

SOCIAL IMPACT ASSESSMENT IN QUEENSLAND: WHY PRACTICE LAGS BEHIND LEGISLATIVE OPPORTUNITY

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INTRODUCTION

Queensland (a mainland Australian state) has over **3.2** million people, predominantly urban dwellers in fast growing coastal towns and cities. It is an expansive state; dependent on large-scale resource and tourism development. Many of its rural and remote communities are in decline (Synapse 1994). Indigenous minorities have traditional and historical interests in land and resource use issues across the state. Queensland's impact assessment (IA) system is well advanced by world standards (see Sadler **1996**). The system operates under various pieces of legislation that provide reasonable opportunities to ensure that the social impacts of development are considered in state and local government decisions.

Despite these legislative opportunities, it is only recently that IA practice in Queensland has begun to explore potential social impacts seriously and to develop appropriate mitigation strategies. This paper explores some of the reasons why social impact assessment (SIA) practice has lagged behind the law and outlines some of the negative consequences for state and local government, industry, **and** the community. Recent developments in state government monitoring of SIA and the growing number of legal challenges

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to impact assessment processes that deal inadequately with social issues indicate that, in the coming years, SIA practice is likely to improve. This paper suggests that this will improve the overall quality of development decision making in this state, albeit slowly. It will also provide greater certainty for all sectors with an interest in development outcomes. Consequently, the Queensland experience presents some critical lessons for other countries that are struggling to embed effective **SIA** within their **IA** systems.

HISTORICAL BACKGROUND

Historically, impact assessment (**IA**) emerged in the United States of America as a public decision-making tool to address human concerns about environmental damage and the impacts that this damage had on the health, values, and preferred lifestyles of communities (see Ortolano and Sheppard 1995). This change was demanded by American communities as biophysical impacts almost always manifest themselves in the form of psychological, health, and economic impacts on individuals, groups, and communities (see Taylor et al. 1990).

Ever since the evolution of **IA** practice in the late 1960s, there has been some legislative scope to consider social and economic impacts alongside impacts on the natural environment. When applied within **IA**, social impact assessment (**SIA**) is used to determine the changes facing individuals, interest groups, and communities as a result of the proposed options being assessed (see Burdge and Vanclay 1995). **SIA** is also used to determine strategies to overcome or to avoid negative impacts or to enhance the positive impacts of a proposed development. According to Bowles (1981) **SIA** practice potentially incorporates impacts on community vitality (e.g., health, access to services, community values), economic viability (e.g., economic diversity, increasing marginalization of key groups, housing affordability) and political efficacy (e.g., people's rights, increasing conflict). Importantly, the need for **SIA** to define these impacts relies both on technical research methods as well as community participation processes (see Lane et al. in press).

Despite the difficulty involved in separating biophysical, economic, and social impacts arising from development, in **IA** practice in Australia and globally, **SIA** has often been secondary to the assessment of impacts upon the natural environment (Dale and Lane 1995). In Queensland in the early 1990s, social issues were rarely considered in the concept development phase

of development planning. The terms of reference for most IA studies were poorly developed from an SIA perspective. Social impact assessments rarely addressed existing terms of reference adequately. SIAs were often carried out by consultancy staff with an engineering or environmental science background. There were few mechanisms to monitor commitments made in IAs to mitigate identified social impacts (see Lane 1993; Bresnan 1994; Dale and Lane 1995; Craig and Ehrlich 1996; Dale 1996a; 1996b).

The poor performance of SIA practice in Queensland, however, has not been the result of limited legislative opportunities. Under the Queensland Local Government (Planning and Environment) Act 1990, *environment* is defined as including “the social, economic, aesthetic and cultural conditions which affect ecosystems, resources and locations.” Ecosystems include “people and communities” and locations are characterized by their “sense of community.” This legislation accounts for some 54 percent of IAs undertaken in Queensland and provides the legal framework for rural and urban local governments to assess town planning applications.

