

Ethical Challenges in Impact Assessment



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Toondah Harbour – a controversial EIA in Queensland

MBRS
120,654 ha
including
sand islands



Australian Environment Minister recently announced intention to reject application for 3600 unit development & ferry harbour upgrade affecting Ramsar-listed bay wetlands



There have been many proposals over several decades to upgrade the Toondah Harbour ferry terminal & dredge the channel



Far Eastern Curlew
(*Numenius madagascariensis*)
World's largest
migratory shorebird.
Status:
Critically
Endangered

What is ethical practice in an adversarial process?

Key issue for the Minister (and the 'Toondah Alliance' = Birdlife Australia + ACF + Redlands 2030) has been potential impacts on **Moreton Bay Ramsar Site (MBRS)**, a Matter of National Environmental Significance (MNES) under Australia's EPBC Act.

NOTE: The Ramsar convention does not prohibit development in Ramsar wetlands, but they must '*maintain or enhance the ecological character of the site and be in accordance with the principles of wise use*'. The wise use of wetlands is '*the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development*' (Ramsar Convention 2005).

The Toondah Harbour development would have removed 34.8 ha ('only' 0.02% of MBRS) including 28.9ha of tidal feeding habitat for migratory shorebirds is this loss of habitat 'significant' given the population decline caused by wetland loss in China ?

Is this argument valid? Is it ethical?

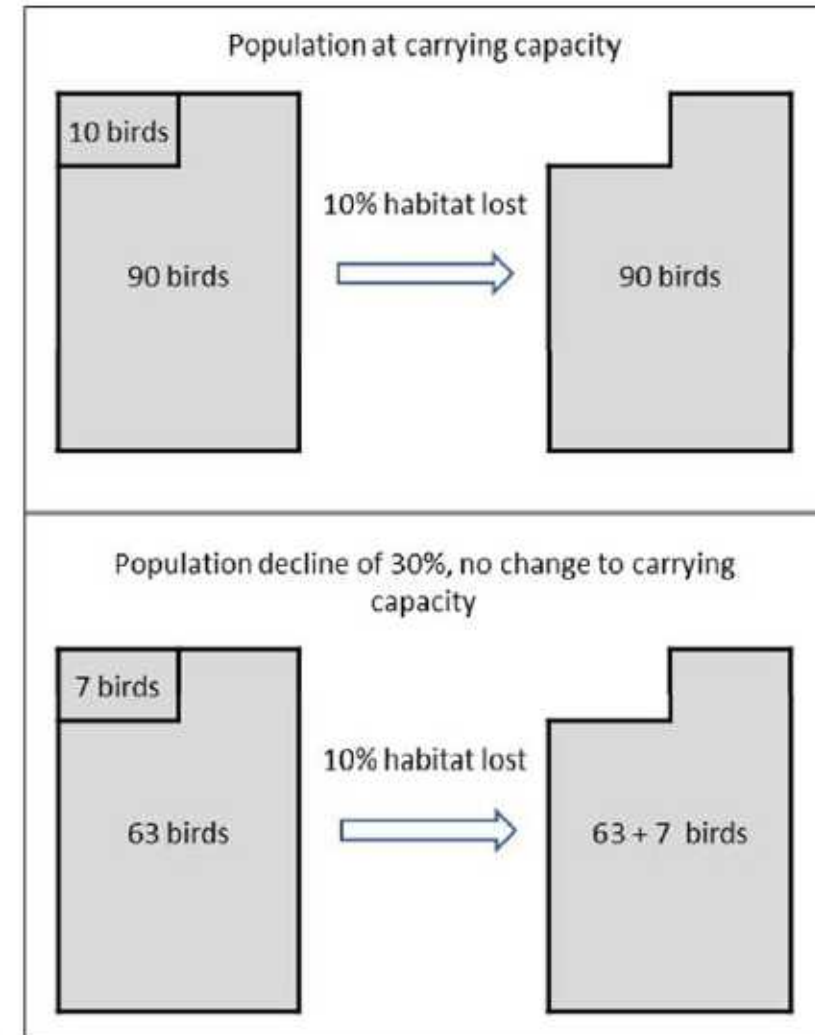


Figure 17-7: Schematic Illustrating the Operation of Density Dependence in Regulating Population Size after H

Ethical perspectives of various professions

Professionals *are trusted* to use skills to 'do a good job' in their client's interest, not for self-interest. Science, planning & law have different perspectives.

- Science – investigate thoroughly and report the truth, don't plagiarise
- Law – tell the truth, provide advice consistent with laws, present the best possible case for the client
- Engineering – implement what clients need ('make it happen'), consistent with 'good practice' & public safety
- Medicine – heal the sick, and act in the best interests of the patient, irrespective of all other considerations
- Public Service – act in the best interests of the community (the greatest good for the greatest number?) subject to policy of elected governments
- Environment Profession – Better environmental outcomes (reduce harm) through evidence-based practice
- NOTE: Multi-disciplinary teams need to respect & accommodate ethical perspectives of different professions.
- But in environmental controversies, adversaries are under no obligation to respect these ethical perspectives

The ethics of environmental practice

Two broad strands:

Professional Ethics: A science-based profession (truth & evidence)

- Professional Integrity – honesty, truth-telling, impartiality, accountability, resolve & contribution
- Technical Integrity – accuracy, rigour, quality, competence, collaboration, CPD
- Process Integrity – communication, consultation, respect, fairness, balance, practice wisdom

Environmental Ethics: Responsibilities for sustainability & for nature (non-human)

- Environmental professionals *reduce environmental harm* (more than just 'do no harm')
- Categorical imperative: *act as if what you do, if adopted by everyone, would allow the Earth to sustain human society and all life indefinitely*

Each practitioner needs to establish a balance between these two strands

NOTE: EIANZ Code of Ethics & Professional Conduct covers most of the above

Acting ethically vs Acting unethically

The 4-part responsibilities of ethical practice:

- Responsibilities to the client
- Responsibilities to truth
- Responsibilities to reduce environmental harm
- Responsibilities to one's own highest principles

Conversely, the most unethical practitioners:

- Intentionally do what they know is wrong;
- Do so for their own advantage or the benefit of clients; and
- By doing so, betray the trust of others who rely on them.

