily based on evidence based science.</p>
<p>I have always interpreted the Code as incorporating everyone including the Indigenous communities. I seems weird that we now have a special mentions to them which seems to separate them from everyone else.</p>
<p>It needs to be meaningful and not tokenistic, if it is going to be done.</p>
<p>I am in total agreement with the need to recognise, and where possible incorporate indigenous knowledge and engagement in the code of ethics, but I have concerns about the wording of the proposed changes.</p> <p>I am happy with the first phrase in b) to "advocate the protection of environmental values and the mitigation of environmental harm, based on objective evidence and technical expertise"</p> <p>I do not, however, feel it is possible for me to "take into account traditional knowledge and acknowledging Indigenous management" as a subject matter expert (and CEnvP member). I am a pakeha, and as such I can not "take into account traditional knowledge" when preparing evidence as part of any scientific assessment work. Only tangata whenua (in the case of Maori) can do this.</p> <p>I suggest that a code of ethics for subject matter experts only allows them to deal with things in their field of expertise. How then, can I then take into account traditional knowledge (Matauranga Maori)?</p> <p>However, the decision makers who need to weigh up various evidence certainly do need to consider traditional knowledge and indigenous management.</p>
<p>It should be implicit in everything we do. So yes, endorse.</p>



Because the code of ethics that we sign for should be for all aspects of work and human relations regardless of race, religion and cultural differences. Professionalism should be across the board.
With this wording we would have to take in religious belief as well. "Tacit knowledge, including knowledge of the indigenous people of the land, should be considered."
<p>Why does the word 'objective' needs to be removed?</p> <p>Objectivity is not always found in scientific evidence and therefore should be retained. The principles should not be based on subjectivity. Just imagine where we would go if that is the case. Although we are all environmental professionals, and subjectivity is also important to create argument, debate and discussion on matters, we need to reminded that our finding, behaviour and conclusions 'need' to be narrowed down with objectivity.</p>

(2.1) If you answered No, Alternative Words to Q2, what would you prefer?

d) Promote the involvement of + 'all relevant people to the land' + , including Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values
3. Amendments to the opening paragraphs to the Code (on the EIANZ web page) to include, as a 3rd paragraph: "We acknowledge and value 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 + 'on their land' +
I have answered yes here as I definitely support the need. However, I do need to understand better how it would apply to my work specifically. As you know, ecological work is very heavily dictated by legislation at all three levels of government. For EIS work at State and Commonwealth levels there is always a requirement for addressing cultural heritage. There is most often no requirement to do so at the local government level. Clients are wary of any approach by consultants to TOs, and leave that specifically to cultural heritage consultants. As ecologists, we very rarely get to see the progress of that consultation. I would certainly advocate for more feedback from TOs with regards biodiversity - and could take that up with EIS managers during projects. But I do not see clients who are seeking approvals under local government planning regulations supporting our approaching TOs on our own, and without a specific requirement to do so.
Agree with most but not all.
This requires further stakeholder engagement - and an opportunity to understand the basis / consequence of changing the Code
Advocate the protection of environmental values and the mitigation of environmental harm, based on scientific evidence and technical expertise, taking into account traditional knowledge.



<p>I do not agree with this proposed change: PRACTICE COMPETENTLY</p> <p>"d) Promote the involvement of all Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values"</p> <p>Indigenous peoples are included within 'all stakeholders' therefore don't need to be separately stated</p>
<p>*through their involvement in decisions and processes, and the application of traditional Indigenous knowledge.* - there are various scales of involvement starting from 'None' which is proportionate to the proposed study, development, activity etc. The involvement must be scaled and we must recognise that they may not want to be involved or not have the resources to be involved in small scale activities and developments.</p> <p>Alternate words, can be simply to add "..., where possible" or:</p> <p>"We acknowledge and value the rights and interests of Indigenous Peoples* in the protection and management of environmental values by inviting their involvement in decisions and processes, and the relevant application of traditional Indigenous knowledge."</p>
<p>D) seems to change the intent of this section to only consider indigenous people/communities. However, it may be that all 'non-indigenous' people might be considered in the 'stakeholder' term. Just feels a bit clunky at the moment</p>
<p>I'm concerned that distinguishing indigenous peoples from 'stakeholders and the community' implies that they aren't or weren't stakeholders; and note you changed community to communities above.</p> <p>Assuming that 'scientific' knowledge is always better than first-hand observation leaves me questioning what we thought scientific knowledge was, for that matter.</p>
<p>Under 'promote environmental principles' get rid of the silly quote marks around 'communities' (which imply they are not really communities at all!)</p>
<p>I don't agree with the wording change for "Practice competently (d). Adding indigenous peoples prior to "all stakeholders" seems to be infer that indigenous people are somehow separate from "stakeholders" and community.</p> <p>I would prefer to see a new separate additional clause under "Practice Competently" with something more along the lines of: "Respect and consider indigenous knowledge and expertise in decision making processes..." or something similar</p>



