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EFFECTIVE COMMUNITY CONSULTATION**

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# A CASE STUDY OF PROBLEM SOLVING THROUGH EFFECTIVE COMMUNITY CONSULTATION

Dr. P. Brotherton

## Introduction

In many countries, for 20 years or more, issues relating to the treatment and disposal of hazardous wastes have often created great controversy. Australia has witnessed its share of such controversy.

Over the past few years, governments working together with key stakeholders have moved towards a resolution of Australia's longest-running and most controversial hazardous waste issue, the treatment and disposal of stable organochlorine wastes. For a long time in Australia these wastes were called 'intractable wastes', as they were very difficult to destroy. Until the last few years the only practical way of destroying them was through high temperature incineration and this remains the dominant destruction technology overseas. In 1993, the intractable wastes were listed on a schedule and have since been known as 'scheduled wastes'.

Scheduled wastes comprise a small fraction of all hazardous wastes and are:

- organic in nature;
- resistant to chemical, biological and physical degradation; and
- toxic to, and bioaccumulative in humans, other animals and plants.

The main types of scheduled wastes are:

- polychlorinated biphenyls (PCBs), used mainly in old electrical equipment;
- hexachlorobenzene (HCB), a chemical production waste stored at Orica's (formerly ICI's) plant at Botany in Sydney; and
- organochlorine pesticides (OCPs), such as DDT, dieldrin and heptachlor.

Use of PCBs and OCPs in Australia is no longer allowed or is being phased out, while generation of further HCB waste at Botany ceased in 1991. The volume of wastes has therefore not been added to substantially for some time. However, their potential deleterious impact on human health and the environment, along with the potential economic impact should they be found as trace contaminants in food, including exports, make their safe collection and disposal paramount.

In the 1970s and 1980s there were at least twelve attempts<sup>1</sup> to establish in New South Wales, Victoria, Western Australia or the Northern Territory a high temperature incinerator for destruction of scheduled wastes. All failed, with varying degrees of rapidity and damage to participants. Each failure produced a negative legacy that made future attempts to deal with scheduled wastes problem increasingly difficult.

In July 1992, acting on the advice of an Independent Panel on Intractable Waste set up after the final proposal to establish a high temperature incinerator had failed, the Australian and New Zealand Environment and Conservation Council (ANZECC, made up of the Commonwealth, State/Territory and New Zealand Environment Ministers) "announced the decision to abandon the proposal to establish a centralised high temperature waste disposal facility"<sup>2</sup>. Henceforth, the focus would be on a number of destruction technologies that were emerging at that time.

This booklet describes the public involvement and consultative processes used to achieve a broad consensus on the means of managing scheduled wastes in Australia. This successful outcome was achieved through a conscious effort to learn from nearly 20 years of previously-failed attempts and to build upon (and, where necessary, adapt) processes used in successful public involvement programs both in Australia and overseas. It is believed that this account of the successes, failings and lessons learned from the scheduled wastes process will be of value to anyone who may wish to emulate and build upon it.

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<sup>1</sup> An account of most of these attempts can be found in: Joint Taskforce on Intractable Waste (1988), *Preliminary Report, Part 2 - Appendices*, pp A9/1-A9/23, Commonwealth, New South Wales and Victorian Governments, April.

<sup>2</sup> ANZECC (1992), *National Strategy for the Management of Scheduled Waste - Draft*, 6 November 1992. (Note that this, as supplemented and amended by the SWWG Report to ANZECC – Version B [see footnote 3], constitutes the endorsed *National Strategy for the Management of Scheduled Waste*.)

## The Scheduled Wastes Process

In May 1993 a Scheduled Wastes Working Group (SWWG), made up of members of the Independent Panel and Government Officers, provided detailed recommendations to ANZECC on the development and implementation of a National Strategy for the Management of Scheduled Waste<sup>3</sup>. The SWWG had received input from a broadly-representative stakeholder Advisory Committee and had held public hearings in Melbourne and Sydney.

The National Strategy outlined a process for the development of detailed management plans for the different classes of scheduled wastes (PCBs, HCB and OCPs). It established two committees:

- the Scheduled Wastes Management Group (SWMG), made up of senior officers of the State, Territory and Commonwealth environment departments, and
- the National Advisory Body (NAB), of similar composition to the SWWG Advisory Committee. The following organisations were to be represented on the NAB: Australian Conservation Foundation, Australian Council of Trade Unions, Avcare (National Association for Crop Protection and Animal Health), Australian Local Government Association, Business Council of Australia/Minerals Council of Australia, Environment Victoria, Electricity Supply Association of Australia, Environment Management Industry Association of Australia, Greenpeace Australia, National Farmers' Federation, Nature Conservation Council of New South Wales, Plastics and Chemicals Industries Association, and Waste Management Association of Australia.

The following characteristics of management plan development (including subsequent review) were deemed to be essential:

- openness and transparency, with appropriate opportunities for public input and comment at all key stages;
- using the best information available at the time or which could be generated within a reasonable period; and
- being based upon technically-sound, independently-verified assessments of the potential environmental, economic and social implications of all key elements of any proposed management regime.

The role of the SWMG was to implement, review and advise on the National Strategy. In particular, in consultation with the NAB, the SWMG would:

- develop management plans for each category of scheduled waste and submit those plans to ANZECC for endorsement and implementation in each jurisdiction;
- prepare a detailed proposal for a National Collection Scheme, including options for funding for submission to ANZECC;
- ensure that the community was adequately consulted through the NAB and other means, such as public hearings and targeted consultation, education and information programs;
- monitor and review implementation of the National Strategy and report to each ANZECC meeting on progress and on any proposals for amendment;
- seek, as necessary, scientific, technical, economic and social advice, including initiating consultancies; and
- advise ANZECC on any other issues, as needed, so that Scheduled Wastes were managed to protect human health and the environment.

The SWMG was to report to ANZECC through the Standing Committee on Environmental Protection (SCEP), comprising the heads of the government agencies responsible for environment protection in the various jurisdictions.

The NAB's terms of reference were to advise ANZECC on:

- the development and implementation of each management plan;
- community consultation/education and information programs;
- monitoring and review of the National Strategy; and
- other relevant issues on which ANZECC or the SWMG sought advice.

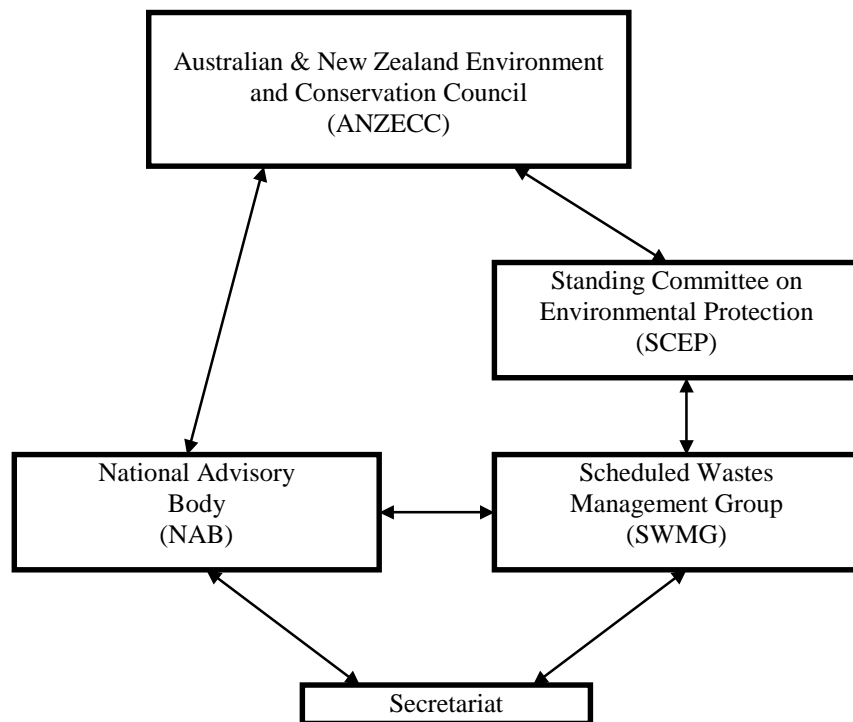
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<sup>3</sup> The Scheduled Wastes Working Group (SWWG, 1993), *Report to Australian and New Zealand Environment and Conservation Council (ANZECC) - Version B*, 22 May.

