earth resources

Community Engagement Guidelines for Mining and Mineral Exploration in Victoria

The *Community Engagement Guidelines for Mining and Mineral Exploration in Victoria* provide assistance to the minerals industry about the requirements for community engagement under the *Mineral Resources (Sustainable Development) Act 1990* and the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013*.

Who are these guidelines for?

If you have a mineral exploration, prospecting, retention or mining licence in Victoria, then these guidelines are for you. They have been developed to provide practical advice on the duty to consult, community engagement plans and models of community engagement.

These guidelines also outline the Department of Economic Development, Jobs, Transport and Resources' (the department) expectations of community engagement in the minerals sector. The information provided in these guidelines is of a general nature, not specific to any region in Victoria. It is linked with the requirements of the *Mineral Resources (Sustainable Development) Act 1990* (the Act) and the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013* (the Regulations). The Act and the Regulations are administered by the department's Earth Resources Regulation Branch.

The Act specifies that licensees have a **duty to consult** with their community across the entire life cycle of a licence from exploration, through to development, operation, closure and rehabilitation. Information on how to identify a community, manage community expectations, techniques for consulting and providing information to the community is available in Steps 1, 2 and 5 of this guideline.

In addition, the Act further requires that **community engagement plans** (CE Plans) are prepared, to document the commitments that a mining or prospecting licensee (undertaking mining) has made to engage with the community. The Regulations stipulate the minimum requirements to be included in a CE Plan. Together, these measures aim to improve engagement opportunities between miners and the communities in which they work.

Comments and feedback about these Guidelines are welcome and should be forwarded to the:

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Government's community engagement role in the minerals industry

The Victorian Government encourages a commercially viable mining industry which makes the best use of mineral resources in a way that is compatible with the economic growth, social wellbeing, cultural wellbeing and environmental health of the State.

Victorian communities' active interest in mining and exploration is a key driver in the effective delivery and facilitation of community engagement in the minerals industry. The government has responded to community expectations of mining with policies aimed at ensuring that appropriate community engagement occurs between the mining industry and the

community.

In part, this response requires licensees to ensure that communities are given the opportunity to interact with them and provide feedback about mining activities that either impact or are important to them.

Community engagement is an important element in the planning and decision-making processes of the Victorian mining industry. The government also believes that establishing engagement opportunities with the community is a good start for an operator striving to achieve and maintain its 'social licence to operate'.

The role of the Department of Economic Development, Jobs, Transport and Resources - Earth Resources Regulation

The department is the key government agency involved in overseeing the sustainable development of the earth resources industries in Victoria. The Earth Resources Regulation Branch (ERR) within the department is responsible for its regulation.

The regulation of the minerals industry in Victoria is undertaken through the administration of the minerals licensing regime. This includes setting environmental standards, monitoring compliance and ensuring that the community is engaged in industry operations. ERR also provides advice to both licensees and the community regarding exploration and mining activities and associated issues.

Community engagement and the duty to consult

What is community engagement?

Community engagement involves interactions between identified groups of people and processes that are linked to problem solving or decision making where community input is used to make better decisions. Communities, therefore, should not be engaged to obtain consensus or agreement about a predetermined position. In such instances it is not engagement that is occurring but, rather, a public relations exercise where information is distributed. Community engagement involves a decision that is yet to be made over which the community can have some influence.[1]

The value in engaging positively and constructively around a decision yet to be made allows the community to feel that they have been heard, are comfortable with the process and the basis on which a decision has been made. This is further enhanced if there are good relationships between all parties to allow for more informed decision making capacity and to improve outcomes for all those involved.

Effective community engagement depends on mutual trust, respect and effective communication between industry and the community. Community engagement can be considered a 'live' process that may need to change or evolve as projects develop; it also needs to be flexible and transparent in order to respond to community needs. Therefore, the engagement approach taken by a licensee will vary according to the nature of the project, the level of impact and degree of community interest.

Who are the community?

The members of a community with whom industry interacts can be broad and diverse. It usually involves the local community surrounding the project and will vary depending on who is affected and their interest in the project.

Further details on how to identify a community are provided in *Step 1 Identify community affected by the project* of these guidelines.

What is consultation?

Consultation is a form of community engagement and, for the purposes of the Act and the Regulations, can be regarded as a two-way communication process between the licensee and the community. It involves the licensee seeking, listening to and considering community feedback that may be useful in its decision-making process. It does not mean that mutual agreement about decisions has to be reached but, rather, acknowledges that better decisions by industry are likely to be made through community input.

Consultation also provides an opportunity for licence holders to be aware of community's attitudes and expectations.

How does the duty to consult apply to licensees?

The Act states that licence holders have a duty to consult with the community during all stages of a project, from exploration through to the operational phase and rehabilitation.

In this context a duty to consult means that the licensee is required to:

- share information with the community about any activities authorised by the licence that may affect the community
- provide the community with reasonable opportunities to express their views about those activities.

The duty to consult applies throughout the period of the licence and during all stages of a project. This applies to both mining and exploration activities.

Techniques used to consult may include suggestion boxes, telephone, written or electronic surveys, hotline or phone-in opportunities, media advertising, inviting submissions, public exhibitions, interviews, focus group sessions and meetings (public and private).