This act’s definition of the environment is also consistent with that of the Commonwealth’s Environmental Protection (Impact of Proposals) Act 1974. This legislation deals with environmentally significant development proposals on Commonwealth land, or proposals that require Commonwealth approvals (e.g., export licences). Under the Commonwealth legislation, the term *environment* refers to “all aspects of the surroundings of human beings.” In this context, it includes the natural environment, the built environment, and social aspects of our surroundings (CEPA 1993:19).

Similarly, the administrative guidelines established to direct the operation the Queensland State Development and Public Works Organisation Act 1972-81 clearly outline the importance of social considerations (Queensland Office of the Co-ordinator General 1987). This act does not have a clear set of triggers, but functions for large, state-sponsored developments (freeways, railways, dams, etc.) and mega projects of significance to the state economy (e.g., large private sector mines or tourism developments). Mines are generally considered under IA processes triggered by Queensland’s Mineral Resources Act 1989. The current Guidelines for Environmental Impact Assessment and Management for Mining, which inform the operation of the Mineral Resources Act, specify a range of social impacts that need to be addressed as part of the process (Queensland Department of Minerals and Energy and the Queensland Mining Council 1994).

Given this reasonably strong basis for SIA in law, it could be argued that practice has lagged because communities have not considered social issues as being significant in development assessment processes. This argument cannot be sustained, however, given the number of rancorous conflicts that have arisen in the past between community interests and development in Queensland (see Lane 1993; Moon 1995; Cowell 1996). Nationally significant conflicts have arisen over mining development (e.g., the Century Zinc proposal in northwest Queensland), tourism proposals (e.g., the Oyster Point and Magnetic Quays developments in north Queensland) and agricultural intensification (e.g., cotton development on the Cooper floodplain). Satellite residential towns and tollway developments have fueled long-standing conflicts in the state's populous southeast (Moon 1995). The previous state Labor government's treatment of a proposed tollway in the southeast is often held to be a significant factor underlying the change of government in 1996.

Indeed, the high profile of these conflicts and their ability to influence election outcomes suggests that, in the past, social impacts have not been adequately managed within IA processes. This was clearly recognized by Tony Fitzgerald in responding to the third term of reference in the state-sponsored commission of inquiry into the future use and management of Fraser Island and the Great Sandy Region, a World Heritage-listed area on the state's central coast. The third term sought to explore dispute resolution and policy options for dealing with environmental conflicts in Queensland. In addressing it, Fitzgerald found SIA practice in Queensland to be lacking and stressed its importance, stating:

Since the **purpose** of SIA is to devise ways to avoid or mitigate negative impacts **and** to enhance beneficial impacts, a participatory process is used to formulate strategies. This serves to mitigate community resentment, ensure desirability and probable effectiveness of strategies and produce creative solutions (CICMUFISR 1990:185).

The recognized failure of SIA practice to keep up with legislative opportunity and match the prominence of biophysical and engineering considerations does not result simply from poor management of IA processes. Many factors have inhibited the development of reasonable SIA practices in Queensland. They have their roots in all sectors with an interest in development assessment—governments, industry, and the community. The following explores some of the reasons why SIA practice has lagged behind the legislative opportunities outlined above, and details some of the current changes in Queensland that are likely to result in improvements in the coming years.

WHY HAS SIA PRACTICE LAGGED?

The range of factors that have contributed to the limited development and low prominence of **SIA** in **IA** practice encompass a number of themes. These themes range from fundamental divergences between land use planning theory and practice, to entrenched disciplinary biases, to problems with the day-to-day mechanics of administration and management of **IA**.

The Rationalist Nature of IA Practice

Both planning and impact assessment practices in the developed world have evolved since the end of World War II from the rationalist schools of planning theory that relied on the view that planning agencies were best placed to determine societal goals—the old Unit Plan. The Unit Plan concept assumes that once planning goals have been established, most potential problems can be solved by scientific, reductionist, and highly technocratic approaches. Shrader-Frechette (1985) considers that proponents of this assumption believe that all that is needed to solve environmental problems is more and better technology, ignoring the potential social, ethical and political solutions (CICMUFIGSR 1990).