In an interesting structural initiative, the SWMG and NAB had a common independent Chair. Both bodies were serviced by a common secretariat. This was initially made up of two people but gradually expanded to 3-5 people over time as the magnitude of the task was clarified.

The relationship between the various bodies in the scheduled wastes process is depicted in Figure 1.

**Figure 1**  
**Bodies in the Scheduled Wastes Process**



### Initiating the Process

Following ANZECC's acceptance of the SWMG's recommendations, two primary initial tasks relating to the consultation process confronted the NAB and SWMG.

One was to develop a National Protocol for Community Consultation. This would spell out the aims of the consultation process and a detailed set of principles through which it would be conducted. Participants would thus be able to access a clear description of the consultative process upon entering into it. They would also have a set of commitments against which the performance of those carrying out the process (specifically the NAB/SWMG and any agents they might use) could be measured.

A sub-committee of the NAB was established to draft the Protocol, which was to be approved by the SWMG/NAB and endorsed by ANZECC. The sub-committee took, as its starting point, consultation protocols which had been adopted by bodies that had been widely agreed to have carried out effective consultations on other controversial issues. The specific examples chosen were the protocol adopted by Brunswick-Richmond Powerline Review Panel<sup>4</sup> (1988/89) which was refined and adapted for use by the Coode Island Review Panel<sup>5</sup> (1991/92). The NAB first met in April 1994, the NAB/SWMG agreed to a

<sup>4</sup> The Powerline Review Panel inquired into options for increasing security of electricity supply in Melbourne in the wake of massive community opposition to the State Electricity Commission of Victoria's (SECV's) proposal for a high voltage powerline through built up areas and along a river valley. Opposition to the SECV's proposal focused strongly on the conduct of the proponent as well as the content of the proposal.

<sup>5</sup> The Coode Island Review Panel inquired into the future of hazardous chemical storage in Victoria in the highly-charged atmosphere following the Coode Island fires of August 1991.

protocol in August 1994 and the protocol was endorsed by ANZECC at its next meeting in November 1994. The protocol was reviewed during 1996 in the light of experience gained from the completion of the PCB Management Plan and the early stage of development of the HCB Plan. A small number of additions were made to the protocol, specifically to reflect:

- the participative, as well as consultative, intent behind the scheduled wastes process; and
- a heightened awareness of the need to more regularly review, update and activate contact lists of interested individuals and organisations.<sup>6</sup>

The Consultation Protocol (as amended) is provided as Appendix A, with the amendments indicated in *italics*. As well as focusing on the NAB/SWVG's dominant responsibilities as facilitators of a public participation process, it also places expectations on all participants. Thus the NAB/SWVG "share the responsibilities for effective consultation with those who enter into the consultation process".

The other major task was to timetable and organise the program for developing the first management plan, which it was decided would be for PCBs. The broad process to be followed, outlined in Figure 2, had been agreed by ANZECC upon the recommendation of the SWVG following consultation with key stakeholders. The process allowed for three major phases of public input: an initial phase where parties could raise issues prior to management plan development and two opportunities for parties to respond to drafts of the management plan and any accompanying materials. It also incorporated major processes for reporting back to participants.

It was estimated that development of each management plan would take about 15 months. Despite occasional difficulties it proved possible to maintain this timeframe and three management plans were forwarded to ANZECC in about three and a half years.

It was also decided that the consultation processes would be facilitated by a balanced subgroup of the NAB, including the Chair, forming a consultation panel for each management plan. 'Balanced' is really code for ensuring that industry and community/environment representatives were, and were seen to be, involved in the consultation panels. This had the dual advantage of industry- and community-based participants in consultation forums seeing someone from their own constituency on the panel while being reminded that there were other constituencies whose views would have to be taken fairly into account to achieve a successful outcome. While balance remained an important facilitative principle and mechanism, rigid adherence to it became less of an issue over time as the integrity of the consultative processes gained greater acceptance among participants, both on the NAB and more broadly within NAB members' constituencies.

Technical support was provided by SWVG members. The terms of reference for the consultation panels were to:

- seek and facilitate the presentation of views from interested parties on matters relating to the development of the management plan; and
- report to the NAB, SWVG and participating interested parties on the views expressed.

In addition, the consultation panels played a significant role in providing the NAB and SWVG with initial redrafts of the management plans, taking consultation inputs into account, for further consideration by those bodies.

The active involvement of NAB members in consultation panels required unusually high commitment from the members involved. Key benefits were:

- it almost certainly resulted in more open and effective interchange between interested parties than if the consultation had been facilitated by government officers;
- it established a particular commitment from key stakeholders to ensuring the integrity of the consultation process and to owning the development of implementable management plans;

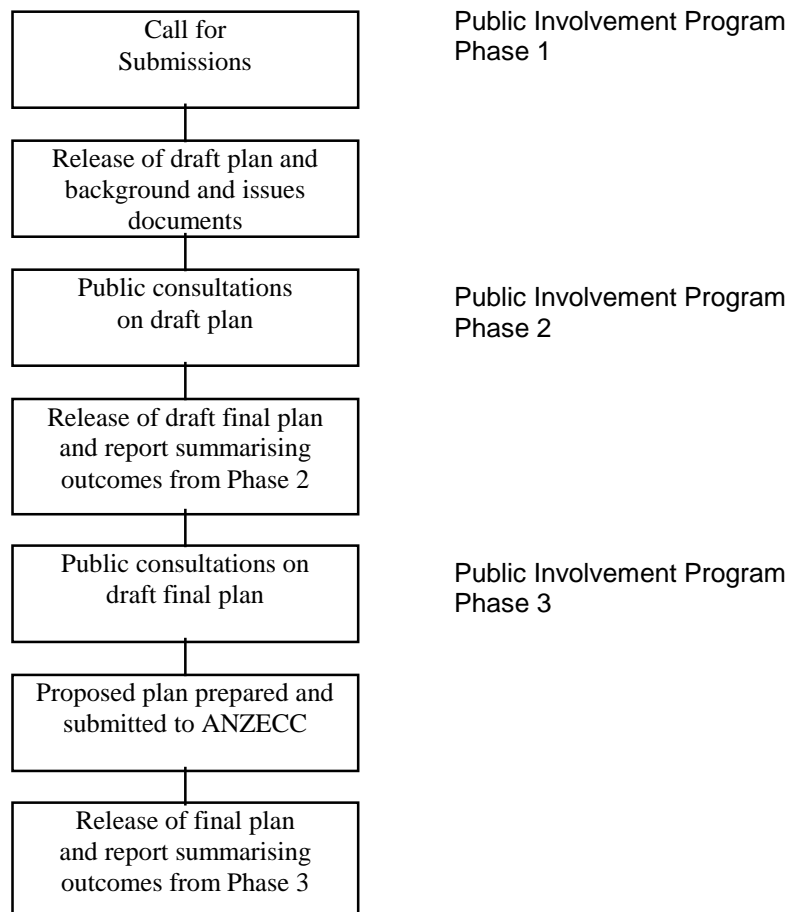
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<sup>6</sup> An extensive mailing list of over 4,000 individuals and organisations that had been developed by the Joint Taskforce on Intractable Waste had been lost in the process of creating the Independent Panel. The mailing list that was available at the commencement of the scheduled wastes process was smaller and focused heavily on NSW, with about 85% of entries being from that State. Another extensive mailing list of those interested in scheduled wastes has now been created. This is a potentially valuable resource for consultation on related issues, and entrants are to be contacted to ascertain whether they have any objection to this occurring.