I understand the term indigenous has potentially negative connotations to some aboriginal groups. Given the principles would apply across Australia and New Zealand i would suggest the term "First Nations" should be the primary term with indigenous instead added in the asterisked footnote. But rather than me suggest that, consult with aboriginal/maori groups on this.

Under d) Indigenous people are stakeholders; this wording makes it sound like IP are an addition to stakeholders. I would prefer an earlier definition of stakeholders. making it clear the IP are part of this group not an add on to it.

Happy with that wording but it s a slippery slope.

For item (d) above, there should be no change to the original wording. 'All stakeholders' incorporates Indigenous people and is considerate of the pathway to reconciliation. Reconciliation should be about making one view of belief compatible with another. By separating Indigenous people from other stakeholders, this is moving away from the concept of reconciliation.

The other text changes to specifically mention Indigenous peoples, their knowledge and values is good.

Its tricky, I think indigenous values are important and after Rio Tinto caves blowing up how fraught that is. I'm thinking insert "where appropriate". I would think that for many smaller urban projects there would be a standard waiver of indigenous involvement, but for larger projects or on obvious identified locations the involvement would be good.

Australia doesnt have a good track record with these and its partly the way the acts and guidelines are written. A code of ethics is good but a bit toothless without good acts in parliment and supporting GIS mapping layers.

PROMOTE ENVIRONMENTAL PRINCIPLES

b) Advocate the protection of environmental values and the mitigation of environmental harm, based on scientific evidence and technical expertise, taking into account traditional knowledge management practices where they are applicable".

PRACTICE COMPETENTLY

d) Promote the involvement of all stakeholders including indigenous people and the local community in decisions and processes that may impact on environmental values



a) shouldn't human survival be made subordinate to integrity of the natural environment? We're just 1 species.

b) is ok

d) I struggle with "community" being listed separately from "indigenous people"? it infers they are mutually exclusive, and/or that indigenous people want to be recognised as both a special group as well as part of the community when it suits. I prefer to take into account all perspectives from within a human population. Just as indigenous people should be noted as a stakeholder group, any community also includes other stakeholder groups (which are not separately mentioned - is that equitable? no).

B 3&4 - last phrase is redundant ("and the application of")

asterisked footnote is superfluous, too heavy

Where will this change in emphasis end? I foreshadow special subcommittees, or required stakeholder feedback loops, or other forms of affirmative action etc. Can the Institute manage that load? keep it light and inclusive, but balanced. Any minority group wanting to be heard needs to be prepared to run the gauntlet of the Institute's democratic processes, like all others. The Institute currently does not have (I think) an affirmative action policy which might clarify some of the broader implications of what is now being proposed.

I agree in concept, but as per previous comments - I do not think the definition should be isolated only to indigenous people. I think our code should incorporate all of a community in a place, regardless of race. Respect should still be maintained for cultural values, but our code should be inclusive of everyone. Not too sure how to word that!

This is a terrible survey question! There are two contradictory questions in one! If I want to say yes to endorsing the proposed changes it could be a yes for wanting alternative words. I am saying yes I am happy with the changes.

Promote the involvement of all Indigenous people, OTHER stakeholders and the community in decisions and processes that may impact on environmental values.

* the term 'Indigenous Peoples' includes First Nations, First Peoples, Aboriginal, Torres Strait Islander and tangata whenua (Māori). DELETE text after comma.

More a question - traditional knowledge is technical expertise and should be recognised as such. Not sure the proposed changes reflect this

4. 'About Us' to include a statement clarifying that the term 'environment' is inter alia a living system "which includes human beings". We say this in the CoE under "Our Values and Expectations". I don't think this detracts from the next statement (...acknowledges and values...), which I endorse, but it avoids the implied inclusion of human cultural practices that are inimical to environmental sustainability.