Consultation is an effective process in community engagement provided:

- the purpose of the consultation is made clear – this includes what is being consulted on and what is non-negotiable
- the expected levels of participation and commitment are expressed to the community
- feedback is provided to the community on how their input has influenced decisions.

If a licensee has completed and implemented an approved community engagement plan, they have complied with the duty to consult. If a licensee is not required to complete and implement an approved community engagement plan, however, the duty to consult is met when the licensee has:

- established good ongoing information and participation channels with their identified community
- considered the community's views before making decisions that impact on people
- communicated how community input has contributed to decision making
- documented community consultation processes to demonstrate compliance.

What are the statutory processes for community engagement plans?

What is a community engagement plan?

A community engagement plan (CE Plan) is a document that clearly identifies relevant communities and describes how, when and what engagement will occur with those communities during all stages of a mining project. Under the Act, it forms part of a mining work plan.

When is a CE Plan required?

A CE Plan is required:

1. In all new mining licence work plans.
2. In all new prospecting licence work plans.
3. On request by the department head (eg. any new variation to a mining work plan which was approved before 2006 and where the community is affected).

CE Plans can also be submitted voluntarily and can be beneficial to the licensee for the following reasons;

- The implementation of a CE Plan can reduce project risks.
- Effective management of social impacts can improve relationships with local communities.
- When a licensee implements an approved CE Plan, the department would normally consider that they have complied with the duty to consult.

A CE Plan is not required for work carried out on an exploration or rentention licence or if a licensee is exploring on a mining licence. The requirement for a CE Plan to be prepared is governed by the activity undertaken on the licence, not the licence type.

What needs to be included in a CE Plan?

Mining and prospecting licensees need to ensure that their CE Plan includes the requirements set out in either Schedule 15 or 16 of the Regulations, depending on licence type. These requirements are outlined in these guidelines under the heading *What information do the Regulations require in a CE Plan?*

What is the process for approval of a CE Plan?

CE Plans will be subject to the same approval and referral processes as a new work plan or a work plan variation. More information on the work plan approval process can be found in the *Earth Resources Mining Work Plan Guidelines* which are available from the department.

Paper copies of CE Plans will be accepted by the department but an electronic version is preferred.

What criteria are CE Plans assessed against before approval?

CE Plans will be assessed against Schedules 15 and 16 of the Regulations (depending on licence type) and these guidelines, by the Earth Resources Regulation Branch.

What happens if a CE Plan does not meet assessment requirements for approval?

If a submitted CE Plan does not meet the assessment requirements for approval, it will be returned to the licensee with a request for additional information specified.

Is evidence of community engagement activities required?

Yes. Licensees with an approved CE Plan should keep records of engagement activities undertaken. These records should be held at the offices of the licensee for future reference by an Earth Resources Regulation Inspector.

Licensees are also encouraged to produce documentation for presentation to the community on an annual basis. For large companies this could be an Annual Sustainable Development Report and for small companies it could be a newsletter. Keeping records will assist with this process.

What information is required when community engagement performance is assessed?

Depending on the activities undertaken on the licence and the actual approved CE plan, the following information may be considered when assessing performance against an approved CE Plan:

- what previous community engagement activities have been conducted
- the description and rationale of the community involved
- information and analysis on community attitudes and expectations
- at what stage of the project the community was engaged
- the type of engagement level used, for example, inform, consult, involve, collaborate or empower
- how the community was involved and the techniques used. This includes the type of information disclosed, in what forms (for example, verbal, printed, radio, electronic) and how it was disseminated
- what the community engagement activity hoped to achieve
- evidence of how feedback and complaints have been dealt with and used by the licensee
- details of feedback provided to the community as a result of any activities undertaken in the CE Plan.

How will CE Plans be monitored?

CE Plans will be monitored by an Earth Resources Regulation Inspector in several ways. These include:

- when triggers, such as community complaints, are received by the department to investigate non-compliance
- targeted audits
- discussion during Environmental Review Committee meetings.

What information do the Regulations require in a CE Plan?

This section stipulates the minimum information requirements to be included in a community engagement plan, as specified in Schedules 15 and 16 of the Regulations. The requirements depend on what activities the licensee is undertaking and are part of the information required in a work plan application.

The Earth Resources Regulation Branch encourages licensees to go beyond the minimum requirements of the Regulations. There is an abundance of case study information that demonstrates how community engagement can enhance project outcomes.

Examples of case studies can be found in the references listed in the *Further information about community engagement processes* section of these guidelines.

Information required in a work plan for a mining licence

For mining licence work plans, there are six key components required in a CE Plan (refer to Schedule 15 of the Regulations).

1. Identify any community likely to be affected by mining activities authorised by the licence.

A detailed description or analysis is required of any community or individual that may be directly impacted or that may interact with the mining activities authorised by the licence.

When there are distinct community members or community groups with differing interests, these should be identified.

The department does not require contact details of community members in the copy of the work plan submitted to the department. This information should be retained by the licensee.

2. Include a proposal for identifying community attitudes and expectations in relation to mining activities authorised by the licence.

A CE Plan must include a proposal detailing how current community attitudes and engagement expectations will be identified.

A description of how a difference in community engagement expectations will be managed should also be provided.

3. Include a proposal for providing information to the community in relation to mining activities authorised by the licence.

A CE Plan must include a proposal describing how and when information will be delivered to the community. This includes the type of information disclosed, in what forms (for example, verbal, printed, radio, electronic) and how it was disseminated.