- given the constraints of the scheduled wastes budget and even allowing for payment of sitting fees for panel members, it was significantly less costly than hiring professional facilitators<sup>7</sup>; and
- it allowed for more efficient development of management plans as NAB and SWMG members involved in the public forums were able to bring the consultation experience directly into the process of revising the plans.

**Figure 2**

**Agreed Process for Developing Management Plans**



**The PCB Public Involvement Program**

The program started (very modestly) on 30 April 1994 with an advertisement in *The Australian* stating that a PCB Management Plan was to be prepared and inviting any interested party to make submissions on any matter to be considered for incorporation in the plan. Three submissions were received, all from industry.

Two consultancies were let:

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<sup>7</sup> Early budgets had assumed that a consultant facilitator would be hired for public hearings. In the initial stages of the development of each management plan, and particularly for the necessary national-scale consultations for PCBs and OCPs, concerns were expressed over the capacity to deliver an adequate scale and quality of consultation within budget. On each occasion, and more readily over time with build up of experience, an outcome at the upper end of expectations was achieved within budget.

1. to develop a *Background Paper*<sup>8</sup> on physical and chemical characteristics of PCBs, relevant sources of exposure in Australia, their environmental fate, toxicology and ecotoxicology, and current international PCB legislation; and
2. to prepare a draft PCB Management Plan<sup>9</sup> and associated *Issues Paper*<sup>10</sup> and to redraft the plan in the light of public comments.

This process created some structural difficulties. The major one was having a consultant redrafting management plans that eventually would need to be approved by the SWMG upon advice from NAB (and ideally be a consensus view of both bodies) for transmittal to ANZECC. During the course of the PCB program the redrafting function switched from the consultant to the consultation panel, and this arrangement was maintained for subsequent management plans.

The first round of public forums was held in November/December 1994. Forums were held in all State/Territory capitals (except Canberra) and Coffs Harbour<sup>11</sup>. 240 people participated in these forums. The PCB Consultation Panel was made up of the independent chair and the representatives of the Australian Conservation Foundation, the Electricity Supply Association of Australia and the Waste Management Association of Australia. With the exception of the Coffs Harbour Forum, which was facilitated only by the Chair, at least three members of the Panel participated in each forum. They were accompanied by a member of the secretariat, who recorded proceedings and assisted the Panel with running the sessions. The forums were advertised through paid advertisements in capital city newspapers and via state-specific press releases. Invitations and background information were direct mailed to 3,500 people/organisations. There were concerns about a NSW/south-eastern mainland bias in the former SWWG and Independent Panel on Intractable Wastes mailing lists, making them less than optimal for a national consultation process. Therefore, they were supplemented with mailings to lists from the Environment Management Industry Association of Australia, the National Toxics Network and the Hazardous Materials Action Group/Greenpeace Activist Network.

Two sessions were held in each capital city, from 1-4pm and from 7-10pm; the evening timeslot catered for those who may not have been able to absent themselves from work or other daytime commitments. In most centres, however, a preponderance of participants took part in the daytime sessions. Childcare assistance was offered. Although it was never asked for it continued to be offered throughout the scheduled wastes process as a matter of principle. One representative from a Kalgoorlie-based community group was provided with transport assistance (a return train fare) to attend the Perth forums.

A logistics consultant was hired to organise registration of attendees, despatch of background materials, hire and setting up of venues, Panel and secretariat travel and nitty-gritty organisational matters at the forums. This enabled the Panel to focus on facilitation of the sessions. All respondents to the invitation to register (including those interested but unable to attend) received an information kit including a draft PCB Management Plan, the National Protocol for Community Consultation, media release, PCB Backgrounder, an Issues Paper and biographies of Panel members. The consultant also arranged the despatch of press releases to statewide media outlining the major outcomes of each forum.

While following a definite basic structure, the forums were made as informal as possible to encourage input. The basic structure was:

1. Welcome from the Chair
2. Brief Background on the PCB Management Plan
3. Presentation of oral submissions (pre-arranged), followed by questions from participants and the Panel
4. Open forum for discussion, directed to key issues in the Management Plan.
5. Conclusion and thanks, and invitation from the Chair to make follow up written submissions

The timing of this consultative round (29 November to 15 December 1994) was not ideal as it was close to the holiday period. However, a conscious decision was made to proceed, as the alternative would have been to delay the process for at least three months with a likely loss of enthusiasm and focus. This did,

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<sup>8</sup> Sinclair Knight Merz Pty Ltd (1994), *PCB Background Paper*, November.

<sup>9</sup> CMPS&F Environmental (1994), *Draft PCB Management Plan*, November.

<sup>10</sup> CMPS&F Environmental (1994), *Issues Paper for the PCB Management Plan*, November.

<sup>11</sup> This forum was held in response to a specific request from concerned citizens in the area.

however, lead to later notice being provided for the early sessions than was ideal and several people with prior commitments were unable to attend. Some participants also felt that they received their information kits too late and a commitment was made to ensuring in future that documents would be despatched to participants at least four weeks prior to forums.

Unsurprisingly, it was found that the most effective means of attracting people to the forums was through direct mail. Many were also being made aware by word of mouth from colleagues. It was decided to encourage greater use of internal bulletin boards (including electronic systems) within stakeholder organisations in future.

It is important to recognise that media announcements (whether by paid advertising or press release) are directed at a far wider, as well as less targeted, audience than is reached by direct mail. However, because paid advertising, unlike press releases, guarantees publication it was decided to continue with this mechanism at this stage even though some doubts were expressed about its cost effectiveness.

The consultation schedule placed onerous requirements on Panel members, all of whom had other work to do outside the scheduled wastes program. It was recognised as desirable to have all members attending each forum where possible so as to be seen to have a range of stakeholder representation on the Panel. However, as confidence built up in the openness and integrity of the processes being followed, both within the NAB/SWMG and more widely amongst stakeholders, this was not seen as an over-riding requirement.

In addition to the input from the public forums, 50 written submissions were received by 21 March 1995. A 106 page summary report, including the issues raised at forums and in submissions and the Consultation Panel's response to each of those issues<sup>12</sup>, was sent to all participants. This was the first of six such reports produced during the scheduled wastes process and required considerable effort from the secretariat and Panel members. It was the major element of the requirement under the consultation protocol to provide "frequent feedback....(on) consultations, interested people's contributions, and final key recommendations". Participants were thus in a position to judge whether issues they had raised and which they believed to be significant were acknowledged by the Panel and, from the Panel's responses, what level of impact they had. Substantial alterations were made to the draft management plan in producing a draft final management plan<sup>13</sup> for a further round of consultation. In particular, significant new and/or expanded material was incorporated under the sections on scope of the management plan, PCB analysis, notifiable quantity, equipment management and phase-out, treatment and disposal of scheduled and non-scheduled PCB waste, and review of the management plan. New sections on PCB monitoring, certification of transport and destruction, and community-based collections were added to the draft final management plan.