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<p>I don't think indigenous recognition should be in code of ethics, as it is open to interpretation and could it mean my work may be challenged if someone thinks they should have been involved, whether that is the case or not. Would prepare statement as a statement of values sitting behind the EianZ itself and not in Cenvp professional conduct documentation</p>
<p>I don't have alternative words, but am currently uncomfortable signing up to the proposed modifications without the necessary training that should demonstrate how I can reasonably give effect to them in the course of my work as a contaminated land practitioner.</p>
<p>a) Remove quotation marks from around communities.</p> <p>d) remove indigenous and community from sentence. Indigenous peoples and community ARE stakeholders...</p> <p>Suggested rewording: d) Promote the involvement of all stakeholders in decisions and processes that may impact on environmental values.</p>
<p>I am not sure about cenvps acting outside their area of expertise. Advocating is not a word I am comfortable with. Encouraging, listening and seeking clarification is fine but we can't have ecologists seeming to come across as speaking for or about indigenous values.</p>
<p>I would prefer A d) to remain unchanged, as I think (particularly in light of the A b) amendment) that "all stakeholders" is inclusive of Indigenous people, and I don't think they need to be singled out for addition.</p> <p>The other amendments (in B) further emphasize the including of Indigenous peoples as stakeholders, so again, I don't think they need to be singled out for addition in A d).</p>
<p>Australia is a country made up of people from many diverse ethnic backgrounds.</p> <p>We need to respect the environment and manage it for the benefit of all human beings irrespective of who their ancestors were or from which country they came from originally.</p> <p>Indigenous values are important but not more important than the overwhelming need to protect all of the beneficial uses (BUs) of the environment. Scientific, evidence based , environmental management processes should be applied to protect ALL BUs not just indigenous values and beliefs.</p>
<p>I only endorse the proposed changes to the code, preamble and EIANZ website information. Not the guidance note.</p>
<p>the scenarios described above should be considered.</p>

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May aswell keep b) and d) consistent wording
d) Promote the involvement of all stakeholders and human communities in decisions and processes that may impact on environmental values
<p>Suggest reworking:</p> <p>d) Promote the involvement of all Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values</p> <p>As written it implies indigenous people are not stakeholders or part of the community. Suggest:</p> <p>d) Promote the involvement of all members of the community, including all Indigenous peoples, in decisions and processes that may impact on environmental values</p>
<p>The changes are not necessary. The institute should promote best science approach to assessment of environmental issues, irrespective of where the science took place, or which group, culture, organisation, race is responsible for the best science.</p> <p>In point (d) by promoting involvement of "Indigenous people, stakeholders and the community", it sounds as though indigenous people are not part of the community. It is much simpler and more inclusive to leave it as it is and use the term all.</p> <p>The proposed changes take my mind back to Orwell's, Animal farm, where by the rules become more complicated and less inclusive over time. The proposed changes make a simple set of priciples more complicated than they need be and by making the changes they start to contradict the original intent.</p> <p>All animals are equal, but some animals are more equal than others.</p>
The term indigenous has different meanings in different parts of the world. In Africa and Europe identifying indigenous peoples is difficult and can create conflict. You can also argue whether indigenous peoples have always maintained country and place in a holistic manner. I would prefer a non political definition of indigenous people such as used in IFC Performance Standard 7.
<p>most of it is fine. (d) is clumsy</p> <p>d) Promote the involvement of all Indigenous people, stakeholders and the community in decisions and processes that may impact on environmental values</p> <p>this implies that Indigenous people may or may not be stakeholders..... perhaps;</p> <p>d) Promote the involvement of all stakeholders including Indigenous peoples and the wider community in decisions and processes that may impact on environmental values</p>

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<p>I support inclusion in principle, and support changes to a) and c). however the emphasis of b) seems to be for practitioners working in a relevant space. As an environmental practitioner, recognition of traditional knowledge and management practices is only applicable to a subset of jobs. Would prefer a 'where relevant' clause.</p>
<p>Practice competently (d) leave as "...all stakeholders" B(3) don t include new 3rd paragraph. B(4) yes include this section.</p>
<p>A(b) I think the change is unnecessary. I endorse the concept/sentiment of the change, but I think we should base our actions on scientific evidence and technical expertise - this should cover Indigenous knowledge and management practices with a sound scientific basis.</p>
<p>However, why do we separate "indigenous people" from community in the change of section D). I seems like their are no part of the community.</p>
<p>This matter has nothing to do with the code of ethics and professional conduct. It is a statement on social matter.</p>
<p>First Nations and First Peoples are very specifically North American terms that don't belong in an EIANZ document. While they are currently popular among the 'woke' set and the ABC, they do not have currency or acceptance in Australia. I can't speak for NZ.</p> <p>I also think there is an issue which assumes all indigenous people have equal levels of cultural knowledge, which is simply not true and I would have to say that there are probably only a minority of indigenous people actively using that knowledge for environmental management.</p>
<p>I am not sure how, as a SME, I can promote involvement of all indigenous people.</p> <p>I see my role as a CEnvP holder is to simply provide unbiased and sound advice based on my area of expertise. I do not see my role to make sure that different parties are involved with the decision making process. This can only be done by ensuring staff and relevant hearing processes at a higher level recognise and engage with all affected parties, including indigenous people.</p>
<p>d) I do not see why Indigenous people cannot be included in "all stakeholders"; do we then have to recognise people of other races or ethnicity, or LGBTQIA etc.? I have worked very closely with Aboriginal and Torres Strait Island people developing pest management plans in northern Australia where they have a very close connection to the land and while they wanted their knowledge and wishes to be included they did not want to be treated any different to "white people" (their words); they just wanted to be recognised as being equal.</p>



