

CHAPTER 7

THE COMMUNITY

7.1 The success or failure of waste management policies will depend on their acceptability to the community. This may be through their support and participation in the process or by their opposition, which can prevent the establishment of a disposal facility. The Corowa high temperature incinerator and the Londonderry and Lucas Heights landfill projects all failed due to public pressure. It is essential that governments and industry undertake adequate public consultation if such projects are to be successful in the future.

7.2 There is a realisation that the success of the endeavours of governments and industry in waste management will depend on 'community understanding, confidence, support and participation'.¹ As Professor Selinger pointed out:

you might invest \$70 million in an incinerator and then people lie on the street and you can't get waste to it - how do you service that loan?²

Definition of Community

7.3 The definition of community for public participation processes must include all stakeholders. It may not be sufficient to draw a geographical line around a proposed facility and assume that the local community are the only ones affected.³

7.4 A more sophisticated approach is to consider the policy community which can provide insights into the perceptions of stakeholders.⁴ Policy

¹ Department of Environment, Sport and Territories, Submission No.69, p.38.

² Sylvan L (1993), 'Intractable Ben', *Consuming Interest*, April, pp.18-21, p.21

³ Collins, Submission No.30, p.3.

⁴ Collins, Submission No.30, p.3 citing Couchman P (1992) 'The Breeding Ground: The Australian science and technology policy environment', in *A herd of white elephants*, ed P Scott, Hale Iremonger, Sydney, pp.15-28.

communities are made up of core (politicians, officials from government agencies, co-opted outsiders, etc) and a periphery (interested others) which are people who could be expected to lead or frame public opinion, or who have a tangible interest in a particular issue. Methodology is currently available for the identification of stakeholders in issues⁵ and for determining the extent of community involvement.⁶

7.5 The NSW Joint Select Committee Upon Waste Management considered that a working definition of local community would be necessary before any form of consultation or financial compensation could take place.⁷ The Joint Committee concluded that different definitions of community may be appropriate in different circumstances and depended on factors which impact on a particular facility and the demographic features of the adjacent communities.⁸

7.6 The New South Wales Government will soon require that councils make decisions on the siting of waste disposal facilities in consultation with the rate payers.⁹ This will enable the residents to forego certain amenities for a period in exchange for compensation, and will be able to include special environmental conditions.¹⁰

⁵ Coplin W, McMaster D and O'Leary M (1983) 'Creating a policy profile' in *Public Involvement Techniques: A reader of ten years experience at the Institute of Water Resources*, eds J Creighton, J Delli Priscoli and C Dunning, US Army Corp of Engineers, USA, pp. 229-43; Creighton J (1983) 'Identifying influential in the community power structure', in *Public Involvement Techniques: A reader of ten years experience at the Institute of Water Resources*, eds J Creighton, J Delli Priscoli and C Dunning, US Army Corp of Engineers, USA, pp. 217-227.

⁶ Thomas J (1990) Public involvement in public management: Adapting and testing a borrowed theory' *Public Administration Review* (July/August), pp.435-445.

⁷ Joint Select Committee Upon Waste Management, September 1993, NSW Parliament, p.14.

⁸ Ibid, p.14.

⁹ *Environment Management*, State News, August 1994, p.7.

¹⁰ *Environment Management*, State News, August 1994, p.7.

7.7 Trying to work out who represents the public is a perennial problem.¹¹ Each of the three levels of government may claim to represent the people, while there are community groups also claiming to represent sections of the community. The Scheduled Wastes Working Group defined the community as:

industries and utilities with wastes to dispose of; the waste management industry; trade unions; peak conservation bodies and local groups; local government; farmers, individual scientists and engineers and their various professional associations; and the general public.¹²

7.8 The Committee considers that the definition of community is much broader than the local residents and should include all those who have an interest in and who are affected by the decision. Included in this broader definition are politicians who are representatives of the people at all three levels of government and who may impact on the local area through their involvement in the determination of policy.

7.9 Dr. Cole told the Committee that:

The concept of community participation is embodied in an appreciation that we are dealing with human impacts, not environmental impacts.¹³

Consultation processes

7.10 Appropriate consultative mechanisms should be able to:

- determine the adequacy of existing legislation and standards;
- determine risks to human health from the facility, once it is in operation;
- determine risks to the environment from the facility, once it is in operation;

¹¹ Collins, Evidence, p.367.

¹² The Scheduled Wastes Working Group (1993) Report to Australian and New Zealand Environment and Conservation Council, Version B, 22 May 1993, p.4.

¹³ Cole, Evidence, p.528.