During the final round of public consultation on PCBs, forums were held in all State and Territory capitals between 18 May and 7 June 1995. Daytime and evening forums were held in Melbourne and Sydney, while a single evening forum was held in each of the other cities. Assistance was provided for participation in the Sydney forums by a representative of the group that had met with the Chair in Coffs Harbour in the previous consultative round. Over 150 people participated in the forums and 27 written submissions were received by 24 July 1995.<sup>14</sup>

The major changes to the draft final management plan as a result of the final round of consultation were the addition of guidance notes for the disposal of non-scheduled solid PCB waste and non-scheduled liquid PCB waste. Apart from editorial improvements, there were additions to the section on treatment and disposal of scheduled PCB material and scheduled and non-scheduled PCB waste, and also on training.

Additional benefits which flowed from the consultation program were:

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<sup>12</sup> Rae, I; Brotherton, P; Philpott, L; Schaap, H; Bainton, P and Chalklen, A (1995a), *Summary Report of the PCB Consultation Panel on Major Outcomes from PCB Public Consultations, 29 November to 15 December 1994*, April.

<sup>13</sup> Scheduled Wastes Management (1995) *Polychlorinated Biphenyls Management Plan - Draft Final*, April.

<sup>14</sup> Rae, I; Brotherton, P; Philpott, L; Schaap, H; Bainton, P and Chalklen, A (1995b), *Summary Report of the PCB Consultation Panel on Major Outcomes from PCB Public Consultations, 18 May to 7 June 1995*, December.

- gaining a more detailed appreciation of the state of development and implementation of real and prospective destruction technologies; and
- revision of the inventory of known and likely sources of PCBs.

The Proposed PCB Management Plan forwarded to ANZECC was supported by all of the stakeholders on the NAB and SWMG, a unique outcome for this historically controversial issue. On a number of issues, particularly those relating to threshold levels and emissions standards, there was at the outset significant divergence between industry and environment group stakeholders. These divergent positions were able to be reconciled through robust and open interchange in the consultation program and agreed positions were able to be located in the overarching framework of the checks and balances provided by the management plan. ANZECC endorsed the Plan<sup>15</sup> at its meeting in November 1995.

Because it provided the baseline model for public involvement, the PCB Plan has been dealt with in some depth. The processes for formulating the HCB and OCP Plans will be discussed more briefly.

### **The HCB Public Involvement Program**

While most PCB material and waste was held by major electricity generators, distributors and consumers, it was also relatively widely spread though the community in older fluorescent lighting and electrical equipment. The waste dealt with under the HCB Waste Management Plan was all localised at Orica's (then ICI's) Botany plant in suburban Sydney. Although there was a general public interest in the management of this waste, the primary interest was from the Botany and surrounding communities. This was reflected in the conduct and advertising of the HCB Public Involvement Program.

The first phase of the program began in August 1994 with a call for public submissions through national newspapers, resulting in six submissions being received. A detailed HCB Background and Issues Paper<sup>16</sup> was prepared and released in July 1995. In the same month, the NAB Chair and the Secretariat Manager held preliminary meetings with key stakeholders (Botany Council, ICI and community organisations) to seek advice on the advertising and conduct of public meetings, appropriate venues and to identify other stakeholders.

The second phase began in November 1995 with the release of a draft management plan<sup>17</sup>. Public forums were advertised through direct mail, the distribution of 4,600 multilingual<sup>18</sup> leaflets through letterboxing and community centres, and press releases to Statewide and local media outlets. Thirty-eight people attended the afternoon forum and 21 attended the evening forum in the Botany Town Hall on 5 December 1995. The Independent Chair of NAB and the NAB representatives from the Nature Conservation Council of NSW and the Plastics and Chemicals Industries Association made up the Panel. Input from the forums<sup>19</sup>, 10 written submissions received during this phase and comments from the SWMG and NAB were used to revise the draft management plan, following which a Draft Final Management Plan<sup>20</sup> was released for consultation in Phase 3.

In the third and final phase of the public involvement program, 27 people attended the afternoon session and 30 attended the evening session in the Botany Town Hall on 16 May 1996<sup>21</sup>. Six written

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<sup>15</sup> Australian and New Zealand Environment and Conservation Council (1996), *Polychlorinated Biphenyls Management Plan*, November.

<sup>16</sup> Anutech Pty Ltd (1995a), *HCB Waste Background and Issues Paper*, July. Note that the process followed here was different from that used for PCBs where the Background Paper and the Issues Paper were commissioned separately in the hope of expediting their production. Separating the processes did not work very well.

<sup>17</sup> Anutech Pty Ltd (1995b), *Draft HCB Waste Management Plan and Supporting Document*, November.

<sup>18</sup> The primary text of the leaflets was English but a message in Arabic, Italian, Spanish, Greek, Croatian and Mandarin was included which referred people to a freecall telephone interpreter service for further information.

<sup>19</sup> Rae, I; Grinter, M; Maier, V; Bainton, P and Hoar, P (1996), *Summary Report of the HCB Consultation Panel on Major Outcomes from HCB Public Consultations, 5 December 1995*, April.

<sup>20</sup> Scheduled Wastes Management (1996), *Hexachlorobenzene (HCB) Waste Management Plan - Draft Final*, April.

<sup>21</sup> Rae, I; Grinter, M; Maier, V; Bainton, P and Chalklen, A (1996), *Summary Report of the HCB Consultation Panel on Major Outcomes from HCB Public Consultations, 16 May 1996*, December.

submissions were also received and considered in producing the Proposed HCB Waste Management Plan which was endorsed by ANZECC in November 1996<sup>22</sup>.

While many amendments were made during the revisions of the HCB Waste Management Plan to make it clearer to read, there were not as many major amendments made as had occurred for the PCB Plan. This was to be expected as the experience gained from developing the PCB plan informed the HCB process so that it began with a more detailed and polished initial draft plan. However, two major additions were made as a result of consultation on the development of the HCB Plan:

- community participation and access issues were spelt out in greater detail. In particular a local Community Participation and Review Committee<sup>23</sup> was established to provide a forum for discussing the implementation of the plan and to consider any matter within the scope of the plan; and
- a detailed process for deciding on the best means of dealing with waste encapsulated under the Orica car park was developed.

### **The OCP Public Involvement Program**

In direct contrast to the situation for HCB, which is a well characterised holding at a single site, OCP wastes may be found on farms, in business premises and households, and in government agencies throughout Australia. The quantities involved in individual cases are often small and unrecognised by holders.

Phase 1 of the public involvement program began in August 1996 with a call for public submissions through national newspapers and the formulation of a Draft OCP Waste Management Plan<sup>24</sup>. Because of the dispersed and uncertain nature of the OCP problem, it was decided that a much larger and more geographically widespread consultation process was required for OCPs than had occurred hitherto. It was decided to hold public forums in 30 centres, of which only 5 were in or near capital cities. No members of the NAB were in a position to attend all, or even most, of these forums. This necessitated the setting up of a seven person OCP Consultation Panel from which 2-3 members were selected to facilitate groups of 3-5 forums arranged in eight geographic circuits (eg, Darwin-Katherine-Kununurra and Hamilton-Horsham-Shepparton-Knoxfield).