The old planning theories failed to recognize plurality within society. Fortunately, planning theory has gradually moved toward greater recognition of political reality, largely because communities have exercised their rights through the courts to challenge poor planning decisions (Hudson 1979). Planners like McDonald (1989) are increasingly suggesting that planning that meets societal goals can only be achieved by facilitating processes of bargaining and negotiation within the framework of the law and government administration.

In reality, planning practice remains the domain of central planning agencies, though the opportunities for public participation have improved dramatically in recent years. Until the early 1990s, however, **IA** in Queensland remained a highly technocratic and rationalist endeavor. As with rationalist planning in the past, it relied on the physical and engineering sciences, limiting the importance of community participation. Without clear mechanisms for determining community values and perceptions, it was inevitable that, at most, **SIA** would be restricted to limited technical assessments based on the predominant values of the planning agencies.

Disciplinary Bias in IA

Even when restricting its consideration to technical issues, IA practice has tended to focus almost universally on biophysical and engineering disciplines (Chase 1990; Lane 1993), showing a marked disciplinary bias against the social and even economic sciences. Burdge and Opreyszik (1994) have shown that what they term “disciplinary chauvinism” can affect every aspect of IA, thereby substantially constraining the quality of advice provided to decision makers. This disciplinary imbalance is clearly visible in the structure of teams established to undertake **IA** of significant developments in Queensland. In the vast majority of cases, project teams are led by operators with physical science and project management backgrounds. Social impact and cultural heritage assessment practitioners are usually relegated to the role of subconsultants.

The reasons for disciplinary chauvinism are complex and can be tied to the historical development of scientific and economic rationalism. As a result, there is ample evidence from the literature to suggest that the failure to establish truly interdisciplinary approaches to project development and development assessment can have disastrous consequences. Kellow (1993) suggests that the routine domination of environmental issues in state and federal politics in the 1980s arose from the failure of **IA** to address issues of community impact. Lane and Dale (1995) also demonstrate that the significant rate of failure of development aid projects in Queensland Aboriginal communities results, in part, from the poor integration of social, economic, and biophysical considerations.

Difficulties in Defining 'Social Impacts'

Perhaps one of the underlying reasons that the physical sciences have always taken a higher profile is the perception that ‘hard’ or physical data are more useful in prediction than ‘soft’ or social data. This perpetuation of disciplinary chauvinism undersells the scientific rigor that is equally prevalent in both the physical and the social sciences. Variability exists in both the social and physical environment; research methods established in both sciences are based on the same technical and statistical principles designed to measure variability and to establish predictive models for use in planning and management.

The perception that social issues are difficult to define reflects the fact that the allocation of resources for IA practice has traditionally favored the physical sciences (see Bresnan 1994). The perception has also made it

difficult for groups with concerns about development outcomes to challenge defective IAs or decisions on the basis of poor SIA. Jones (1996) outlines a southeast Queensland case concerning an Aboriginal organization's legal response to a Planning and Environment Court appeal from a company seeking to overturn a decision of the local council to reject a sandmining proposal. While the organization was concerned about the level of consultation undertaken with appropriate Aboriginal people, the court's decision to allow the project to proceed did not take into account standards for **SIA** practice that are accepted in the literature.

Similarly, an appeal to the NSW Land and Environment Court by environment groups against the local council's approval of a resort proposal at Byron Bay in 1993 further illustrates a legal preference for challenging biophysical aspects of IA rather than social aspects in the courts. The core legal basis for the appeal had to focus on the requirement for the proponent to submit a fauna impact statement on application. While not undermining the importance of species protection in the overall conflict, in this case, social issues did not play a significant role in the appeal, even though local perceptions of Byron Bay's lifestyle and sustainable tourism levels were among the fundamental issues underlying community protest.