-
- determine the range and intensity of community concern about the facility;
 - establish whether such concerns are based on data uncertainty, misinformation and misconception and if so develop information materials that attempt to meet these concerns; and
 - educate people about the risk management approach, which includes hazard identification, risk characterisation, risk control and risk acceptance.¹⁴

7.11 The process used by the Independent Panel on Intractable Wastes included a public debate which shared the relevant information.¹⁵ This enhanced the community awareness, an essential step leading to a public understanding of the issue.¹⁶ The Panel recommended the use of relocatable technologies.¹⁷ The effectiveness of this process and the commitment to the Panel's recommendations will come when the siting of mobile technologies is tested and the community is required to participate in waste collection schemes.¹⁸

7.12 Kathryn Collins pointed out that public participation can cause considerable delays and may ultimately lead to the abandonment of the project in the face of public opposition.¹⁹ It can be argued that the delays involved in the early inclusion of public participation of the projects may be better than the costs involved in litigation and

¹⁴ Winder C (1992) 'Chemical Safety Management'. Section 29-50, in *Workplace Health and Safety Manual* (eds) Wyatt and Oxenburgh M. CCH International, Sydney, 1992.

¹⁵ Collins, Submission No.30, p.1.

¹⁶ Ibid, p.1.

¹⁷ Ibid, p.6.

¹⁸ Ibid, p.7.

¹⁹ Ibid, p.3.

construction delays at a latter stage.²⁰ Ms Hungerford said that Public consultation has got to be done in a way that everyone understands and at an acceptable point in time.²¹

NIMBY

7.13 NIMBY (not in my backyard), NIME (not in my electorate) or NIMTO (not in my term of office) syndromes accompany proposals for large central facilities. NIMBY is another example of all kinds of LULUs (locally unacceptable land uses).²² Local residents are concerned with environmental problems as well as property depreciation and resent having waste transported from other areas to be treated in their neighbourhood. With incineration it appears to be 'not in my nation'.

7.14 EMIAA considered that the opposition of some NIMBY or community groups to a proposal may be because adequate information had not been made available.²³ It is now believed that the NIMBY syndrome is complex, although regulators and practitioners may attempt to simplify the concerns.²⁴ The Committee appreciates that the convenient label 'NIMBY syndrome' may be used in situations where there is a genuine community concern.²⁵

7.15 Kathryn Collins made the following observation in relation to public involvement, describing it as:

²⁰ Delli Priscoli J and Creighton J (1983), Developing public involvement evaluations: A federal agency perspective', in *Public involvement techniques: A reader of ten years experience at the Institute of Water Resources*, eds J Creighton, J Delli Priscoli and C Dunning, US Army Corp of Engineers, USA, pp.437-451, p.439 cited in Collins, Submission No.30, p.3.

²¹ Hungerford, Evidence, p.541.

²² Petts J (1994) 'Waste Management: Understanding and Dealing with Public Concerns' *Waste Management and Research* 12: 207-222, p.207.

²³ Cole, Evidence, p.521.

²⁴ Petts J (1994) 'Waste Management: Understanding and Dealing with Public Concerns' *Waste Management and Research* 12: 207-222, p.207.

²⁵ Collins, Submission No.30, p.5.

many things to many people: a way of achieving better decisions; a cure for NIMBY (Not in My Back Yard) syndrome; a process through which bureaucratic organisations can be made more accountable (although this depends on the openness of the bureaucracy); a way to achieve public support for controversial projects; a form of participative democracy; or the redistribution of power, to name some of the common reasons.²⁶

7.16 The Technosafe Waste Disposal company undertook a 14 months public consultation process, and therefore did not have any objections to the establishment of the plant.²⁷ This process included lectures in schools, community open evenings, council meetings which included interested local residents at the premises.²⁸

7.17 The Western Australian Health Department considered that they had done well with the construction of a scheduled waste facility, and that the issue was easier to manage because they had built a level of trust in the community.²⁹

7.18 Creighton considered that:

Public participation is a mechanism by which the public is not only heard before the decision, but has the opportunity to influence the decision from the beginning to the end of the decision making process. In effective participation, even if groups or individuals are not entirely satisfied with the final decision, they will have the opportunity to influence how the question or problem was posed, which alternatives got considered, how the alternatives were evaluated, which adjustments were made to reduce impacts, and on, and on.³⁰

7.19 The Independent Panel on Intractable Waste recommended that:

²⁶ Ibid, p.2.

²⁷ Isherwood, Evidence, p.687.

²⁸ Isherwood, Evidence, p.688.

²⁹ Wall, Evidence, p.113.