4. Include a proposal for receiving feedback from the community in relation to mining activities authorised by the licence.

A proposal describing how the community is able to provide feedback to the licensee must be contained in a CE Plan. This could be a feedback form, hotline, website, community forum, committees, such as an Environmental Review Committee, or a nominated community contact person from the company.

5. Include a proposal for analysing community feedback and considering community concerns or expectations in relation to mining activities authorised by the licence.

A licensee must also include in their CE Plan a proposal detailing how community concerns and input will contribute to decision making.

6. Include a proposal for registering, documenting and responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

The CE Plan must include a proposal detailing an effective complaint and communication handling process. Ideally, a description of the complaint handling process and how the community can communicate with the licensee should be made available to the public.

Information required in a work plan for a prospecting licence

For prospecting licences, there are four key components required in a community engagement plan (refer to Schedule 16 of the Regulations).

1. Identify any community likely to be affected by mining activities authorised by the licence.

A detailed description or analysis is required of the type and location of any community or individual that may be directly impacted or that may interact with the mining activities authorised by the licence.

For small licensees in remote locations, the community affected may consist only of near neighbours or regular visitors to the area.

In order to assist in developing your CE Plan, this information along with personal contact information can be inserted directly into the template titled *Identified community and impact assessment form*, which is available in Appendix 3. Details about how to complete this template are available in Steps 1-3 *How to develop a CE Plan*.

The department does not require contact details of community members in the copy of the work plan submitted to the department. This information should be retained by the licensee.

2. Include a proposal for providing information to the community in relation to mining activities authorised by the licence.

A CE Plan must include a proposal describing how and when any information will be delivered to the community. This should include the type of information disclosed, in what forms (for example, verbal, printed and electronic) and how it is to be disseminated.

3. Include a proposal for receiving and considering feedback from the community in relation to mining activities authorised by the licence.

A CE Plan must also include a proposal describing how the community is able to provide feedback to the licensee. This could be in the form of a nominated community contact person, or a regular meeting with the community.

4. Include a proposal for responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

The CE Plan must include a proposal detailing an effective complaint and communication handling process. Ideally, a description of the complaint handling process and how the community can communicate with the licensee should be made available to the public.

How to develop a CE Plan

Community engagement should be considered as an integral component of a licensee's management. Depending on the nature and scale of the project, community engagement may be relevant to a number of functions within the project and should be integrated into existing systems.

Licensees should consider what staff and resources will be devoted to managing a community engagement program. Changes in staff during different project phases can affect ongoing community relationships and this issue needs to be carefully managed to ensure relationships are maintained.

The information provided in this section is intended to provide an overview of good practices in community engagement and to assist in the creation of a CE Plan. Not all the guidance offered is applicable to all types and scales of mining projects.

Licensees should design their engagement activities in line with the needs of their respective projects and seek additional help when needed. Other useful sources of information are listed under *Further information about community engagement processes* in these guidelines.

What principles support a CE Plan?

When developing and implementing a CE Plan, broad principles underpin the process. These guidelines recommend the following principles based on best practice:

Commitment is demonstrated when the need to understand, engage and identify the community is undertaken early in the process.

Integrity occurs when engagement is conducted in a manner that fosters mutual respect and trust.

Respect is created when the rights, cultural beliefs, values and interests of the community in the land and waters within or surrounding the mining project area are recognised.

Transparency is demonstrated when community concerns are responded to in a timely, open and effective manner.

Inclusiveness is achieved when a diverse representation of community and broad participation is encouraged and supported by appropriate participation opportunities.

Trusting relationships are built through exploring community values and interests and finding common ground.

Good communication is achieved when open and meaningful dialogue is carried out and processes established to allow this to occur.

Build trust by establishing processes to record and disseminate information on how community feedback contributed to decision making.

Developing a CE Plan

A CE Plan documents the commitments that a licensee makes to their community. A community engagement plan is created after a deliberate and planned process.

The six key steps required to assist in developing a community engagement plan are:

1. Identify any individual or community impacted or affected by the project.
2. Identify and manage community attitudes and expectations.
3. Assess the level of real or perceived impact for the identified community.
4. Decide on what decisions the community can be engaged in.
5. Choose the most appropriate level to engage the community.
6. Select the community engagement techniques to be used.

Like any business function, community engagement needs to be managed. It should have a clear objective, be timely and be allocated to someone in the business as a responsibility.

In addition, CE Plans should include:

- A description of any engagement activities undertaken to date.
- Who has business responsibility for the activity, when it will occur and where.
- Processes to ensure the licensee has systems and procedures in place to understand and respond to community issues on an ongoing basis.
- A complaints and issues resolution process.
- Processes that provide the opportunity for relationships to be built proactively, not just when issues occur.

The CE Plan, and any action associated with the mining or prospecting licence, should be reviewed on a regular basis.

Ideally, engagement processes should start early. Seeking views from the local community at an early stage will assist mining or prospecting licensees to identify the best way of interacting and engaging with the people of that community.

Step 1

Identify communities affected by the project

When identifying affected individuals or communities, a systematic approach can work well. It is often easiest to consider the community surrounding the geographic location first, and then those affected or interested in related facilities, such as transport routes and other operational impacts and developments.