A common perception remains, particularly among IA professionals, that the biophysical impacts and the standards used to benchmark them are more measurable than social impacts. This perception has continued to prevent the legal representatives of community action groups from questioning the efficacy of IA decisions on social grounds. The perception will continue so long as there remains a lack of case histories exploring the legal issues concerning the adequacy of social impact research.

The limited application of sound social theory and the knowledge of well-established SIA methodologies in challenging poor IA processes is in contrast to the status of the field as an emerging discipline. Cox (1995), for example, outlines numerous **social** assessment techniques that could easily facilitate rigorous debate about 'best practice' within the legal appeals system.

Lack of Appropriate Institutional and Administrative Structures

In recognizing the poor incorporation of SIA within IA, in the third term of reference of the Fraser Island Inquiry, Fitzgerald noted:

When decisions concerning the need for impact assessment and the level of assessment are left to a decision making department or agency or local authority ..., necessary impact assessments are not always carried out.... [Such] agencies may perceive their primary role as the implementation of proposals, and place less emphasis than other departments upon environmental and social impacts, e.g., the Department of Environment and Heritage in connection with environmental issues and the Department of Family Services and Aboriginal and Islander Affairs in connection with social issues (CICMUGISR 1991:114).

This was an important step forward in acknowledging that, as recently as the early 1990s, the administrative structures for IA in Queensland did not facilitate the use of expertise to ensure the promotion, administration, and monitoring of SIA practice as an integral part of IA. None of the existing coordinating agencies held particular expertise in SIA that could be applied to IA processes **on** a systematic basis. There also was no formal mechanism for those state agencies with expertise in a range of social programs to be involved in IA (e.g., the Family Services, Health, and Education Departments). The state's referral agency system, however, provided the opportunity to bring specialist expertise and disciplinary advocacy from these agencies to the impact assessment process. Referral agencies such as the Department of Environment and Heritage, for example, were expected to ensure that biophysical and cultural heritage issues were adequately dealt with in the IA context. Before 1993, however, no similar referral systems formally existed for SIA.

In response to the Fitzgerald findings, in February 1993, the Machinery of Government Committee of Cabinet conferred a lead agency status for social impact assessment upon the Department of Family Services and Aboriginal and Islander Affairs (DFSAlA)². The department delivered a broad range of social services to communities **across** the state, and had complementary lead agency responsibilities for Aboriginal and Islander affairs, ethnic affairs, child protection, disability and aging issues, disaster relief, etc. **To** implement the SIA lead agency, the department established the Social Impact Assessment Unit (SIAU) within its Division of Community Services Development. Prior to the SIAU's establishment in mid-1993, there was no

² The Department of Family Services and Aboriginal and Islander Affairs has undergone three name changes since 1993, although its functions have remained essentially intact. **To** save confusion, the original name is referred to throughout this paper.

institutional basis for **SIA**; consequently, the biophysical and economic aspects of **IA** remained central to **IA** practice (see Dale and Lane 1995).

The noninvolvement of social infrastructure agencies in **IA** has traditionally been a result of their marginal position within government at the federal, state, and local levels. The benefit of bringing such agencies into the mainstream of development decision making is likely to encourage more effective multidisciplinary team work in assessing development impacts.

Lack of Skilled Social Impact Practitioners

At all levels of government, there is currently a lack of skilled practitioners with experience in **SIA** practice. This shortage affects the Commonwealth Environmental Protection Agency (CEPA), many local governments, development companies, and consultancy companies. The position in state government has only recently improved with the appointment of qualified social planners in each of the **DFSIA** regional offices across the state.

With the exception of some metropolitan councils, very few local governments in Queensland have social planners employed within their town planning departments. Some councils are increasingly drawing upon expertise within their community services or community development departments (if they have one) to contribute to professional assessment of development applications. Even so, only a limited number of councils have effective systems for integrating social issues into land use planning.

Development companies operating major mining, manufacturing, and tourism ventures often employ staff with specific environmental expertise to assist their proposals through the development assessment process and to monitor the implementation of commitments made within **IA** documents. Responsibility for undertaking work related to community relations and social impact often devolves to these staff, despite their common lack of formal training in the social sciences and **SIA** (e.g., see Chase 1990).