Promote the involvement of all people, stakeholders and the community in decisions and processes that may impact on environmental values

An asterisked footnote to be added to explain: * 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

Promote the involvement of all stakeholders, including Indigenous peoples and the community in decisions and processes that may impact on environmental values

In point b) above the wording "objective scientific and technical knowledge" has been replaced with "scientific evidence and technical expertise, taking into account traditional knowledge and acknowledging Indigenous management". I am assuming the last addition will allow for the traditional Indigenous spiritual knowledge there may be no scientific evidence. No problems with this.

I am wondering though whether it should be "objective scientific evidence" at the beginning as there are many ways of looking at an issue and it depends often what evidence you show as to what aspect of a issue is shown up to be addressed.

(3.1) If you answered No to Q3, what additional guidance or support do you think will be required?

I think training for certifiers (and panel reviewers) also of the importance

I think you need to understand the current legislation in each jurisdiction that consider the aboriginal groups as part of DA also Heritage conditions and procedures that we include in remediation plans where it is applicable, etc.

I think the best way to go is to include in the NEPM when the investigation levels are considered or for more specific locations, the local authority has included any special consideration.

The practice guide (2b) is unworkable. The use of Indigenous knowledge is task specific; the guide does not make this point, rather is nebulous.

The guide cannot be a 'wish' if it is to serve a purpose to assist individuals who are obliged to follow it.

(3b) is also a 'wish' - practitioners can not undertake to follow guides that are impracticable. This guide needs to be reformulated; adopt a less is more approach and formulate the guide for practicable application.

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It is a good first step, but not sufficient. I think more steps are needed; such as introductory training and ongoing engagement with indigenous people in the training of environmental practitioners so we can attain a solid and sufficiently deep understanding of ethical practice in this area. Just as there will be a multiplicity of views amongst EIANZ members on many matters, there will be a multiplicity of views about ethical practice amongst indigenous people.
The expectation is high and potentially unclear as to who to consult. Is there the potential to provide guidance of networks that a person might seek professional assistance with determining the right people to engage with. Maturity of indigenous groups to engage with people on their knowledge may also prove difficult and also depth of capacity to consult with all those that seek guidance from indigenous people may also limit the capability to implement.
Although it can be developed further over time
<p>Come on folks, be serious. Read one piece of draft guidance and suddenly your mindset will be holistically rebalanced? Even the question implies that indigenous communities are not environmental practitioners!</p> <p>Environmental practitioners need direct contact with indigenous experts and perspectives. And they need to want to change.</p> <p>In that regard can I recommend you take a look at thewallwalk.co.nz - a workshop that over 4,000 people have done and enjoyed, mostly senior management. It is Maori-focused but an Australian version could be developed if there was a business case. It too is very far from a complete solution, but it's a great first step.</p>
Business and workplaces will need to be on board with this before many environmental practitioners will genuinely be able to commit to this. It is hard enough trying to do our jobs ethically and encourage business to put adequate resourcing and support to ensure good environmental practice currently, that this will likely be impossible for many environmental practitioners to do given the challenges we already face. The issue isn't about the guidance material for environmental practitioners it is about whether there is support from heritage professionals being available and the appetite and support given by business.
Seminars/webinars, help line
<p>This is not a yes/no.</p> <p>It will provide some support. There is always interpretation required especially when phrases like 'where possible' are used. 'Where possible' is like 'best endeavors' in contracts which is wording to be avoided and replaced by the likes of 'reasonable endeavors' (who judges what is possible and what is best?). We need to be sure that we do not introduce guidance that can not be implemented.</p>
It is already hugely problematic when environmental practitioners (including CEnvP) put the interests of their clients above almost anything else. I believe the guidance needs to be strengthened to highlight the fact that clients' short-term interests do not necessarily take precedence over indigenous values, and that environmental practitioners (ESPECIALLY CEnvP) cannot simply treat this as another box to tick.
Yes in so far as it is guidance

