

Chapter 4

Results and Discussion

4.1 Public Participation in EIA in Thailand and Australia

In Thailand any projects or activities that may seriously affect the quality of the environment shall not be permitted, unless its impacts on the quality of the environment have been studied and evaluated. Environmental Impact Assessment (EIA) is set up according to the Thai Constitution 1997 to predict, analyze and interpret the significant environmental effects of a proposal and to provide information that can be used during decision-making. Moreover, it promotes and supports human right and public participation in environmental management and project development. The Office of Environmental Policy and Planning (OEPP) is an administrator of EIA that issues the EIA guidelines for the project in Thailand under the Enhancement and Conservation of the National Environmental Quality Act (NEQA) 1992. Thai Regulation on Public Hearing is issued in 1996 by Office of the Prime Ministry to give the opportunity to public to comment on guiding and decision-making. Many projects affecting the public are now required to undergo the public hearing. Sometimes it creates more conflict. The general procedure of developing the governmental project in Thailand is shown in the Fig. 4.1.

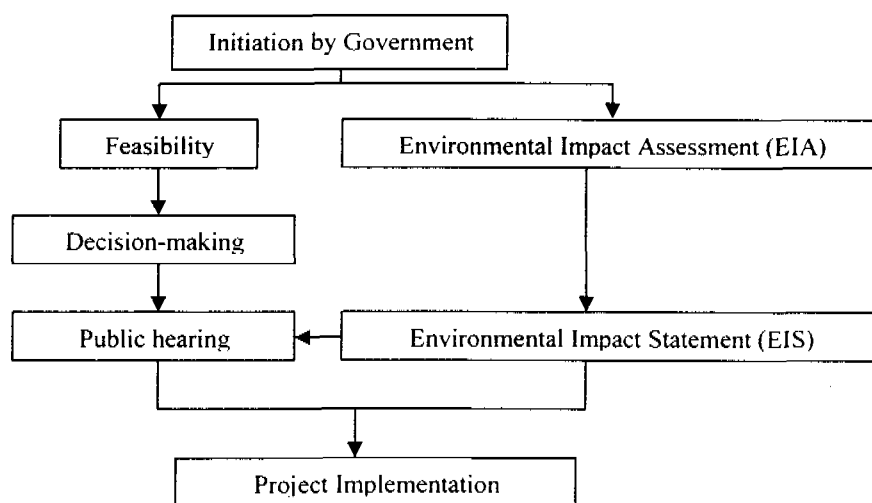


Figure 4.1 EIA process in Thailand

In Australia, the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC) established an environmental assessment and approval of proposed actions that are likely to have a significant impact. The Commonwealth Environment Minister will decide on the proposed project of which an environmental impact assessment must be carried out. All States and Territories have established EIA system following this Act. The public has a chance to comment through the notification of proposals under Environment Protection and Biodiversity Conservation Act 1999 for Minister for the Environment and Heritage considers

whether the EIA should be required. Moreover the public has the opportunity to participate the EIA process in other two ways: the preparation of Environmental Impact Statement (EIS) and review of EIS.

Environmental Impact Assessment in Queensland is implemented under the State and Commonwealth legislation, the Integrated Planning Act 1997 (IPA) and the State Development and Public Work Organization Act 1971. The environmental impact statement (EIS) will be provided with the term of reference and the public input for the decision-maker in order to assess and develop the decision. The EIA procedure is shown in Fig. 4.2.