Finally, as mentioned earlier, consultancy teams selected to undertake **IA** work will often subconsult teams with specialist social planning skills, or else attempt to undertake social assessment using their environmental and project management skills. In Queensland, there is such a limited variety of consultants with skills in social impact assessment and community consultation that, for significant **IA** processes, existing social planning subconsultants may often align themselves to more than one team tender. This has reduced the

choice of competitive options for agencies and companies selecting **IA** tenders.

THE RESULTS OF POOR SIA PRACTICE

Perhaps another reason for the poor showing of **SIA** within **IA** is the limited understanding among all sectors about the consequences of poor **SIA** practice, as well as the limited knowledge of the potential benefits that can accrue from effective systems for integrating social considerations in planning. These consequences and benefits affect all sectors—federal, state, and local government; the community sector; industry; and the consultancy companies involved in **IA** practice.

The following details some of the consequences of poor **SIA** and, conversely, the benefits arising from constructive **SIA** practice. It also looks at how these costs and benefits will affect the various sectors involved.

Increased Conflict and Exacerbated Social Impact

One of the primary costs of poor **SIA** is increased conflict between those groups within the community that support or oppose a particular project. These conflicts drain the political resources of communities and exacerbate possible social impacts by increasing stress and decreasing community vitality. For developers, conflict results in an increased chance of legal challenge both during the **IA** process and following decisions made after an **IA** has been completed. This creates enormous uncertainty for communities and developers alike. For local, state, and federal governments, the political and economic costs of these conflicts can be enormous.

On the other hand, the possible benefits of sound **SIA** practice include an improved ability for development companies to identify potential conflicts early in the **IA** process and initiate strategies to avoid or to minimize them. In addition to mitigating the impacts that could arise from such conflicts, sound **SIA** processes can increase the likelihood that the **IA** will not be challenged within the legal system, thereby increasing certainty for developers.

Costs to Government and Accountable Decisions

For all levels of government, failure to consider the impacts of development on services and infrastructure can mean that the costs may outweigh the

benefits of approval. Local government and ratepayers, for example, often pay for the services required by developments that occur well beyond the existing or expected sequence of urban infrastructure growth (Spiller 1993). Similarly, state departments that provide intervention and emergency services often see the social consequences that arise from poorly planned development. These impacts strain direct government services and place pressure on community services delivered by the nongovernment sector.

Apart from identifying where costs to the state, local government, and the community sector will accrue from development approval, **SIA** can provide a framework for establishing innovative solutions to the consequent problems. Negotiations between the Springfield Development Corporation and the state and local government, for example, have resulted in an agreement designed to reduce the social impact of a major residential development in southeast Queensland. The scale and location of the Springfield proposal was beyond the expected sequence of local urban growth. The agreement provided for the developer to meet the 'bring forward' cost of a range of social infrastructure demands likely to arise from the development over and above what the government could have reasonably been expected to provide within a given timeframe. The agreement is a tentative step toward addressing the nexus between out-of-sequence development and social infrastructure costs (see Spiller 1993). Considerable work, however, needs to be done to more effectively benchmark the impacts of urban development on demands for government provided social infrastructure.

In addition to impact costs to government, because of the legal requirements to incorporate **SIA** within **IA** practice, poor **SIA** leaves development decision makers open to judicial and administrative review from disaffected community interests. Bell and Jones (1994) argue that **SIA** can lead to improved management of development assessment processes by providing a well-argued and considered rationale for planning decisions that include social criteria. They also consider that it provides a means for implementing the social and economic objectives outlined in planning documents such as town plans.

Reduced Project Viability

Failure to consider social impacts can reduce the commercial viability of proposed developments. As social problems increase in new tourism growth areas, for example, the tourist product may become less desirable (see Craik 1991). Local knowledge that may be critical to the success of the project

may also be overlooked. Failing to involve local communities in project development may also tarnish community support for the project.