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The onus is put on the practitioner to show cause why they included or didn't include an indigenous view but provides no clear guidance on examples of when not including would be typically justified. A set of examples would be good like "remediating a contaminated service station site in inner Melbourne, importing of fill in an industrial precinct, any remediation works that have a positive outcome for human and environmental health, soil and groundwater investigations in order to characterise contamination from past practices, undertaking environmental studies for an intensive horticultural facility on existing broadacre agricultural land". I am finding that projects are already cost sensitive, and meeting minimum guideline standards are difficult to achieve.

Cultural awareness training, support for engaging with Indigenous people in our work - how to engage appropriately so the desired outcome of Indigenous recognition can be achieved and not just tokenistic or as an add-on.

There is also a need for some appropriate training, lead by Indigenous peoples so that practitioners have cultural understanding. It's all very good reading the guidance but another thing all together to actually be at a powhiri (example)

Practitioners will need further guidance on how to include indigenous knowledge/expertise into their day-to-day practice. This may be in various forms - seminars, guidance notes, training courses, etc.

On line training video

The EIANZ does not speak for all First Nations and this is unnecessary

I don't think that EIANZ should promulgate practice guidance note on Indigenous engagement

I think the guidance notes (at point 2(b)) need to recognise the inherent difference between western science and traditional knowledge and that the only people who can really comment on traditional/indigenous knowledge and the effects on those traditional/indigenous values are those people. Anything interpreted or reported on by western scientists is only their interpretation of that information. This is particularly important in respect of the different views held by different iwi, hapu and whanau (by way of NZ example).

Suggest training should be provided to the industry in the values, where to find information, and the level of assessment that is expected to be provided in reports

It is totally insufficient! Training specific to our disciplines is required, i.e. I am a contaminated land practitioner and I want to ensure I meet the requirements of the code of ethics I've signed up to. How do I do this?

Change comes with knowledge.

Aboriginal artists, for example, have lost their connection with land and even their culture.

Often it needs programs to reconnect with their heritage.

For bush fire control, the scientific data needs to be also reviewed, before adapting a particular burn control method.

There should be acknowledgement of how the various statutory frameworks establish the 'do minimum' wrt indigenous engagement, and how each approach needs to be considerate of the sometimes complex local issues and claimant status.

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Should be more about guidance as it won't be the same among indigenous groups.
How will the engagement be implemented? If there are delays or costs on projects that may not need input, the considered potential benefit may be lost to frustration
training will be required to ensure we understand what we need to do to comply with the code of ethics
<p>Not so much that I think additional guidance or support is required, but consistent with my response to A d), I think the practice guide imposes an unnecessary obligation on practitioners which goes above and beyond the acknowledgement and value of the rights, interests and knowledge of Indigenous peoples.</p> <p>I believe the other amendments and existing statutory requirements are sufficient to promote the principles that the other changes express, and I don't believe it is appropriate to go to the following lengths, particularly as a Site Contamination Specialist, to demonstrate ethical practice: "Environmental practitioners, in order to demonstrate ethical practice, ought to be able to explain how and to what extent they have promoted the involvement of Indigenous Peoples, or why they consider such involvement is not relevant".</p>
If you set out to protect the Beneficial Uses of all segments of the environment and apply scientifically based criteria all peoples values and interests are protected.
By singling out indigenous values there is real risk that other important values are overlooked .
<p>The proposed changes would impose somewhat strict requirements upon us as individual practitioners, which may pose a conflict with our clients interests and engagement requirements, as well as potential legal issues between clients and consultants.</p> <p>If we are bound via ethics requirements with EIANZ to undertake engagement with Traditional Owners, and our client does not want us to engage with Traditional Owners (for whatever reason) and is also not willing to pay for that engagement, we are stuck.</p> <p>How does a consultant deliver work for clients, and remain competitive in the market, if only EIANZ members are bound to undertake consultation with Traditional Owners?</p> <p>The first sentence, paragraph 3, page 3 is problematic: "It is the responsibility of environmental practitioners to seek and encourage the involvement of Indigenous Peoples...."</p> <p>The wording for the guidance needs to change to be in the line of "where possible, and in agreement with the client, and ensuring no breach of confidentiality and contractual arrangements etc".</p>
Specific and concrete examples of where indigenous rights and environmental values should be provided.,

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The draft needs more thought and work to provide useful guidance.
Take exception to how the 'stakeholder' term is used in particular "that is different to just being a 'stakeholder' in a particular decision or process". It is a term which is inclusive of all stakeholders. Each stakeholder has their own and often unique set of values and needs. Indigenous connection to country is one example for the indigenous stakeholders.