Because of the magnitude of the task and the changing of facilitators between circuits, it was decided to test the proposed format of the forums and maximise the commonality of approach by holding four pilot forums, two each in Traralgon, Victoria and Toowoomba, Queensland, in September 1996 with all seven Panel members in attendance. A logistics consultant was hired to assist with the organisation of the forums to allow Panel members and secretariat support staff to focus on facilitation of the forums. While this arrangement was successful, the continuation of the logistics consultancy could not be accommodated within the available budget. Logistics for the following 28 forums were provided by the Secretariat with supplementary in-house and mailing house assistance where necessary<sup>25</sup>. Additional effort was also required from the Panel members to enable such a major public involvement program to be completed successfully within budget limitations.

For both PCBs and HCB, considerable expenditure was incurred in consultancies for the preparation of detailed background and issues papers and draft management plans<sup>26</sup>. The detailed background and issues papers proved to be of great interest to scheduled waste devotees. However, such devotees are relatively few and most who took part in the public involvement programs did not undertake a detailed study of these papers. Despite the clear intention behind their production of adding to the level of public knowledge, the papers did not play a prominent part in the main debates shaping and improving the

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<sup>22</sup> Australian and New Zealand Environment and Conservation Council (1996), *Hexachlorobenzene Waste Management Plan*, November.

<sup>23</sup> The location of the HCB waste at a single site (Botany, NSW) made the development of a local community forum both an important and viable option.

<sup>24</sup> Scheduled Wastes Management (1996), *Draft Organochlorine Pesticides Management Plan*, November.

<sup>25</sup> The recorded cost of the pilot program was \$34,900 (of which over half was for logistics) and that for the rest of the Phase 2 program (28 forums) was \$107,400.

<sup>26</sup> Approximately \$288,000 for all of these documents for the two management plans.

management plans. It was also recognised that there was a much wider range of existing information on OCPs than on PCBs and HCB and that this could be brought to the attention of, or made available to, anyone requesting more information<sup>27</sup>. For the OCP program a 6-page Information and Issues Brief was produced in-house, supplemented by a number of fact sheets on OCP issues.

While consultants had produced draft management plans previously, these had required significant further input from SWMG/NAB before being publicly released. As indicated previously, the SWMG/NAB had taken over the redrafting of management plans once they were in the public domain. The composition and experience of the SWMG, NAB and Secretariat, meant that a consultancy team, starting from scratch, was most unlikely to be able to draft a public policy document, such as a management plan, for endorsement by ANZECC as readily as the bodies which had the experience of drafting previous plans and which also encompassed broad stakeholder views. It was therefore decided not to use external consultancies for any stages of the development of the written OCP Plan.

In addition to strategies used previously to maximise public attendance at forums, greater emphasis was placed on sending targeted letters of invitation to people identified by the Panel<sup>28</sup> because of the office they held, their position in the community and/or knowledge of relevant matters. Following lower than anticipated attendances at some of the earlier forums in Phase 2, this activity was supplemented by telephone contact from the Secretariat or a supporting consultant located in the Secretariat, as well as an increased effort at personal contact by NAB members. This produced a significantly improved response.

Over 500 people attended the Phase 2 forums and 79 written submissions were received<sup>29</sup>.

In Phase 3, ten<sup>30</sup> full-day workshops were held in mainly rural locations between 7 July and 5 August 1997 to allow full discussion of the practicalities of implementing the OCP Plan, and particularly of possible collection programs, at the local/regional level. Consultation was held on both the Draft Final OCP Waste Management Plan<sup>31</sup> and also on a discussion paper on proposals for a National, Collection, Storage and Destruction Scheme<sup>32</sup>. While such a scheme was generally seen as essential to implementation of a management plan, it was recognised by most participants that its realisation would only be possible through detailed discussions and negotiations between governments and industry. The public involvement program had to proceed on the basis that no guarantee could be given at the time regarding the outcomes of those negotiations. About 270 people attended the Phase 3 workshops and 24 written submissions were received.<sup>33</sup>

As with previous management plans, considerable rewriting and restructuring occurred as a result of public input and an audit trail is provided in the summary reports of the OCP Consultation Panel<sup>26,28</sup> to allow the impact of public comment on the management plan to be tracked. The OCP Plan marked the only occasion on which there was a difference of view between the NAB and the SWMG on the content of the proposed plan forwarded to ANZECC. As outlined on page 12 of reference 28:

“The NAB recommended that the Proposed OCP Plan to be submitted to ANZECC contain a detailed guidance note on OCPs and cattle tick dip sites. However, the SWMG excised this guidance note prior to the Proposed Plan being forwarded to ANZECC, as a result of strong opposition from NSW Agriculture. The plan approved in principle by ANZECC thus did not

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<sup>27</sup> For example, copies of World Health Organisation reports on various OCPs were available from the Secretariat.

<sup>28</sup> See, eg, page 5 of *Summary Report of the OCP Consultation Panel on Major Outcomes from OCP Public Consultations, 7 July to 5 August 1997*, for an indication of the range of people and organisations contacted.

<sup>29</sup> Brotherton, P; Florian, L; Gauchat, C; Grinter, M; Maier, V; Rae, I; Wolfenden, D; Bainton, P; Weavers, A and Chalklen, A (1998), *Summary Report of the OCP Consultation Panel on Major Outcomes from the OCP Public Involvement Program, August 1996 to March 1997*, April.

<sup>30</sup> Two in each of WA and Queensland and one in each of the other States and Territories. In all other phases of public involvement programs forums had been around three hours long.

<sup>31</sup> Scheduled Wastes Management (1997), *Draft Final Organochlorine Pesticides Waste Management Plan*, May.

<sup>32</sup> National Collection, Storage and Destruction Scheme Steering Committee (1997), *Discussion Paper: Collection and Destruction of Unwanted Farm and Household Chemicals*, June.

<sup>33</sup> Rae, I; Brotherton, P; Gauchat, C; Lloyd-Smith, M; Maier, V; Bainton, P and Chalklen, A (1998), *Summary Report of the OCP Consultation Panel on Major Outcomes from OCP Public Consultations, 7 July to 5 August 1997*, September.

include such a guidance note. NAB and SWMG have liaised with NSW Agriculture to try to ensure maximum consistency between NSW Agriculture's policy on managing dip sites and the OCP plan. Complete convergence was not reached. The matter continues to be handled (in NSW) by NSW Agriculture."

It is clear that the SWMG and the NAB were in disagreement over the inclusion of a guidance note and that the NAB was not pleased with the SWMG excising the guidance note from the proposed plan before forwarding it to ANZECC. However, it is a strength of the scheduled wastes process that discussions did take place with NSW Agriculture and that the NAB was able to air its concern through the OCP Panel's public and official report on the consultation program.

The Proposed OCP Waste Management Plan<sup>34</sup> was endorsed in principle by ANZECC in December 1997. Full endorsement of the Plan was dependent upon the successful outcome of negotiations on the National Collection, Storage and Destruction Scheme. ANZECC approved the OCP Plan following the agreement of the Commonwealth and State Governments to fund a one-off national chemical collection and destruction program starting in 2000, to be known as ChemCollect. Once the ChemCollect program is completed in each jurisdiction it will be replaced by ChemClear, an ongoing industry-funded program. The focus of ChemClear will be the collection and destruction of all registered, unwanted farm chemicals. An additional program, drumMUSTER, was launched in February 1999. This is a joint industry/farmer/local government program, funded through a levy, to collect and dispose of empty, cleaned chemical containers. These programs aim at a significant reduction in farm chemical waste, with increasing emphasis on reduction at source.