It is up to each licensee to determine the community they are committing to engage with as part of their community engagement plan. In making such a determination, a licensee should ensure that they consider the term 'community' as inclusive, especially on a local level. This doesn't normally include international, interstate or distant individuals or groups who do not have a direct link to the area.

Community may encompass the following categories:

Community of place – communities surrounding a geographic location, such as neighbouring properties.

Community of interest – communities of similar practice, such as local community groups, sports groups, residents' associations, service clubs, farmers' groups, rate payers' associations, local businesses, local schools, local sports clubs, tourist or seasonal groups and other associated groups.

Community of standing – communities that have a special or legal interest in the land, such as Indigenous communities or some environmental groups.

The process of community identification should aim to identify all communities affected or impacted by the mining project. Considering the physical, social, historical, cultural and political aspects of the community will assist with this. Community members themselves can prove to be a valuable resource with this process.

Community identification should be reviewed regularly as a way of keeping track of changes in the community and the emergence of new issues.

Example

For small licensees in remote locations, the community affected may consist only of near neighbours or regular visitors to the area, whereas a large licensee with extensive operations may need to consider not only the local town in which they are operating but also nearby towns and communities along transport routes.

Step 2

Identify community attitudes and expectations

Licensees are sometimes concerned that taking a proactive approach to community engagement may lead to unrealistic expectations on the part of the community. While this is a legitimate concern, community speculation about a project may have already occurred, which can result in a negative attitude towards a project. Perceived secrecy creates mistrust, doubt and anger. If the community is not able to be involved in, or at least informed about, a decision or change that affects them, they may become entrenched in a negative position or become activists working against a project.

Effective community engagement raises awareness of broad perspective in relation to social and cultural impacts, environmental effects and economic consequences of any decisions or proposed change. Engaging a cross section of the community provides the best opportunity to build a shared understanding of these factors.

Community attitudes and expectations can be identified through a range of techniques, such as having information evenings, meetings, developing community opinion surveys or holding focus groups. More advanced licensees could also consider techniques such as feedback forms, hotline, website or community forums or workshops.

Ideally, this activity should be undertaken during the planning stage of a project, prior to development of the work plan. Although it can occur at any stage of the project, early engagement provides a valuable opportunity to influence public perception and to provide a positive atmosphere for future community engagement activities.

Cross-cultural awareness, the rights, beliefs, values and interests of all sections of the community should be a key consideration when engaging with the community and identifying community attitudes and expectations.

Values in community engagement

Good community engagement involves the exploration of values. Values are the personal standards that direct the opinions we hold and the actions we take. They are the core to what it means to be human and for communities they give a sense of identity and connection.

Our values shape our beliefs, our beliefs shape our opinions and our opinions drive our actions.

For example:

My value: The environment is precious. It must be looked after so we hand it on, undamaged, to the next generation.

My belief: Mining companies frequently damage the environment in their grab for minerals and desire to make a profit.

My opinion: The bad publicity about mining activities makes me think mining is dangerous, threatens our environment and will not benefit our community.

My action: I will object to the mining proposal in my area.[2]

In this example, the action of objecting to the mining project is reached by a thought process based on values in relation to the environment. The action does not necessarily reflect a balanced assessment of the licensee's proposal but is based on an opinion formed as a result of a value about the environment, and information received from the media or from the community.

Many of the interactions and conversations that licensees have with communities are at the opinion and action level. Individuals and communities take a position of being 'for' something or 'against' something. Once people take up a position, they are inclined to defend it vigorously, and in defending it, reinforce it and become more entrenched.

A more effective approach is to explore and pay attention to the values and interests that underlie someone's position. An individual's or a community's value about what 'should' or 'ought' to be the case often underlies their responses to a proposal.

Common ground can be found by exploring community interests and values during an engagement process. When the licensee and the community establish a common interest or common value through sharing dialogue and improving their understanding of the drivers of behaviour, genuine relationships based on shared values and increased trust can follow. This can help participants (licensee and community) to move away from their entrenched positions and seek new and creative solutions to common problems.

Managing differences in community engagement expectations

Sometimes the needs and wants from the community regarding the engagement process will differ from what the licensee can or is willing to provide. To reduce the risk of differences in expectations, licensees must be clear about why they are engaging with the community and what they hope to achieve.

One way to manage a difference in engagement expectations is to develop a statement about a decision to be made. The statement needs to:

- carefully and clearly summarise the intent and issues to be dealt with
- provide details of what the community is being asked to participate in and why.

A well-constructed statement will also assist in getting the most from the engagement process.

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

Step 3

Assess the level of impact

After the community has been identified, an assessment of the impact that the mining activities have on the community will be helpful in identifying when and how to engage with them. The level of interaction a licensee has with their identified community will vary, depending on the community's interests associated with the activity.

Analysis of the potential for community impact is undertaken to better understand the character, interests and needs of the community.

There are three impact levels that can be considered as part of that process. The levels are based on the assumption that the licensee's activity will have some real or perceived impact on the community. The level of impact could involve changes to the local amenity or perhaps the effect on the community's wellbeing, for example, their lifestyle or cultural values.

Level 1 – High impact

High impact means significant, repetitive, regular or frequent aspects of the project that will affect people's lives and lifestyles, such as excessive noise and dust. It may also relate to (unavoidable) visual landscape changes that negatively affect community members. Those in the high impact group may also be those most at risk if there was a significant accident at the site.