Substantially greater levels of cultural awareness. This will not be readily obtained within a membership that substantially comes from an effluent anglo-saxon background - and there is no ready source to be accessed to gain this awareness. I'd suggest a presentation / workshop conducted by the Defence personnel currently liaising with indigenous persons (affected by PFAS) at Jervis Bay to outline some of the challenges that we face.

The proposed changes are not necessary and would only recognise differences.

I think the phrase 'acknowledging indigenous management' is weasel words for exactly the reasons I highlighted above. Acknowledgment also means you can acknowledge and move on, rather than considering or incorporating where appropriate.

I also think it is a big stretch to say that all indigenous people have been "maintaining" country and place, in the face of dispossession, relocation, poverty, and other social ills. It's a noble but meaningless statement, as it would apply to a tiny fraction of land and indigenous people at least in Australia. Better to acknowledge connection to country - in most cases there will be little or no opportunity to actively manage country.

The Guidance re: Code requirement to Promote Environmental Principles; and Guidance re: Code requirement to practice competently, will be very difficult to achieve.

I have concern with the terms 'obligation' and 'where possible' and 'over and above any statutory obligations'.

Will evidence of such be a requirement of one's future CPD log and if so how will this be expected to be evidenced? If so this will be problematic.

It is not so much about additional guidance or support.

Most practitioners are experienced in a specific discipline and engaged to undertake a specific relevant scope of works. I am fortunate that most of my work is on projects that do include indigenous heritage consideration/consultation. As such, I won't be able to say, yes I promoted such, as it was already being implemented.

If a practitioner is requested to do a due diligence assessment relevant to their specific field and under a Confidentiality Agreement, how do you propose that the inclusion of relevant indigenous people be promoted, be approached?



<p>I think that the wording needs to be more cognisant of the fact that some CEnvP members are from purely technical backgrounds, who have an ethical responsibility to comply with a code of ethics that requires them to present unbiased and sound interpretation of technical material.</p> <p>As such, I can not see how I am then able to "acknowledge and value the rights and interests of Indigenous Peoples in the protection and management of environmental values ". This is stepping outside my area of expertise. To have this as a fundamental part of the code of ethics would place me in a very uncomfortable position, as I am not tangata whenua, and as such can not do this.</p>
<p>"This clause recognises that Indigenous Peoples are the traditional custodians of land and water which modern societies now occupy and use. For that reason, the Code recognises that Indigenous Peoples have a status that is different to just being a 'stakeholder' in a particular decision or process."</p> <p>I would change this section to " Indigenous Peoples are the traditional custodians of land and water which modern societies now occupy and use. For that reason, this section of the Code requires practitioners to recognise that Indigenous Peoples are a key stakeholder and therefore need to be consulted on any decision or process which is likely to affect them or their traditional land."</p>
<p>Examples - the intent is good, but practically this will be very difficult in a lot of areas.</p>
<p>I think the intent will be there, but in NZ we must not attempt to overstep our bounds, and recognise the importance that tangata whenua must make decisions about how cultural effects are assessed. It would be good for there to be training on how best to consider environmental risk in a cultural context, and recognise also that there is significant variation around New Zealand on how this may be undertaken.</p>
<p>Guidance on who are "appropriately qualified experts" to consult as required.</p> <p>It is important to note that there diversity within Indigenous communities and that there is not necessarily always one view on environmental matters. This why the regulatory framework and processes are important to progress - though I note that Australia's regulatory system has, arguably, shown more failings than New Zealand's (see the destroyed caves by Rio Tinto).</p>
<p>We will need ongoing training to be able to put it into practice.</p>

(4) Do you have any other comments or questions in relation to the proposed changes?