### **Independent Evaluation of the Public Involvement Programs**

There are two main sources of independent evaluation of the effectiveness of the Public Involvement Programs:

- a consultancy evaluation of the Scheduled Wastes Program as a whole carried out by ARTD Management and Research Consultants for Environment Australia<sup>35</sup>; and
- survey form responses from participants in the OCP forums and workshops<sup>29,33</sup>

ARTD based its conclusions upon interviews of 48 representatives of government and non-government stakeholders, 18 responses to an invitation to make submissions sent to a stratified sample of 1,000 people drawn from the scheduled wastes mailing list, and on the substantial documentation generated through the process.

A summary of the ARTD findings, insofar as they relate to the development of the consultation strategy and its implementation through the public involvement programs, is presented below under headings used in the ARTD report.

#### Program Structure

"The structure (Figure 1) adequately represented the main stakeholders. Extensive consultation processes were conducted which accounted for all the major interests." The involvement of the Commonwealth "provided a national level of support and input that would otherwise have been difficult to achieve".

#### Stakeholder Involvement and Community Consultations

ARTD considered "the public consultation process to be a model for dealing with difficult public issues, where the solutions are more social and political, rather than technical and scientific". This will always be the case in a democracy rather than a scientocracy.

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<sup>34</sup> Australian and New Zealand Environment and Conservation Council (1997), *Proposed Organochlorine Pesticides Waste Management Plan*, September. To be published as *Organochlorine Pesticides Waste Management Plan* following approval by ANZECC in July 1999

<sup>35</sup> ARTD Management and Research Consultants (1998), *Evaluation of the Scheduled Wastes Program - Final Report*, March.

“No significant stakeholders were excluded from the process or felt their views had not been considered. The community consultation model made a contribution to changing the public response to scheduled wastes from one of high debate and little action to the opposite... The public, chiefly through community and environmental groups, has been invited into the scheduled wastes process... This has provided a level of credibility which has enhanced the approach... Along with the composition of the NAB, it has also ensured ANZECC can endorse management plans confident that key public groups have participated.”

### Knowledge and Awareness of Scheduled Waste Management in the Community

“The knowledge and awareness of interested groups and individuals was enhanced through their participation”. However, the broad public seemed content that the issue “had been put to rest by the national approach and the removal of the perceived threat of a centralised destruction facility”. ARTD saw this “as a positive issues management outcome” but warned that an incident involving scheduled wastes could reignite public concern.

Stakeholders generally regarded “the implementation of management plans as medium in effectiveness”, with many expressing concern over a perceived “slowness of implementation”. This could also lead to increased community concern if allowed to persist.

### Additional Beneficial Outcomes

“Three additional beneficial outcomes were identified by stakeholders:

- development of networks and mutual understanding amongst NAB members, which benefited both the scheduled wastes process and other issues where they meet<sup>36</sup>;
- the detailed public involvement process, including the presence of NAB members as facilitators, raised the credibility of the strategy; and
- the model of bringing government, industry and community/environmental groups into” a working, solution-seeking framework “may be useful elsewhere.”

### Risk Reduction

ARTD endorsed the effectiveness of the “pragmatic approach to devise and implement plans based upon negotiated threshold quantities and concentrations rather than awaiting lengthy, costly and potentially inconclusive further research.” This was based upon the “assessment that the solutions to scheduled wastes problems were political, legal, administrative, technical and commercial, rather than scientific *per se*.”

### Other Outputs

“More than 50 publications resulted from a highly productive period” and these were seen as “a valuable public asset”. In addition to their direct contribution to the scheduled wastes process it was recognised that “further benefits may be achieved through publicly listing documents for research purposes and continued posting to the internet”. It was suggested that “a summary of the consultation process would provide for its use as a model for application to other issues.”

### Time Taken

Three and a half years were taken “to develop three management plans to ANZECC endorsement, following extensive public involvement”. In terms of outputs and duration, and compared to the pre-existing situation, this was “judged to be time efficient”. While some consultation processes may have seemed lengthy to outsiders, “major stakeholders were clear that the higher level of effectiveness and security of outcomes justified the time taken”.

### Costs

To the end of 1997 the entire scheduled wastes process involved measured “direct government investment of under \$1 million”. It was estimated that additional contributions in kind from stakeholders

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<sup>36</sup> Some similar understandings and beneficial relationships developed between members of the NAB and of the SWMG.

were of a similar order. This was seen as “a highly efficient investment considering the potential costs to the nation that scheduled wastes could cause”. It was noted, however, that the in-kind contributions were a largely hidden cost and should they “prove unsustainable over the longer term could undermine assumptions about achievable outputs”.

The direct line item costs attributed to running the public involvement program (sitting fees, travel, accommodation, venues, refreshments for attendees, advertising, logistics consultancies, development of summary reports of programs) were approximately \$320,000. For this expenditure, 61 three-hour forums and 10 one-day workshops were held in 38 cities and towns throughout Australia, from Kununurra to Hobart and Cairns to Bunbury. This program was far greater than envisaged at the start of the scheduled wastes program, was delivered within budget, and was achieved by significant commitment and in kind contributions from NAB members supported by the SWMG and extraordinary dedication from Secretariat staff.

ARTD summarised stakeholder views of their opportunities to participate in addressing the scheduled wastes problem with the following series of quotes:

- “consultation an outstanding success”;
- “best instance of such a process”;
- “needed direct stakeholder presence of the NAB”;
- “‘community’ varied and really the most directly interested (became involved)”
- “a high result was achieved for those directly involved, eg Botany, farmers”;
- “general public still unaware, partly because of less media coverage”;
- “more such public involvement needs to happen”.

The second source of independent evaluation was responses to evaluation sheets given to participants in the Phase 2 forums and Phase 3 workshops of the OCP Public Involvement Program<sup>37</sup>, with over 540 responses being received overall. Participants’ responses to six criteria are shown in Table 1.

**Table 1**

**Views of Participants in OCP Public Involvement Program**

<b>Criterion</b>	<b>Mean Phase 2 Score*</b>	<b>Mean Phase 3 Score*</b>
Accessibility of the Venue	2.4	2.4
Facilities of the Venue	2.3	2.3
Suitability of Meeting Time	2.2	2.4
Prior Notice of Meeting	1.6	2.4
Advertising/Publicity for Meeting	1.2	1.6
Opportunity for Public Input during Meeting	2.7	2.5

(\* based upon Very Good = 3, Good = 2, Indifferent = 1, Not Good = 0)

While it almost goes without saying that a venue which is to be used for several hours should be accessible (particularly for the elderly and disabled), comfortable and functional, ensuring this can take some effort in a program spanning large distances and including centres unfamiliar to the organisers. To facilitate a sense of inclusiveness, it was specifically decided not to use government departments as venues, reliance being placed upon community-based facilities or commercial facilities such as conference rooms in hotels/motels. The meeting times were widely agreed to be suitable, but people who found them unsuitable would, of course, be less likely to participate.