Effective **SIA** could help resolve these problems in two ways. First, the developer may be able to identify and reduce potential social problems that could affect viability. Innovative strategies for increasing safety for tourists, for example, may result in a more viable tourism product. Second, involving local communities in project development may directly improve the viability of projects. Establishing joint cultural tourism ventures with local Aboriginal communities, for example, may result in a more diversified tourism product. On the other hand, clear strategies to employ local people may significantly reduce staff transport and accommodation costs as well as staff turnover rates. Temperly (1994) provides an excellent example of the benefits accruing to his company from negotiations with the Hopevale Aboriginal community in relation to the development and operation of the Cape Flattery Silica mine in remote Cape **York** Peninsula. The negotiation process resulted in the company's being better able to manage conflict, and provided a viable local workforce that reduced the traditional dependence on fly-idfly-out arrangements.

CURRENT AND EXPECTED IMPROVEMENTS IN SIA PRACTICE

It is expected that over the next few years, there will be gains in the quality of SIA practice in Queensland. These gains have already begun and are likely to continue to arise from a number of sources, including reforms within state and local government and from the community sector, SIA practitioners, and industry. Under the proposed reform of the federal IA system, however, there are firm indications that the primary focus on impacts accruing to the natural environment will continue. A 1994 discussion paper released by the Commonwealth Environmental Protection Agency states:

The Agency does not propose that environmental impact assessment be expanded to provide comprehensive social impact assessment or comprehensive health impact assessment. While there may be a need for comprehensive social and health impact assessment and the linkages between environmental quality and social and health issues are clear, the environmental impact assessment process is best suited to examining

social and health impacts to the degree that they arise from bio-physical environmental change (CEPA 1994:36).

For this reason, it is expected that the major advances in SIA practice will occur at the state and local government levels.

Institutionalization of SIA

As mentioned previously, in 1993 the Cabinet decided to make DFSAIA the lead agency for SIA in response to the recommendations of the Fitzgerald inquiry into the future of Fraser Island and the Great Sandy Region (CICMUFIGSR 1990:194). Fitzgerald saw the need to establish an institutional basis for SIA to help resolve the many conflicts arising over development issues in this fast-growing state and to better incorporate social issues into the statutory land use planning and impact assessment processes (CICMUFIGSR 1991:127).

DFSIA established the SIAU later that year (see Dale and Lane 1995). Since then, the SIAU has appointed qualified social planners at the regional level to carry out the department's lead agency function within the 'whole of government' approach to land use planning and impact assessment. One generalist social planner was appointed in each of five DFSIA regions. Five specialist social planners were also appointed throughout the state to deal with Aboriginal and Torres Strait Islander issues.

At the time it adopted the SIAU model, the department improved and coordinated efforts between the different spheres of government, industry, and the nongovernment sector to provide effective responses to community need. Under its lead agency mandate, the department's primary role in relation to social planning and SIA was to—

- Coordinate the department's response to statutory and informal land use planning and impact assessment processes with the view to better integrating social issues with economic and environmental considerations.
- Work pro-actively and in partnership with other departments, local government, the community sector, and industry to improve the quality of social planning and assessment undertaken.
- Undertake planning for the delivery of its services and participating in integrated human service planning processes.

The value to state government of placing this function within DFSAIA was twofold. First, by working in a 'whole of government' context, the Department of Local Government and Planning (DLGP) and other IA and land use planning coordination agencies were able to secure timely referral advice from line agency staff with specialist expertise in local community issues and social assessment practice. Second, it enabled DFSAIA to respond more directly to social impacts that arise from development that had traditionally placed demands on its broad range of funded social programs.

The new social planning positions did not represent a new regional sub-program within DFSAIA and they were to work to facilitate input into planning and impact assessment from all existing subprograms and areas within the department at the regional level. As it was difficult to separate land use issues from factors affecting the way that community services were delivered, all departmental subprograms (e.g., juvenile justice, child care, disability services, Aboriginal and Torres Strait Islander Affairs) not just the newly appointed social planners, could play a coordinated role.