Thanks for the people noticed and helped to reform this code

These are good changes

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the term 'communities' needs to be defined as you have defined 'indigenous peoples'
I would like to understand the objective of the proposed changes. What is EIANZ seeking to achieve, beyond a change in wording of the Code (?).
Agree with recognition and inclusion. EIANZ will need to advocate a portal where Indigenous 'knowledge' is maintained and a source to seek 'knowledge' may be obtained. We would want to iron out any conflicting views between the nations beforehand.
Keep simple
The need to change is not demonstrated.
Accepting that a formal acknowledgement of Indigenous knowledge serves a purpose ie to reinforce to practitioners that knowledge beyond their base exists and should be used where relevant; then reducing content to concise statements that amount to practical guidance is required.
Does "All Stakeholders" not include Indigenous People by default?
It is a good first step.
I do not know the history of these changes and which Indigenous groups contributed to these changes. It is about getting away from Cultural Imperialism in written documents from the perspective of non indigenous past to contribution from Indigenous perspectives. It is about customary law that relates to the environment being recognised by written law as Underlying Law. Best not codified as each linguistic/cultural group has its own customary law.
I do support the changes subject to ensuring these are supported by Indigenous groups that have been consulted on these changes.
I've been searching for a couple of years now for an opportunity to get contaminated land practitioners a hui with Maori land managers, where they can talk and we can listen. So far there has been very little engagement between these groups (no contaminated land practitioners are Maori...), in my view to the great detriment of both. Not only has contaminated land practice been unsustainable and insensitive for the most part, but traditional knowledge cannot be expected to cope with modern chemical contamination unaided. If EIANZ would like to explore this concept, I would love to talk further.
None. I agree that the first peoples should be taken into consideration.
Might be time for a broader set of changes beyond just the indigenous areas proposed. A few other things need updating.

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Location specific training so that appropriate guidance can be provided would be very helpful. Ideally, support will be given to the Indigenous Peoples so that they are also able to make informed decisions and share their values and knowledge - has anything been able to provide support to them?
We need to sure we have very wide engagement with members on this, as the changes set a vey high bar and we need to be able to live up to them. My view is that our member engagement should be a stepped process. Comments received by 18 December should be collated and we should hold member webinars in late Jan and February to further the discussion. Dec 18 should not be the end of member consultation.
I strongly support the spirit and intent of the changes.
People gain this accreditation to demonstrate their capability as scientists, It should not be mandatory for them to be "environmental advocates" They should be capable of independently assessing information and reaching a scientific conclusion....regardless of whether it aligns with their particular belief system. A great example of this is Mike Joy jumping on a flood 29/11/2020 and publishing photos to advocate for better stormwater controls when a freak event caused consented Stormwater controls to be overcome (if we are to believe him). As an extreme advocate does such behavior align with the requirement for a scientist to provide impartial evidence. Again this is a slippery slope of requiring Environmental Practitioners to be environmental advocates. We need to be impartial experts or we reach a point where we can no longer be trusted to provide impartial scientific assessments. So be careful with those wording changes.
Its a good move. Thank you.
In addition to the practice guide, training sessions should be provided.
Where Indigenous people involved in developing the proposed changes? If so, then this should be included. If not, then I think it's back to the start of the whole process.
In light of Jukkan Gorge recently I think this is a progressive move in the right direction.
Just that it is a good move. Means that practitioners must consider this engagement. It is a work in progress and there is much to be done to be able to engage on an equal footing.
are the changes necessary? does the Code already sufficiently cover the inferred concerns? There appears to be a cross-over between EIANZ's interests and administration vs CEnvP's - needs clarification
I support the incorporation of indigenous knowledge and experience but I do not see that it need to be specifically identified in a Code of Ethics. Being ethical is wholistic of all genders, races and communities - why are we only specifically noting the indigenous culture in the Code and not all genders, races, communities etc?

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I'm uneasy about the inclusion of the word 'values' in a) of PROMOTE ENVIRONMENTAL PRINCIPLES of the CoE. We use the term 'environmental values' in the CoE, and we set out "our values" on pp3-4 of the CoE. With the proposed inclusion of this word in a) we are stating the obvious (cultural values, both "good" and "bad", are part of environmental practice), but possibly might be sowing a little bit of confusion. It is after all the indigenous values of land stewardship and environmentally sustainable management that we are seeking to acknowledge and incorporate into our CoE and daily practice, not those cultural values that are inimical to environmental sustainability. Not including the word "values" in a) would not detract from the overall intent of the changes, and would not imply that we advocate for all human community values regardless of their environmental impact.

I will not support my professional organisation indulging in woke politics.

Yes. It is noted that the changes include the following. "Advocate the integrity of the natural environment and the health, safety, values and welfare of human communities..."