³⁰ Creighton J (1992) *Involving citizens in community decision-making, Program for Community Problem Solving*, Washington DC, p.13 cited in Collins, Submission No.30, p.2.

the community be recognised formally as stakeholders in the management of intractable waste and that this recognition take the form of effective representation and consultation on all appropriate occasions, including monitoring.³¹

The Panel also recommended that:

an appropriate national legislation be introduced to provide a meaningful "right to know" facility for the Australian community.³²

The Committee supports these recommendations.

7.20 The community consultation must be an open process in which information should be readily available and the affected individuals have the right to know.³³ For example, the public's right to know includes the identification of the generators, the stockholders, the processors and the carriers of hazardous waste, and there should be community monitoring of any facilities.³⁴

7.21 The United States has *The Emergency Planning and Right to Know Act* which requires manufacturers to report the total amount of each of some 330 toxic chemicals released, and this is published annually in the *Toxics Release Inventory*.³⁵

7.22 Overseas experience has shown that effective information exchange mechanisms include: newsletters to specific target groups; meetings with individual interest groups; distribution of brochures;

³¹ Independent Panel on Intractable Waste 1992 *A Cleaner Australia, Volume 1 Findings and Recommendations*, 6 November 1992, p.47.

³² Ibid, p.48.

³³ Thomas, Evidence, p.565.

³⁴ Ibid, p.566.

³⁵ Independent Panel on Intractable Waste (1992) *A Cleaner Australia Volume 2 Assessment of the management Options*, 6 November 1992, p.33.

inspections of existing facilities; static displays, formation of community liaison committees and, to a less effective extent, public meetings.³⁶

7.23 The Scheduled Wastes Working Group found that there were nearly always structural barriers which prevented communities from gaining information.³⁷ The barriers listed included the lack of resources; mistrust of bureaucracies; fragmentation of responsibility and knowledge between agencies; perception that commercial in confidence is used to hide information; and the assumption by those with technical knowledge that the community would not understand that knowledge.³⁸

Public Perceptions

7.24 The Independent Panel on Intractable Waste found that there was no reliable information available on the implications for community health of the stockpile of intractable wastes, and that contrary to general opinion, not all intractable waste was directly harmful to humans.³⁹

7.25 Loder outlined a number of factors which should be taken into account in dealing with community concerns. These include the perception of risk from the facility, degree of familiarity with the technology, perception of the need for the facility, perception of fairness of the current distribution of waste facilities, individual values, trust in government and industry, perception of fairness in the decision making

³⁶ Joint Select Committee Upon Waste Management, September 1993, NSW Parliament, p.15.

³⁷ Scheduled Wastes Working Group (1993) *Report to Australian and New Zealand Environment and Conservation Council*, Version B, 22 May 1993, p.34.

³⁸ Scheduled Wastes Working Group (1993) *Report to Australian and New Zealand Environment and Conservation Council*, Version B, 22 May 1993, p.34-35.

³⁹ Independent Panel on Intractable Waste (1992) *A Cleaner Australia, Volume 1 Findings and Recommendations*, 6 November 1992, p.44.

process and other factors such as gender, education, home ownership, mobility, age, income and political participation.⁴⁰

7.26 The Independent Panel on Intractable Waste found that people's perception of risk was the main constraint in siting waste treatment facilities and that the community was sceptical of the value of risk analysis.⁴¹ It is important to appreciate that the perception of risk has a significant influence on the acceptability of technological solutions.⁴²

7.27 Professor Selinger considered that risk perception came down to:

a question of perceptions and people's perceptions of other people's perceptions! ...We learned that the real issue was the perception that somewhere in NSW there would be a toxic town and stuff would be lumbered from miles and miles to this place. These perceptions were the real basis of the problem. Unless we resolved those, we weren't going to get anywhere.⁴³

7.28 Statistical calculations of probabilities, hazards and resultant risks, and undertakings to mitigate the risk or provide compensation for affected persons may not convince the community.⁴⁴ The point made by Mr Kiernan was that:

it is a matter of 'lies, damn lies and statistics'. Many times we have seen authorities bring in a bevy of experts in order to satisfy their equation and there is a danger of that. It needs to be policed.⁴⁵

7.29 Kathryn Collins told the Committee that people base a lot of their perceptions on who they could trust for information, who was credible

⁴⁰ Loder D (1993) 'Beyond self interest: a model of public attitudes towards waste facility siting' *Journal of Environmental Planning and Management* 36(3): 345-363, p.355.

⁴¹ Independent Panel on Intractable Waste (1992) *A Cleaner Australia, Volume 1 Findings and Recommendations*, 6 November 1992, p.32.

⁴² Collins, Submission No.30, p.6.