Criteria for this rating include mining activities that have a high-level, real or perceived impact on:

- neighbours, towns, tourist or seasonal groups
- other industry or business in the area
- the local amenity
- the community's wellbeing, for example, their health, safety, lifestyle or cultural values.

It would also include mining activities that have:

- the potential for high levels of controversy or conflict
- any significant impact on attributes that are considered to be of high value to the community, such as the environment or heritage.

Level 2 – Medium impact

Medium impact refers to occasional, or regular but infrequent, aspects of the project, such as noise or dust issues and visual issues that may be partial or avoidable/manageable. This may also include disruptions caused during the construction (development) phase of a project.

Criteria for this rating include mining activities that have medium-level, real or perceived impacts, for example:

- the potential for some controversy or conflict
- changes to work plans that may affect attributes that are of high value to the community or their lifestyle.

Level 3 – Low impact

Low impact refers to infrequent and very occasional aspects of the project (occasional dust and noise issues). It can also include some visual issues that are manageable and not a constant issue, for example, if the site is only visible when passing through infrequently.

Criteria for this rating include mining activities that have a low-level, real or perceived impact, including:

- only a small change in activity that will not affect the community's wellbeing, or affect attributes with high community value
- low or no risk of controversy
- a small project that does not affect neighbours, towns or seasonal groups.

Community identification and impact assessment can be undertaken at any stage of the life of the mining project, however it should be reviewed regularly as a way of keeping track of changes in the community and so that emerging issues can be identified.

Figure 1 is an example that might help with the community identification and assessment process. A blank template titled *Identified community and impact assessment form* is available in Appendix 3.

Figure 1: Example of community identification and level of impact

Identified community and type	Impact level* 1 = High 2 = Medium 3 = Low	Name	Personal contact details[3]
Community of place			
Neighbouring properties	1	John Smith	May include: addresses, contact numbers, facsimile or email
	1	Trevor Brown	May include: addresses, contact numbers, facsimile or email
Other communities affected by the project	1	Sandy White	May include: addresses, contact numbers, facsimile
	1	Local tourist	

		association president, David Cole	or email

Community of practice

			May include: addresses, contact numbers, facsimile or email
Sports groups	3	Football club contact, Steve Baker	
Farmers' groups	2	David Taylor	
Local businesses	2	Local cafe and milk bar, Cheryl Adler	
Local schools	3	Local primary school principal, Sally Field	

Community of standing

Aboriginal community	1	Indigenous Land Council or RAP, Brian Williams	May include: addresses, contact numbers, facsimile or email
Environmental groups	2	Friends of the Treetops, Des Green	May include: addresses, contact numbers, facsimile or email

* An assessment of the impact that the mining activities have on the community will be helpful in identifying when and how to engage with the community.

Step 4

Decide on what the community can be engaged in

The size, diversity and local conditions of mining projects will inevitably contribute to different opportunities for community input and involvement. Identifying what aspects of the project the community can and cannot have input into, early in the process, can also assist in choosing the most appropriate type of engagement method around that issue and help to manage expectations.

Negotiable decisions or issues are those that the community can have some impact or influence on. Once identified, negotiables should be clarified with a statement about the intent and issues to be dealt with and details of what the community is being asked to participate in and why. Negotiables may include operating hours, environmental issues, public access to land, transport routes, use of mining equipment, use of vacant land for grazing, potential employment opportunities and sponsorship opportunities.

Non-negotiable decisions or issues are those that do not require community input or where community input is unable to be used, for example commercial-in-confidence issues. The licensee should, however, inform the community on issues that impact them throughout the decision-making process.

If the licensee's preference is to **inform** the community, they will need to understand the problem or issues from the community's point of view in order to provide balanced and objective information. This requires the licensee to think through issues such as:

- What are the community's values, concerns, attitudes and aspirations?
- What are the community's expectations in regard to balanced and objective information?
- What is the best way to communicate with the community?
- What might the community need in order to have confidence in the information we are providing?
- What are the main messages going to be?

Once questions like these are answered, the licensee can communicate information about the scope of the decision or issue, what is known about it, how the decision will be made, what alternatives there might be and what the preferred solution is. The decision-making process although not-negotiable then becomes transparent because the licensee is letting the community know what they will do and how they will do it.

Example

A mining licensee in eastern Victoria was required to undertake an environmental offset as part of its new project. The company had identified this issue as negotiable and had asked the community for input. Because the company engaged early (through public displays, public meetings and one-on-one conversations) it had a good relationship with the local community and was aware that the community wanted to revegetate the railway line. The result was a 'win win' situation that added value for both the company and the community.

Step 5

Levels of engagement

The transition between different stages of the project brings with it many changes and opportunities for community engagement.

Community engagement during the project concept stage may include gauging potential local support, developing different consultation options, exploring alternatives and identifying key issues. During the construction phase, community engagement opportunities may relate to activities including road access, and management of contractors and contract projects.

During the operational phase, community engagement may relate to activities such as reporting, consulting and disclosure of information, environmental monitoring and grievance and feedback processes. Prior to and during the mine closure phase, community engagement may include communication and regular updates to alleviate concerns. Opportunities for identifying collaboration and possible empowerment of the community can also be explored.

Licensees that take a systematic, rather than ad hoc, approach to community engagement are likely to get better results in return for the time and resources they invest.