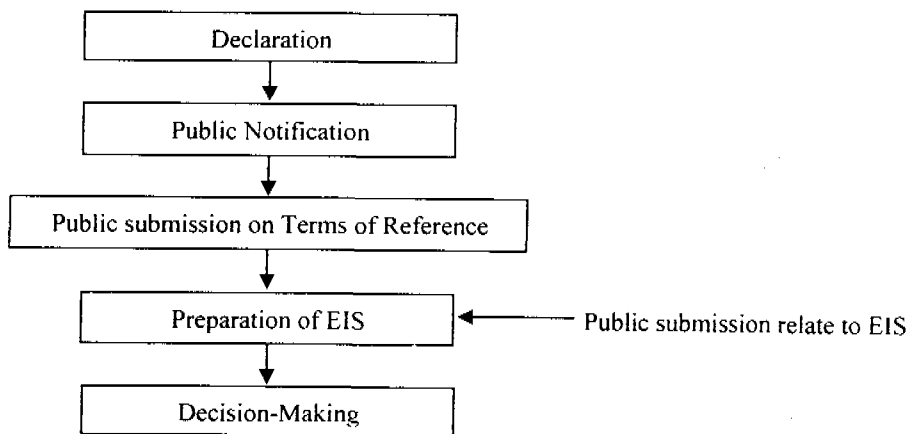


Figure 4.2 EIA process in Queensland

The Environmental Impact Assessment in Victoria is performed under the Planning and Environment Act 1987, Environment Protection Act 1970, the Environment Effects Act 1978 and the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999. The Environment Effect Statement (EES) is prepared to describe the likely environmental effect of the proposed project. Before preparation of EES, the proponent will get advice from the EIA Guidelines that have been prepared by the Department of Infrastructure (DOI). The EIA process of Victoria is shown in Fig. 4.3.

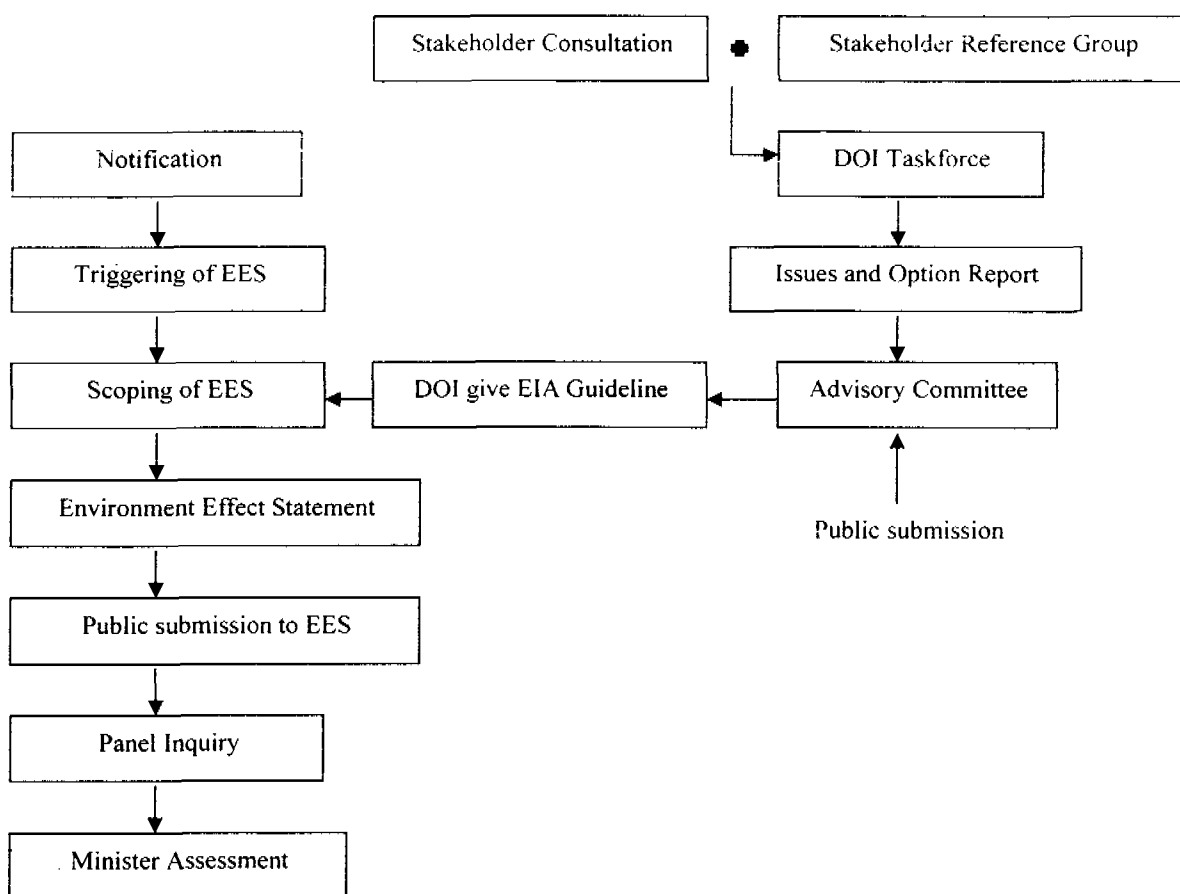


Figure 4.3 EIA process in Victoria

For the above-mentioned three projects in Thailand and Australia, the level of public participation in the EIA process is shown in table 4.1. This table summarises is that Portland Wind Project has the most public participation followed by Tarong North Project and Hin Krut Power Plant Project, respectively.