There were difficulties with ensuring adequate prior notice of meetings, particularly during the early stages of Phase 2. Contributing factors were indifferent performance from a mailing house, the length of time for mail to reach remote locations and the speed of internal mail distribution and delegation in some receiving

<sup>37</sup> Upon reflection, given the accolades that have been given to the scheduled wastes consultation programs, it is a bit embarrassing to record that the basic process of preparing evaluation sheets for distribution to participants did not occur for the PCBs and HCB programs, though note was taken of criticisms and suggestions for improvement during these programs as well.

organisations. When the mailing house difficulties were identified the Secretariat telephoned all those who had expressed an interest in attending forums and thus should have received materials to find out whether they had done so. While the news was often not good, people appreciated the effort and were generally understanding in the circumstances. Changing mailing houses, ongoing checking of the efficiency of mailouts, and active telemarketing during the latter stages of Phase 2 and throughout Phase 3 led to greatly improved performance. In Phase 2, 39% of respondents categorised prior notice as not good or indifferent; this was reduced to 9% in Phase 3.

Advertising and publicity for the meetings was perceived to have low impact. This is probably in part due to a low use of paid advertising and also to a narrow interpretation by some participants of advertising and publicity, which they took to mean paid advertising or media stories. During the early circuits of Phase 2 the number of participants was below expectations. In December 1996 a decision was made to stop paid advertising completely and divert resources into further networking, direct mail and telemarketing activities. It had been recognised for some time that paid advertising was a financially inefficient means of attracting participation in forums but it was persisted with for a time as it was a guaranteed mechanism for getting a message to part of a general audience. Continued strong effort was made to gain media stories by sending out press releases and radio community service announcements three weeks before forums and reminder releases a few days before the forums. These actions were relatively successful but, unsurprisingly, many media outlets were more interested in a story closer to the forums (when it had more immediacy) or during/after the forums (when local participation had given it local flavour). Thus media coverage increased public awareness of the public involvement program but not in a way that was most timely for facilitating direct involvement. During Phase 2 about 12% of participants were gained from radio and newspaper reports, while about 3% came from paid advertising.

Participants ranked their opportunity for input during the meetings very highly. The three-hour forums ranked slightly higher than the full day workshop but this may be due to the full day events being a much more demanding task. Only four out of 541 responding participants ranked the opportunity for public input as "not good", while 324 ranked it as "very good". This result is exceptional. It was due to the keenness of participants to come to grips with a real and ongoing issue for many of them and to the facilitation of the meetings by major stakeholders with the capacity and determination to discuss matters frankly. Many participants remarked that they felt as if a genuine attempt was being made to involve them in the search for effective solutions, rather than being allowed to nibble around the edges of a largely pre-determined outcome.

## Conclusions

The general process followed by the NAB/SWMG was a form of regulatory negotiations or reg-neg, a mechanism developed in the United States in the 1970s. Under reg-neg, regulators (in this case represented by the SWMG) participate in consensus-based negotiations with affected stakeholders (NAB and others accessed through the public involvement programs). The process provides viable outcomes if and only if the negotiated consensus is translated into regulation<sup>38</sup> which is then seen to be properly implemented.

The variant of the model followed here, while not unique, is relatively unusual. A communication and mediative mechanism was provided through a common independent chair of both the NAB and SWMG. The NAB was relaxed about having members of the SWMG sit in on its meetings<sup>39</sup>, a celebration of diversity as they often were, but the reverse did not apply<sup>40</sup>. This element of structural asymmetry may be worthy of further analysis as it could be argued as being a discordant element in the general framework of the scheduled wastes process. While acknowledging that there will be some things that the

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<sup>38</sup> Ortolano, L.(1997), *Environmental Regulation And Impact Assessment*, John Wiley and Sons, Inc. New York, p. 416

<sup>39</sup> With one exception – the NAB met without the presence of SWMG members in October 1997 to discuss its future following a recommendation to discontinue it after June 1998.

<sup>40</sup> That said, SWMG meeting minutes were made available to NAB members and were often discussed at length at NAB meetings with SWMG members present to answer questions. The strongest unresolved difference of opinion between NAB and SWMG was over the question of dipsites, and this related to both matters of content and process. The matter of content was likely to persist regardless of the structure of the NAB/SWMG process; whether the process concern could have been alleviated by a different approach still appears to be a live question.

government officers would want to discuss amongst themselves (in the same way that NAB members would share confidences beyond the purview of SWMG members), the need for the SWMG to meet in camera as a base operating mode for reasons other than tradition is not clear. There were many occasions where NAB decisions were enhanced by on-the-spot input from SWMG members and the efficiency and efficacy of some SWMG decisions may have been enhanced if more timely NAB input had been possible.

The capacity for NAB to communicate directly to ANZECC (as indicated in Figure 1) was important. This mechanism was only used on a couple of occasions where NAB's view was different from that conveyed to ANZECC by government officers. If NAB had felt that its advice was open to filtering by government officers (regardless of how often or rarely it may have been filtered) the process would have been much less successful, and potentially unworkable. A possible difficulty in the reporting structure was that the SWMG's advice was passed to ANZECC via SCEPT, which had the capacity to vary advice should it see fit. This could create problems if a position negotiated between NAB and the SWMG were varied by SCEPT in its advice to ANZECC.

There are many lengthy advice manuals on how to run community consultation and public involvement programs. It is beyond the scope of this small booklet to provide very detailed advice covering a wide range of circumstances. However, some key features of, and lessons drawn from, the scheduled wastes process are summarised below.

#### Seek early advice from stakeholders on the need for, and form of, consultation

There is a huge number of issues on which public input can be sought by a wide range of mechanisms. There is no point in attempting to engage people in consultation on issues of little interest to them; no-one wants to be consulted to death. Equally, governments and other proponents may underestimate the degree of stakeholder interest in particular issues or fail to foresee circumstances which may trigger an escalation in interest. Such escalations will normally manifest themselves in upwellings of concern or even outrage. It is important to seek early advice from stakeholders on the perceived importance of the issue being addressed and the types of processes (if any) for their effective engagement with the issue.

#### Build upon past relevant experience

This includes learning from past good and bad experiences. There were plenty of lessons to be learnt about how not to do things from over a decade's previous experience of attempting to deal with the scheduled waste problem. The scheduled waste public involvement process was built upon an evolving model from two previous highly-regarded Australian efforts to deal with highly-controversial issues, viz the Brunswick-Richmond Powerline issue and the future of hazardous chemicals storage in Victoria.

#### Adopt clear and explicit protocols

The need to establish a consultation protocol was recognised as an essential early step in the scheduled waste process. Effective public involvement needs to be a structured process, where the agreed rules of engagement are clearly articulated and acceptable to key stakeholders. The level of ability of participants to influence outcomes must be made clear. In particular, there must be no pretence that participants are able to influence or make decisions to a greater degree than will actually be allowed.

The NAB, for example, had to make very clear that it was only able to advise on the content of management plans that it had a major hand in drafting. It was also able, however, to state that in its judgement if the diverse representatives on the NAB could reach consensus on issues that this would be likely to have a powerful influence on ANZECC decision making. This proved mostly to be the case.

The consultation panels were able to state on the spot if they thought they had heard a good idea which they could take forward as a recommendation to NAB and SWMG. Again they could not guarantee that such matters would be agreed, but they could say that they thought their recommendations based upon public input would usually carry weight. This also proved to be right.

### Learn from mistakes and openly correct inadequacies

While the scheduled wastes process received praise from many participants, mistakes were clearly made at various times. Relative to the scale of the public involvement programs, the resources available for implementation were often meagre. The size of some tasks were underestimated, leading to examples of poor execution throughout the program. A good example was the faltering start to Phase 2 of the OCP Public Involvement Program through late provision of materials and a less active approach to networking than was required for success. When the problem was recognised it was admitted openly and resourcing was directed away from paid advertising<sup>41</sup> and into bolstering networking activities based upon direct mail and telephone contact. The much higher ranking given by Phase 3 participants for the adequacy of prior notice for meetings than was achieved for Phase 2 is strong vindication of this change in approach.