Community engagement spectrum

The department recommends the IAP2 Public Participation Spectrum[4] as a process for systematically engaging with the community. The spectrum, which the department refers to as the 'community engagement spectrum' (Figure 2) consists of five levels of engaging, from the 'inform' method through to the 'empower' method. The spectrum is designed to assist with the selection of a level of community engagement that defines the communities' role in the process. Time spent on identifying the role of the community and the level of their participation is well worth the effort.

Each community engagement level has a goal associated with it that defines what the licensee hopes to get out of each engagement process and this also directs the activity. For example, if you are engaging the community in order to obtain feedback on options you are developing (not a decision already made) then you will need to work at the consult level of the spectrum.

Example

A small mining project with minimal impact may only need to focus on the information provision and consultation side of the spectrum, whereas a large mining project may use the entire spectrum to engage with their community depending on the stage of operation.

Figure 2: Community engagement spectrum [5]

View the Community engagement spectrum table

Another critical element to the success of the engagement level chosen is the promise to the public because it defines the benefits for the community participating and the extent to which the licensee agrees to undertake engagement.

For example, at the consult level of the community engagement spectrum the promise is, "We will keep you informed, listen to and acknowledge your concerns and provide feedback on how community input influenced the decision." In this example the licensee is stating that they genuinely believe the community has unique knowledge about a situation and will share this with them in order for the licensee to make the best decision.

The licensee decision makers are linked to the process and listening to community feedback with respectful interest. After the decision has been made, the licensee should follow up and communicate how the information provided, or participation by those involved in the engagement process, has contributed to the outcome.

Communicating how the information was used helps the community understand a decision, whether or not they agree with the outcome.

It is important that there is a commitment to the promise from the licensee, otherwise community goodwill and relationships may be damaged.

Choosing a level of engagement

Choosing the most appropriate level of engagement from the spectrum depends on the situation and may vary from time to time and issue to issue. A number of factors, such as the level of controversy, complexity of issue, urgency of decision, type of community involved or even the budget, need to be considered. The challenge for licensees is to find the appropriate community engagement level to suit the business needs.

The level chosen will have an impact on the response from the community. For example, if the attitudes and expectations of the community identify that it will be challenging for the community to accept a decision, then this may be a driver for choosing an engagement level involving greater community participation.

The empowerment level, where the community is responsible for making the decision and any subsequent outcome, is rarely used to make big decisions where there is private ownership of a company or business such as in the minerals industry. It is, however, used successfully in the minerals industry when community members are given decision-making powers with defined parameters. For example, grants and trusts are sometimes provided by licensees for community members to allocate for the sponsoring of sports teams or contribute to community events and activities.

How to provide information to the community

Information provision can be proactive and can include one-off communications, such as brochures and media releases. It can also be responsive, for example, replies to questions from the community, direct contact or community education sessions or meetings.

The information provided to the community should be balanced, objective and communicated in plain language, free of technical jargon. There may also be a need to provide information (in summary form) in relevant languages other than English, depending on the cultural background of the community members or groups affected.

Issues to consider when engaging at the inform level of the spectrum are provided in Step 4.

Registering, documenting and responding to feedback and complaints

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

An effective, fair and accessible feedback and complaint handling practice will increase community satisfaction. There are many benefits to handling complaints effectively, including a reduction in mistakes and time spent fixing them, an improved business reputation and a greater understanding of the community's needs.

Being open to receiving complaints or feedback means that the process for lodging a complaint must be easy. This may include establishing a dedicated phone line, email address or the opportunity to lodge feedback on the licensee's website. Feedback isn't always negative. It is a way of finding out what the licensee is doing wrong, but it can also highlight areas where the licensee is performing well.

The review of complaints monthly or quarterly is recommended, as this will enable the licensee to see how the business/project can improve and in what areas.

While not all complaints can be solved to the satisfaction of the complainant, it is in the best interest of the licensee to respond positively where there is a sound basis.

The complainant should be informed of any corrective actions that occur as a result of the complaint.

Step 6

Community engagement techniques

There are a vast number of ways or techniques available for engaging with the community. Examples of these include providing written material, such as letters, information sheets and newsletters, or undertaking face-to-face interactions, such as meetings, workshops, events and committees.[7]

Some of these techniques can be used across the community engagement spectrum, at various levels, to inform, consult,

involve, collaborate and empower. Examples of the techniques that may be appropriate for each community engagement level are included in Figure 2 Community engagement spectrum. The use of an engagement technique at a particular stage of a project does not necessarily exclude the use of other complementary techniques.

Rather than taking a rigid approach when choosing engagement techniques, licensees should consider using a combination of techniques with formal and informal engagement to increase the likelihood of different members of a community being able to participate in a way that suits them.

Informal engagement techniques can include one-on-one discussions and informal conversations. These are important in forming and maintaining relationships and understanding personal perspectives. This approach may be useful for engaging with community members, such as neighbouring land owners.

Formal or structured engagement techniques could be in the form of public displays or briefings. Public displays can include posters and models of proposed operations in public locations, such as councils, retail centres and local festivals. Briefings are another important technique for disseminating information to local groups, such as Indigenous leaders and community groups. Whichever technique is chosen, opportunities for feedback should always be given.

When engaging with the community, it is important to be as inclusive as possible, to ensure that relevant issues are identified. Licensees should attempt to identify marginalised groups who may not necessarily come forward voluntarily, plus any silent majority whose perspective may be overlooked due to vocal community groups or individuals.