The main function of the centrally based SIAU was to provide direct technical and training support to the department's regions to carry out their SIA functions and to coordinate policy development processes. The unit was also responsible for promoting and providing training in SIA at the state level. Together, these strategies provided a solid institutional base for SIA within the state's IA system (Dale and Lane 1995).

Institutional reform is also increasingly occurring within local government, enhancing the basis for SIA in decision making. Some councils are establishing clearer policies on SIA or have begun to appoint qualified social planners. Other councils have broadened their development approval structures to involve community development and community service delivery staff. It is highly likely that these reforms will become more commonplace as the proposed Queensland Integrated Planning Bill is finalized.

Enhanced Skills Development and Research

It is likely that the level of training in SIA practice will improve in the years to come, enhancing the skills and knowledge of players in all sectors. Significant training developments in recent years include the following:

- With regionalization of the DFSAIA's lead agency function, general resource staff have undertaken training in SIA and social planning, and

may increasingly play a part in informing the department's response to statutory IA requests. In formulating the department's response to statutory requests, resource officers in disability services or child care, for example, may contribute knowledge of their subprograms and of the communities with which they work.

- The Local Government Association of Queensland and DFSAIA have jointly established a course directed at local government (elected members, planners, and community development workers) in SIA. This course was run as a pilot in 1994 and was fully implemented on an ongoing basis during 1996.
- In 1996, the Far North Queensland Family Resource Centre and DFSAIA jointly established training in SIA for local community sector groups. This course may be applied in other areas of the state.
- The SIAU secured representation on a number of professional advisory boards for bachelor degrees in planning and environmental management.
- The SIAU is currently planning to facilitate improved training for industry and the consultancy sector in social impact assessment.

Increasing Use of Legal Opportunities

Increasingly, community organizations and resident action groups are more carefully scrutinizing SIA aspects of IA to ensure that they have been completed competently against legislative and administrative requirements. In Queensland in 1995, the Djabugay Tribal Aboriginal Corporation pursued Judicial Review action against the state government, claiming that there was inadequate consideration of the social impacts in granting leases required for approval of the Skyrail project within the Wet Tropics World Heritage Area. Similarly, and in the same year, the Carpentaria Aboriginal Land Council challenged the adequacy of SIA work undertaken within the IA for the Century Mine in the Gulf of Carpentaria in the Mining Warden's Court. Recently, the Paraplegic and Quadriplegic Association of Queensland also successfully challenged the state government in the Anti-discrimination Tribunal for not providing reasonable wheelchair access to the new Queensland Convention Centre in Brisbane.

With the recent establishment of representative Aboriginal land councils throughout Queensland and the continued development of resident action

groups, community service lobbies, and regional environmental organizations, it can be expected that legal opportunities will be used more regularly to challenge development approvals on the grounds of defective **SIA**. As this occurs and as social impact concepts and methods are more heavily scrutinized in the courts, there will be increasing legal precedent for sound **SIA** that will be used to benchmark the standard of **SIA** practice undertaken within IA.

Increasing Awareness of the Need for SIA

Associated with the institutionalization of **SIA** practice, the **SIAU** instigated a number of strategies for promoting the benefits of **SIA**. These included—

- * Hosting promotional events where industry players speak of their positive experiences in undertaking **SIA**.
- Promoting the **SIAU** and **SIA** in brochures and papers and at the conferences of professional associations.

It is also likely that as the number of legal challenges to **IA** on **SIA** grounds increases, and as **SIA** becomes more routine, there will be an increased awareness among all sectors of the need for sound **SIA** practice. Significantly, the more routine consideration of the social assessment capacities of consultants tendering for state-commissioned **IA** work has substantially improved the meaningful inclusion of social planners in consultancy teams.

Improved Legislative and Administrative Arrangements

The Queensland government currently is reforming its legislative and administrative arrangements for IA. Most significantly, the current planning legislation is being revised in the form of the Integrated Planning Bill. The intended reforms include broader objectives for land use planning that more specifically integrate social, economic, and environmental issues; improved community consultation; improved arrangements for developer contributions; and more accessible planning appeals mechanisms.