Table 4.1 Comparative of public participation in EIA process of each project

EIA process	Before EIS	During EIS	After EIS
Hin Krut Power Plant Project, Thailand	Nil	Nil	Fair
Tarong North Project, Queensland	Nil	Fair	Fair
Portland Wind Project, Victoria	Good	Good	Good

Notes: Before EIS - opportunity for public to raise all relevant environmental issues

During EIS - opportunity to participate in study

After EIS - opportunity to recommend the assessment

Public participation is overlooked in the EIA process for Hin Krut Power Plant Project, as communities are often involved in the later stages of the EIA process, i.e. after the environmental impact statement (EIS) has been completed. In the case of Thailand for most of large-scale power plant projects, the public participation in EIA process or the public consultation process starts too late in the project cycle and as a result there are some deficiencies in consultation arrangements. In the EIA process in Australia, people have opportunity to participate according to the clearly written guidelines of environmental impact assessment which allow the public participation to continue in all stages of project development. In EIA process in Tarong North Project, there is no public participation before EIA preparation but public participation exists during EIS process and even after EIS finishes. The good example of public participation is EIA process in Portland Wind Project that has given the opportunity for the public to continuously participate from the early stage to final stage of project development.

Moreover, there are some limitations to public involvement in the EIA process Thailand, such as insufficient budget and time. Public participation in EIA process in Thailand has a very low level and has unclear policies in comparison with that in Australia. Most consultation and participation activities in EIA in Thailand are unsuccessfully undertaken. Public participation in Australia is identified clearly in EIA process following the law and policy.

4.2 Public Participation in Transportation Project

For the Distribution Road Project of the Second Stage Expressway System Project in Thailand, the public can only participate in two ways: opinion surveys and public hearing procedures. People have no chance to participate in transportation planning and no options in the project construction. Public participation is a major part of any transport infrastructure project in Australia (i.e. Eastern Freeway Extension Project). High levels of public participation are achieved through legislation, and direct community consultation programs are conducted by the proponents of the project and the formation of independent community groups.

However the same problem in both projects is lack of the public participation in the earliest stage in the project. They have no public participation in the transportation planning and don't have an option for 'no construction'. From the case studies, the model of public participation program is set to solve the problem of conflict between project proponents and the community and to improve to be better planning.

4.3 Public Participation in Power Plant Project

The power plant projects that most face public conflict, are coal-fired power plants. Local communities have worried about their environmental impact and have lost confidence in them. The public participation process can create a mutual understanding between the public and project proponent/government and help the public to participate in the decision-making process. The comparison of the project performance and public participation of each project case study is illustrated in Table 4.2.

The different type and location of the project can influence people's attitudes. The BLCP project is located in an Industrial area, is the Tarong North Project. This has less environmental impact compared to the Hin Krut Power Plant which is located near a tourist area. Portland Wind Farm has the advantage of having renewable energy which has less of an environmental impact than coal-fire power plants.

The people's way of life of each project area also provides different result. The local communities near Hin Krut Project are composed of fisherman and tourism related workers, while most local people near BLCP Project and Tarong North project are likely to adjust to dustrial development.

Hin Krut and BLCP Power plant Projects compare the problem of the lack of public participation in early stages to the lack of public participation in EIA process. The public participation in EIA was only a social survey. The main public participation of Hin Krut Project was a public hearing and Tripartite Monitoring Committee. This took place after the public conflict happened. The BLCP project established the community consultation program by emphasizing a public meeting and communicating with a key person, such as the head of the community. The strength of BLCP is on three Environmental Monitoring Committees that made more changes for public participation to ensure that the environmental management follows the plan.