On the other hand, it is not always practical or necessary to engage with all identified communities or community groups, with the same level of intensity, all the time. Being strategic and documenting who you are engaging with, and why, before commencing, can help save time and money.

Further information about community engagement processes

Beyond Public Meetings: Connecting Community Engagement with Decision-Making*
Written by Vivien Twyford, Stuart Waters,
Max Hardy and John Dengate
Published by Twyford Consulting, 2006

[↗]www.twyford.com.au

Community Consultation Toolkit: A Good Practice Guide for Victorian Explorers and Miners*
Developed by Minerals Council of Australia, Victorian Division

[↗]www.minerals.org.au

Community Development Toolkit*
Developed by Energy Sector Management Assistance Program, the World Bank, Washington, USA and International Council on Mining and Metals, London, UK
[↗]www.icmm.com

Community Engagement and Development: Leading Practice Sustainable Development Program for the Mining Industry*
Developed by Australian Government, Department of Industry Tourism and Resources

[↗]www.ag.gov.au

Effective Engagement: Building Relationships with Community and Other Stakeholders*
Developed by the former Department of Environment and Primary Industries, now the Department of Environment, Land, Water and Planning.

www.delwp.vic.gov.au

Responding to Community Outrage: Strategies for Effective Risk Communication
Written by Peter Sandman
Published by American Industrial Hygiene Association, 2003

[↗]www.psandman.com

Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets*
Developed by International Finance Corporation

www.ifc.org

Working with Indigenous Communities: Leading Practice Sustainable Development Program for the Mining Industry
Developed by Australian Government, Department of Industry Tourism and Resources

www.ag.gov.au

* These resources were used as references in the development of these Guidelines

Organisations that can assist with the engagement of diverse groups

General community

All local councils produce a community directory or reference guide that includes information on community and interest groups in your local area and may include:

- Residents' groups
- TAFE and higher education providers
- Community houses
- Ethnic and multicultural clubs
- Religious organisations
- Local schools (primary and secondary)
- Sporting and scout groups
- Senior citizen centres
- Senior sporting groups (for example, lawn bowls or bridge clubs)
- Business groups and associations
- Service clubs (for example, Rotary or Lions).

People with disabilities

Disability Online
Provides a listing and links to support and services.

www.dhs.vic.gov.au

Vision Australia
Offers tips on meeting and communicating with people who have vision impairments.
www.visionaustralia.org.au

Victorian Deaf Society
A non-profit organisation and the primary source of reference, referral, advice and support for deaf adults in Victoria.

www.vicdeaf.com.au

Indigenous community

Office of Aboriginal Affairs Victoria (OAAV)
The Office of Aboriginal Affairs Victoria is a key agency that provides advice to the Victorian Government on Aboriginal policy and planning and delivers key programs.

www.dpc.vic.gov.au

Indigenous Land Councils

The primary role of Indigenous Land Councils is to bring the nominated Indigenous people together to find resolution in their native title claims and represent their concerns with indigenous issues.

Native Title Service Victoria (NTSV)

Native Title Services Victoria represents Native Title claimant groups in Victoria, and deals with Indigenous Land Use Agreements (ILLUA).

www.ntsv.com.au

Registered Aboriginal Parties (RAP)

The primary responsibility of a RAP is to evaluate Cultural Heritage Management Plans submitted under the *Aboriginal Heritage Regulations* 2007.

www.dpc.vic.gov.au

Earth Resources

Senior Indigenous Policy Advisor

Contact 03 9658 4000

Translating and Interpreting Services

Translating and Interpreting Service (TIS) National

The Department of Immigration and Citizenship (DIAC) provides the TIS National interpreting service for people who do not speak English and for the English speakers who need to communicate with them. TIS National is available 24 hours a day, seven days a week for any person or organisation in Australia requiring interpreting services.

http://www.immi.gov.au/living-in-australia/help-with-english/

Glossary of terms and abbreviations

CE Plan	Community engagement plan
Community engagement	The word community is a broad term used to define groups of people, For example, a community may: • surround a geographic location (community of place) • be a community of similar interest (community of practice) • have a special interest or legal interest in the land (community of standing).[8] The word engagement is used as a generic inclusive term to describe the broad range of interactions between people and involves processes that are linked to problem solving or decision making. Community engagement, therefore, is a planned process with a specific purpose of working with identified groups of people to use their input to make better decisions.
Duty to consult	The duty to consult refers to the licensee's obligation to engage with the community, usually through a two-way communication process between the licensee and the community. Consultation is the means by which licence holders can inform themselves of community attitudes and expectations.
Social licence to operate	Is about operating in a manner that is attuned to community expectations and which acknowledges that businesses have shared responsibility with government and, more broadly, society, to help facilitate the development of strong and sustainable communities.[9]
The Act	*Mineral Resources (Sustainable Development) Act 1990*
The department	**The Department of Economic Development, Jobs, Transport and Resources, including Earth Resources Regulation**
The Regulations	*Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013*

Appendix 1: Legislation and Regulation requirements

Legislation requirements

Section 39A of the *Mineral Resources (Sustainable Development) Act 1990* states that:

39A. Licensee's duty to consult with community

A licensee has a duty to consult with the community throughout the period of the licence by –

(a) sharing with the community information about any activities authorised by the licence that may affect the community; and
(b) giving members of the community a reasonable opportunity to express their views about those activities.