Great initiative of the CEnvP scheme and EIANZ, well done for recognising this gap and filling it so thoughtfully.

I work closely with an Indigenous community in SW Victoria, and these changes will provide powerful support to efforts to have their expertise in environmental management recognised by various corporate and academic funding agencies, for example.

If the proposed changes have been prompted by some policy shift, for example to freshwater policy, thought needs to be given to the blanket inclusion of certain actions. I need to know how those certified with CEnvP have the power to bring to life these high level objectives in the course of their work. I fully endorse the sentiment of what is trying to be achieved, but ask that consideration be given to how and if CEnvP practitioners can provide input. This will be dependent on the work that they are conducting. I would hate to find that I am not compliant with the Code of Ethics.

I believe this is overdue and support it. But practitioners also require more resources and training, the EIANZ is well placed to deliver this, and perhaps make it a mandatory training resource to be completed.

Why is this the first piece of correspondence that CENVP have received on this change?

I am not sure about the guidance note.

I agree it is a great change to having to consider impacts on our native peoples, however we do need to know how we implement this and note that we are not experts on these topics

Only that I think section 3 of the Practice Guidance Note should be removed or reviewed. While it may well be the case that Indigenous peoples have not been sufficiently considered in the past, I am cautious of swinging the pendulum too far the other way, and imposing obligations that have unnecessary emphasis, given the other amendments.

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It is concerning that the detail on these requirements are hidden in this survey, in the guideline attachment that has to be downloaded separately and reviewed in detail to find out items that we are bound to do (or at least written in a way that means we are bound to do, even though that may not be the intention).

The survey responses could therefore be weighted incorrectly.

I recommend that a more fulsome review of the human, cultural and societal threads in the code be undertaken. Filling the gap with respect to indigenous values is important and should proceed, but a more fulsome review with resulting contemporising process should follow.

I think it is a positive and important initiative to make the proposed changes and I congratulate EIANZ on this.

I think it is a good initiative, we need to make sure we get the right balance.

The code of ethics and professional conduct should not differentiate between different groups of people. It should be inclusive of all as one.

Needs more considered thought.

I do not disagree with what is proposed (else I would have answered no to questions 1 and 2), just feel that:

1. The terminology is a bit ambiguous

2. The intent while with merit is perhaps too ambitious, particularly when it comes to "over and above any statutory obligations".

Attempting to fulfil this, will be very difficult in the consulting world and may well prohibit ongoing work with established clients.

I appreciate that the aim of the Code is to improve all spheres of development, whether small or large projects. My concern is that the amended Code will place too much of an onus on the practitioner and hasn't fully considered the commercial implications of what is being asked.

Ultimately in the real world of consulting, expecting a developer (who is already likely to be cost sensitive) to consider additional costs when they are not legally required.. is not realistic.

CEnvPs with a good working relationship with their clients maybe in a position to have this discussion, but again think the "over and above any statutory obligations" needs to go to the ta's for now.

Perhaps a future objective to work towards to?

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While I may agree with the statement that "Environmental practice involves the use of evidence and expertise from many sources and a range of disciplines", I disagree with the second phrase here that implies that I have an "ethical obligation" to seek expert technical inputs from indigenous peoples over specific issues.

This obligation should sit at the higher level of the regulatory agencies that are requesting any such technical information at, for example, hearings. I do not see it as my responsibility as a CEnvP member to seek such input. Of course, if I am asked by indigenous people for any comments about specific parts of "western science" that can link to traditional knowledge, then I have an ethical responsibility to assist with this where I can, and where I can see synergies between science and Mātauranga Māori.

I think it is good that the Code encourages appropriate engagement with Indigenous people and there are Guidance Notes but I am not sure that inexperienced practitioners who live in southern Australia would know how to engage with Indigenous groups, so it would be useful to include some short training sessions (voluntary on-line style) with tips on how to go about this in each jurisdiction (this is very different to cultural awareness training). For instance in the NT your first port of call is to the Aboriginal Areas Protection Authority. No construction projects will be approved by the Government without an AAPA certificate (the details no go zones and demonstrates appropriate consultation). In Northern Queensland you go to the appropriate Land Council which will identify the groups that speak for that land, however not all clans recognise the relevant land council so that then requires going into the communities and talking to all the elders of the families to ascertain who are the correct people to consult with. If you do not go through this process then you could find that there are people against the proposal who only speak out on public consultation phase (you just need to watch the news to see examples of this).

The Code is getting wordy.

These changes are overdue from an organisation that hopes to be an environmental leader