### Facilitate participation with appropriate resourcing

Interested parties may be precluded from participation on information, logistical or financial grounds.

A sizable proportion of the scheduled wastes budget was spent on consultancies producing detailed analyses of the state of the science and the public policy framework for scheduled wastes issues. The substantial reports produced were of great interest to a core of scheduled waste aficionados and added substantially to the national body of knowledge on such issues. However, in terms of the core business of the NAB and SWMG it would be difficult to claim that they had much impact on the development of management plans. Over time it became clearer that many people with a positive contribution to make to management plan development were not assisted by being swamped with science; rather they needed a clear and much less detailed description of the issues involved to which they could add from their own experience to form a basis for seeking solutions. This was acted upon for the OCP Management Plan, allowing considerable savings in the generation of background information while producing information that was more useful to most of the target audience.

Childcare and modest travel assistance were made available to assist participation in forums. In response to a request from a group of citizens in Coffs Harbour to participate in the PCB Public Involvement Program, the Chair travelled to Coffs Harbour to meet with them.

If stakeholders are expected to commit large amounts of time to a consultative process, as was the case with NAB members, it is unreasonable to expect them to suffer significant financial loss as a consequence of their contribution. Early draft budgets drawn up by the SWWG assumed that all contributions made by NAB members would be voluntary. However, to enable participation, sitting fees were paid where NAB members had to absent themselves from paid work without recompense from an employer.

### Adhere to public commitments

The consultation protocol (Appendix A) provided a definite set of commitments against which the NAB was able to be measured by all participants in the consultative process. The list of principles provided in the protocol have now been developed iteratively through three major and well-regarded consultation processes over the course of a decade. They are recommended for consideration as a starting point for anyone embarking seriously on a program of public involvement, particularly on issues that are, or have the potential to be, controversial.

It is easy to be tempted to opt for a less comprehensive set of principles in the hope of creating speed or efficiency; it can be very costly to do this without good reasons which are clearly apparent to all significant stakeholders.

Once a protocol is set, however, it is important that commitment is shown to implementing it in full. Perfection is not demanded by reasonable stakeholders; the scheduled wastes process demonstrates process facilitators can be forgiven for mistakes provided they learn from them and are clearly making a

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<sup>41</sup> While paid advertising is often seen as the minimum requirement for public information provision, it is an extremely expensive mechanism compared to a range of coordinated networking techniques for engaging interested parties. While it may have been nice to have funds for both paid advertising and pro-active networking, this was not the case and the evidence is clear that that networking activities provided far greater value for money and effort.

committed effort. That said, it should be recognised that duplicity, denial or defensiveness are precursors to failure in consultative processes.

Facilitators of consultation processes can face very stern tests, but the rewards for honest and reasonably competent performance can be considerable. While the prime responsibility for effective consultation rests with facilitators, principle 13 of the National Protocol states that all who enter in an effective consultation process share in the responsibility for maintaining the process's effectiveness. Just occasionally, in an effectively-operating process it feels really good when someone who does not treat the process fairly is brought to account by other stakeholders<sup>42</sup> and even better if those stakeholders include their colleagues.

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<sup>42</sup> At one public forum, one participant had much to say about many things. The Panel was beginning to feel that perhaps it was going too far in letting him have his say at the expense of other people being able to put their views. He then said that he wouldn't say much more before he sat down and the audience burst into unanimous and spontaneous applause. His contributions were much less copious from that point.

## Appendix A

### National Protocol for Community Consultation on Scheduled Wastes

#### Aims

The following consultation *and participation* aims have been agreed by the NAB and the SWMG and will be adopted in the development of management plans:

1. To enhance the development, adoption and implementation of effective management plans for scheduled wastes;
2. To maximise understanding of and involvement in the debate relating to the management of scheduled wastes;
3. To place scheduled waste management issues clearly within the context of broader waste management issues, *including those which may arise throughout the process of development and implementation of management plans*;
4. To achieve the most socially acceptable outcome possible in the development and finalisation of management plans, taking account of environmental, economic and social factors.

#### Principles

The NAB and SWMG, in facilitating the consultation *and participation* process, will seek to achieve clarity of roles and responsibilities, timeliness of decision making and information delivery, access to information and personnel, easily comprehensible information and processes, continuity, feedback mechanisms, openness, fairness and equity.

We will:

1. communicate in a clear and timely manner accommodating comments on the scope, aims and expected outcomes for each stage of discussion and submissions;
2. provide comprehensive and timely information to the community to encourage fair and informed discussion of issues;
3. support, to the maximum extent possible, the consultative process by providing information requested by those seeking to provide input;
4. establish clear and realistic timelines for all forms of input which reflect, as much as is possible, a sensitivity to the resources available to individuals and groups concerned;
5. translate key information into plain language for wider community consideration, especially when dealing with technical issues;
6. assist individuals and groups in a variety of practical ways to engage in the consultative process, within the limitations of the scheduled wastes budget, paying particular attention to equal opportunity principles;
7. pay specific attention to the inclusion of people from non-English speaking backgrounds in the consultation process, within the limitations of the scheduled wastes budget;
8. provide frequent feedback, including information relating to: emerging technologies, key outcomes from NAB and SWMG meetings and consultations, the nature of interested people's contributions, and final key recommendations;
9. ensure that people who enter consultative processes at different stages will, as much as possible, be able to influence the direction of the management plan development
10. stimulate conciliatory and constructive exchange of views and genuinely attempt to address, without prejudice, the major issues involved in the management plans;
11. frequently monitor and evaluate the effectiveness of the consultation program during and at the end of each stage of the management plan process;
12. *regularly review, update and activate contact lists of individuals and organisations with an interest, or a potential interest, in the management of scheduled wastes*; and
13. share the responsibilities for effective consultation with those who enter into the consultative process

While the protocol will apply to all of the management plans, each plan will require a specific implementation strategy for consultation. These strategies will include, among other things:

- consideration of target groups (for example, consultation on hexachlorobenzene is likely to be more localised than that for the other management plans;
- mechanisms for effective consultation (for example, the approach used in consultation with the rural sector for OCPs is likely to be very different from that used in Botany for hexachlorobenzene);
- clear timelines; and
- resourcing (levels and types of assistance will vary).

### **Sharing Responsibilities**

The role of the NAB and SWMG are identified at Appendices B and C of the Report of the SWWG to ANZECC (May 1993). Appendix B states that the role of the SWMG is "... to implement, review and advise [ANZECC] on the National Strategy for the Management of Scheduled Waste. In particular, in consultation with the NAB, the SWMG is to:

- ensure that the community is adequately consulted through the NAB and through other means, such as Public Hearings and targeted consultation, education and information programs."

Appendix C states that the role of the NAB is to advise ANZECC on:

- community consultation/education and information programs; and
- any other relevant issue on which ANZECC or the SWMG seeks advice.

This makes it clear that while the SWMG is ultimately responsible for making sure the public is adequately consulted, the NAB has the responsibility of providing advice on consultation programs.

The NAB has considered the approach to be adopted for major public events in the consultation process. These events, including hearings and workshops, will be led by a balanced subgroup of the NAB, including the Chair. The SWMG will provide technical support on these occasions.

*Revised August 1996,  
National Advisory Body and  
Scheduled Wastes Management Group*