Section 40(3)(d) of the *Mineral Resources (Sustainable Development) Act 1990* states that:

(3) A work plan must contain –

(d) if the licence is a mining licence or prospecting licence, in relation to the mining activities proposed to be carried out under the licence, a plan for consulting with the community prepared in accordance with the regulations and any guidelines issued by the Minister relating to such plans (**a community engagement plan**).

Regulation requirements

Schedules 15 and 16 of the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013* state that a licensee must submit:

For mining licences

9. A community engagement plan that –

(a) identifies any community likely to be affected by mining activities authorised by the licence; and
(b) includes proposals for –

(i) identifying community attitudes and expectations; and
(ii) providing information to the community; and
(iii) receiving feedback from the community; and
(iv) analysing community feedback and considering community concerns or expectations;
in relation to mining activities authorised by the licence; and

(c) includes a proposal for registering, documenting and responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

For prospecting licences

8. A community engagement plan that –

(a) identifies any community likely to be affected by mining activities authorised by the licence; and
(b) includes proposals for –

(i) providing information to the community; and
(ii) receiving and considering feedback from the community
in relation to mining activities authorised by the licence; and

(c) includes a proposal for responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

Figure 3: Earth Resources Regulation Branch (ERR) office locations

ERR office locations and contact information for District Managers Earth Resources Operations	
Melbourne Office Level 9, 121 Exhibition Street Melbourne VIC 3000 OR GPO Box 4509 Melbourne VIC 3001 Ph: 9092 1954	Benalla Office 89 Sydney Road Benalla VIC 3672 OR PO Box 124 Benalla VIC 3672 Ph: 5761 1501

Ballarat Office 402 - 406 Mair Street Ballarat VIC 3350 Ph: 5336 6804	Traralgon Office 55 Grey Street Traralgon VIC 3844 Ph: 5160 9011
Bendigo Office Corner of Midland Hwy & Taylor Street Epsom VIC 3551 OR PO Box 3100 Bendigo Mail Centre Bendigo VIC 3554 Ph: 5430 4692	For more information and a detailed list of contacts us.

Appendix 3: Identified community and impact assessment form

> View Appendix 3 in new window

Appendix 4: Community enquiry/complaint form

Date:

Licensee details

Licensee name:

Mining, prospecting, rentention or exploration licence number:

Complainant/enquiry contact details

Name:

Address:

Phone:

Issue details

Received by:

Action taken

Responsible person:

Date action taken:

Follow up

Date issue resolved:

Appendix 5: Submission checklist for CE Plan

Mining licences

Requirements	Yes	No
Have you provided a summary of previous community engagement activities?	☐	☐
Have you identified the impacts and interests of the community?	☐	☐
Have you identified and described your community?	☐	☐
Have you identified community attitudes?	☐	☐
Have you identified community expectations?	☐	☐
Have you identified at what stages of the project the community will be engaged?	☐	☐
Have you listed the methods and techniques of engagement that will be used?	☐	☐
Have you described how and when the communication of information will be delivered to the community?	☐	☐
Have you described how the community is able to provide feedback to the licensee?	☐	☐
Have you demonstrated how community concerns and input will contribute to decision making?	☐	☐
Have you detailed how complaints and communications will be handled?	☐	☐
Have you detailed how your community engagement practices will be evaluated?	☐	☐

Prospecting licences

Requirements	Yes	No
Have you provided a summary of previous community engagement activities?	☐	☐
Have you identified and described your community?	☐	☐
Have you described how and when the communication of information will be delivered to the community?	☐	☐
Have you described how the community is able to provide feedback to the licensee?	☐	☐
Have you detailed how complaints and communications will be handled?	☐	☐

[1] Adapted from the International Association of Public Participation (IAP2) which defines community engagement as "Any process that involves the community in problem solving or decision making and uses community input to make better decisions."

[2] Example and context provided by Vivien Twford from Twyford Consulting.

[3] The department does not require contact details of community information in the copy of the work plan or work plan variation submitted to the department. This information should be retained by the licensee for review by the Regulator if required. Larger companies with more resources may choose to have a database containing this information.

[4] The IAP2 Public Participation Spectrum was created by the International Association for Public Participation and modified by Community Engagement staff at the former Department of State Development, Business and Innovation - Minerals and Petroleum Division, May 2008.

[5] Adapted from the IAP2 Public Participation Spectrum

[6] A detailed description of each technique can be found in Effective Engagement: Building Relationships with Community and other Stakeholders, Book 3 The Engagement Toolkit, developed by the former Department of Environment and Primary Industries, 2005.

[7] A detailed description of each technique can be found in Effective Engagement: Building Relationships with Community and other Stakeholders, Book 3 The Engagement Toolkit, developed by the former Department of Environment and Primary Industries, 2005.

[8] Adapted from the former Department of Environment and Primary Industries (2005), Effective Engagement: Building Relationships with Community and Other Stakeholders, Community Engagement Network, Melbourne.

[9] Definition from Ensuring Value, The Australian Industry Framework for Sustainable Development, Minerals Council of Australia, June 2005.

Energy and Earth Resources

Department of
Economic Development,
Jobs, Transport & Resources

State Government
Victoria