Under the new planning legislation, it is likely that only projects of state significance will trigger state-level IA under the State Development and Public Works Organisation Act 1971-81. There are proposals to update this legislation, to establish clearer and more consistent guidelines for state-level IA and for national accreditation of this system (Dale 1996b).

Further, the Queensland Department of Minerals and Energy has recently undertaken lengthy negotiations with the mining industry to establish clear guidelines for IA processes instigated under the Mineral Resources Act 1989. These guidelines detail the requirements for SIA in mining development (see QDME and QMC 1994).

Within the current federal proposals for IA reform under the Commonwealth Environmental (Impact of Proposals) Act 1974, proposed reforms encourage public input into scoping terms of reference, resourcing interest groups to review IAs, and encouraging enhanced community participation in the formal IA process. In their current form, however, the proposed reforms do not significantly improve the legal or administrative basis for **SIA** (see CEPA 1994).

IMPLICATIONS AND CONCLUSIONS

The current limited application of effective SIA within IA processes in Queensland is set to begin to catch up with the legislative opportunities that have existed for many years. At the same time, the legislative and administrative basis for SIA is also likely to improve, allowing further opportunities for enhancing the standard of IA practice and the integration of SIA with assessment of the impacts of development on the natural environment.

The lag of **SIA** practice relative to biophysical aspects of IA in Queensland reflects the experience of both developed and developing countries around the globe. Consequently, the findings of this paper provide crucial lessons for government and development assistance agencies, industries and consultancy firms seeking to better institutionalize SIA into their IA systems. These can be summarized as follows:

- **Consolidate practice before regulatory reform.** Social impacts usually could be argued as being within the mandate of even the most rudimentary IA systems. Substantial gains are perhaps best made through focusing on strategies to improve the quality of SIA practice before regulatory reforms are enacted. At the very least, strategies to improve SIA practice should always be run in conjunction with regulatory reform. Unless energetically enforced, radical improvements in legislation could result in no net improvement in the quality of SIA practice. In the Queensland case, there was little evidence of a discernable

improvement in practice despite new legislation on IA being introduced in 1990.

- Institutionalize **SIA** as a priority. Among the range of strategies that could be put into place to improve SIA practice (e.g., professional training, promotion, enhanced access to social data), highest priority should be given to the establishment of effective arrangements to institutionalize SIA within the **IA** administration system. There have been significant advances in the promotion of SIA methods in recent years (e.g., **ICGPSIA** 1994); but without institutional arrangements that can regulate the standard of SIA practice within IA, improvements are likely to be limited. In Queensland, the uptake of advances in **SIA** theory and method have been marginal and, in many cases, have only been adopted because of the emergent role of the SIAU in regulating standards within the existing legislative regime. There is a need for a sound institutional base as a starting point to monitor improvements in SIA practice standards, and to use this information to devise or update strategies aimed at improving practice.
- Enforcement requires legal awareness of **SIA** theory and practice. For environmental lawyers and lawmakers around the world, the implications of **SIA** practice catching up with legislative opportunities are profound. As community groups increasingly seek to use social issues to challenge deficient **IA** practices, the body of legal precedents which set new benchmarks for SIA practice will no doubt improve. It is important that the legal profession acquaint itself with SIA theory and practice if it is going to be able to serve its clients in industry, government and the community effectively. The outcome is likely to be a more rigorous IA process which both provides greater certainty for developers and greater protection of those factors which make our communities livable.

This paper is not an argument for deferring legislative reform for improved SIA. Indeed, in the Queensland case, there remains a critical need for radical improvements in the current legislative framework for IA (see Dale 1996a). There is no point, however, in improving legislation without direct linkages to comprehensive and integrated strategies for improving **SIA** practice. There is little to gain from legislative reform before the bounds of existing legislative arrangements are tested by high standards of SIA practice.

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