In the project in Australia, the public participation started in EIA process and used many techniques in the various stages. The community Stakeholder Group and many workshops have an important role for the public in order to promote trust and to help ease the examination of public issues.

Table 4.2 Comparison of project performance for the project case studies

Topic	Hin Krut Power Plant Project	BLCF Power Plant Project	Tarong North Power plant Project	Portland Wind Energy Project
Type and Size	1400 megawatt coal-fired power plant	1400 megawatt coal-fired power plant	450 megawatt coal-fired power station	180 megawatt wind power plant project
Location	Bangsaphan District, Prachuap Khirikhan Province, Thailand	Map Ta Phut, Rayong Province, Thailand	Adjacent to the existing Tarong Power Station, Queensland, Australia	Four coastal locations: Capes Bridgewater, Nelson, Sir William Grant, Yambuk, Victoria, Australia
Development period	Canceled and now be considered in site selection process	Construction period: July 2003-February 2007	Commercial operation in August 2003	Operation in 2005
People's way of life	Tourism development	Industrial development	Industrial development	Tourism development
Public conflict	Severity	Negligible	Negligible	Negligible
Public participation process	After EIA process	After EIA process	During EIA process	During EIA process
-Information provision	Information center, Exhibitions, E-mail and internet access	Exhibitions, Site visit	Information center, Exhibitions, Site visit, Local newspaper, Telephone help lines, Newsletters, E-mail and internet access	Site Visit, Newsletters, E-mail and internet access
-Information collection and feedback	Interviews, Surveys	Interviews, Surveys	Interviews, Surveys	Interviews, Surveys
-Consultation	Public hearing	Small group meeting, Public hearing	Small group meeting, Public meeting	Public meeting
-Participation	Tripartite Monitoring Committee	Three groups of Monitoring Committees	Community Stakeholders Groups, Workshops	Stakeholder Reference Group, Workshops

4.4 Problem of Public Participation

The main problems of public participation in EIA processes are:

Lack of public participation in early stage and continuous

Public participation is overlooked in the EIA on Thailand, as communities are often confined to the later stages of the EIA process, after the environmental impact statement (EIS) has been completed. When the public participation in the EIA process starts the public consultation process too late in the project cycle, it results in having deficiencies in consultation arrangements. With a lack of the alternatives of projects, people have only a chance to get “yes” or “no” in the project. Moreover, some limitations within EIS are difficult for public involvement, such as insufficient time to make comments, more technical data and inadequate information.

Some limitation of EIA method

Following the last part, public participation in EIA process in Thailand is still a small amount and unclear. The effectiveness of most consultation and participation activities in EIA is rarely apparent. While in the EIA process in Australia, people have the opportunity to participate according to the guideline of environmental impact assessment and continue in many stages.

For EIA process in Queensland, there is no public participation before the EIA preparation, however public participation exists during the EIS process and after its finish. A good example of public participation is the EIA process in Victoria that has given the opportunity for continuous public participation from the early stages to final stages.

Lack of predictability

In the Hin Krut Power Plant Project, most local communities have not trusted in the project's procedure because they did not receive the information in early stage, additionally, there was a problem of transparency of information. One example is the failure of Environmental Impact Assessment on the coral reefs issue. Portland Project has shown the public participation process in an early stage. It can increase public confidence in the reviewers and decision-makers, and can also reduce conflict. The Tarong North Project has shown the performance in environmental management and supported many programs to make them partners in the community.

The other important problem in the lack of co-ordination between the public participation process and the project planning is the link of planning and design decisions during earlier stages in the project cycle. Many projects in Thailand often had used consultation processes from NGOs and specialists more than local communities. The project companies have shortages of adequately trained staff and are insufficient in studying the community. Although the government has tried to set up a public participation process, the methods and processes for public participation are still not clear.

Furthermore, inadequate the consideration of linking EIA and SIA is the other problem. In Thailand there is no social impact assessment. In Australia, SIA had acceptance within government authorities that it was undertaken early, to enable the emphasis on the development of community issues together with a preliminary assessment of impact. In the Portland Project, SIA process is studied together with EIA process and is used to supplement the EES report giving it more chances for public participation.