Professional Identity Perspectives

Ethical decision-making by Environmental Practitioners varies in emphasis depending on whether they self-identify as:

- The Objective Scientist
- The Balance-Seeker
- The Problem-Solver
- The Environmental Advocate
- The Practice Manager

These are like de Bono's 6 'thinking hats' - practitioners may adopt one or two different perspectives depending on role and situation

How does this apply to Impact Assessment?

Teams of technical experts, working together (for sometimes long periods) to overcome constraints to project approval.

The team approach ('best for project') is *per se* an ethical challenge – how much residual environmental damage is 'significant' or 'acceptable'?

Also, experts may differ in their predictions and modelling of probable impacts, so development proponents can 'shop around' for opinions favourable to their applications.

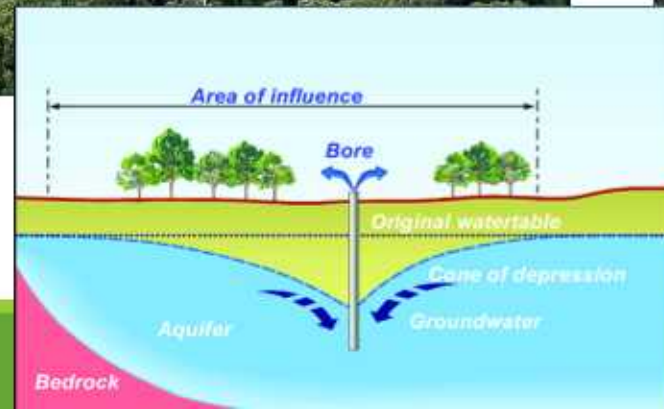
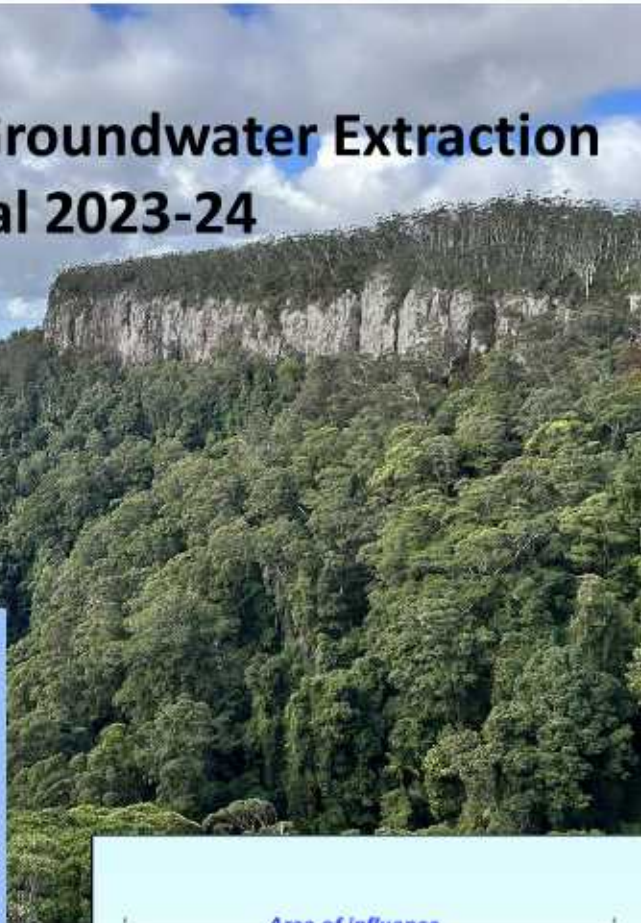
In these situations, the Precautionary Principle may take a back seat to the legal/adversarial model (*'where there is uncertainty, present the best possible case for the project and client'*).

Another case study from Queensland

Springbrook Plateau Groundwater Extraction Application and Appeal 2023-24

How much extra groundwater can be extracted from a complex plateau aquifer before the World Heritage values (rainforest, waterfalls) will be affected?

Hydrogeological experts differed in their opinions, given uncertainties of modelling aquifer catchments, variable rainfall, fluctuating groundwater levels, seasonal waterfall flows, variation in drought tolerance of trees.



Two Principles

IA consultants face ethical challenges in balancing professional and environmental ethics, as well as the uncertainties of predicting probable impacts

1. Dealing with uncertainty

Experts may differ in their advice (and proponents may prefer one expert over another), but ethical practice requires that we are consistent in our advice, irrespective of who is paying for our services.

2. Who is our 'client'?

In order to balance professional ethics (*'our expertise is employed to selflessly serve our client'*) and environmental ethics (*'our expertise ensures sustainable outcomes with minimal damage to the environment'*) we must be clear: "who is our client?".

A final word - the adversarial model complicates ethics!

Multi-disciplinary IA teams need to develop an ethical framework for predicting & presenting impacts which avoids the advocacy and 'spin' of an adversarial framework.



Let's continue the conversation!

Post questions and comments in the IAIA24 app.



#iaia24

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