⁴³ Sylvan L (1993) 'Intractable Ben', *Consuming Interest*, April, pp.18-21, p.19

⁴⁴ Department of Environment, Sport and Territories, Submission No.69, p.39.

⁴⁵ Kiernan, Evidence, p.268.

and accountable.⁴⁶ It was suggested to the Committee that proponents of technology failed to mention the negative aspects which were of most concern to the community, while opponents tended to highlight only the negative aspects.⁴⁷ The Committee was told that it was difficult for people to maintain independence and to be seen to be acting in everybody's interest.⁴⁸

7.30 Community groups tend to see the risks in terms of their values, while industry tends to see risks in terms of technology. Kathryn Collins pointed out that:

Environmental problems primarily involve debates on the value dimension and demands for public involvement in the decision making process relate to attempts to make organisations more accountable to a wider range of values.⁴⁹

7.31 In relation to the role of the media, there appears to be three schools of thought: those that believe the media has a significant influence on public opinion; those that believe that people will form views no matter what is in the media; and others that believe that the media is reflecting public opinion rather than driving it.

National Panels

7.32 The Committee was given a number of examples where the residents did not wish to accept a waste facility in their community. The common theme was a mistrust of the relevant authorities. The Committee considers that national panels could be established to look at each of these cases.

7.33 Community fears about disposal facilities may be allayed if there was a national standard that people were comfortable with and confident that the standards were being enforced. EMIAA considered

⁴⁶ Collins, Evidence, p.369.

⁴⁷ Collins, Submission No.30, p.5.

⁴⁸ Collins, Evidence, p.369.

⁴⁹ Collins, Submission No.30, p.4.

that it was important that industry demonstrated quite clearly to the community that they had standards such as procedures for environmental best practice and total quality management.⁵⁰

7.34 It is not envisaged that the national panels which the Committee proposes be permanent bodies but each one could be staffed by representatives from other States or Territories or the Commonwealth. The members of these panels would be appointed by the National Environment Protection Council. The panel would be comprised of 3-5 people with the relevant expertise to give an independent appraisal of the appropriateness of the facility or its operation in that area.

7.35 One example of an ongoing dispute between a residents group and government authorities is the radioactive and nuclear wastes storage facility at Esk in Queensland.⁵¹ The Committee was told that the residents concerns were the proximity to a major freshwater supply and a geological faultline.⁵² It was also claimed that the construction of the site was fast tracked without a public meeting or community consultation⁵³ and that the Queensland Health Department was still refusing to meet with most community groups to discuss the facility.⁵⁴

7.36 The Queensland Minister for Health argued that the building design was consistent with the seismic activity associated with the area; the Environmental Impact Study for the project did not identify any potential threat of contamination of ground water; and the constraint in not allowing liquid storage at the site meant that the potential for contamination of groundwater was particularly small.⁵⁵

7.37 The Committee was told that after five inches of rain:

⁵⁰ Howlett, Evidence, p.522-523.

⁵¹ Communities Against Radio-active Dumps, Submission No.38, p.1.

⁵² Queensland Greens, Submission No.45, p.4.

⁵³ Queensland Conservation Council, Submission No.52, p.2.

⁵⁴ Queensland Greens, Submission No.45, p.4.

⁵⁵ Minister for Health, letter Ms Mahoney undated, p.4.

we saw the whole facility in a flooded state. The construction people had to hire bobcat drivers from town to come and actually channel off the floodwaters that ran into the creek below...there are radioactive waste tank that will be discharging radioactive waste water on to the ground outside...and depending on the amount of contamination, it will be diluted and released at a controlled and acceptable level.⁵⁶

7.38 The Communities Against Radioactive Dumps were also concerned that a request by the Department of Primary Industries to have monitoring bore on site had been rejected, that higher level waste would be stored there, the amount of radioactive waste was unknown and there was no security on site.⁵⁷

7.39 The Queensland Greens considered that the Queensland Department of Health had ignored the site selection criteria that were being used by the National Radioactive Waste Repository Project.⁵⁸ The Communities Against Radioactive Dumps requested Commonwealth intervention to ensure that these storage facilities met the criteria for the siting and construction.⁵⁹

7.40 The Doolandella, Pallara and District Residents Association Inc also raised a number of concerns in relation to the waste disposal facilities at Willawong.⁶⁰ Since the commencement of this inquiry, the Brisbane City Council has established a Willawong Site Remediation Task Force which will include local residents, a site remediation manager and council officers to look at these concerns.⁶¹

7.41 Another group that has been conducting an ongoing dispute with the local councils over the construction of a waste disposal facility was

⁵⁶ Mahoney, Evidence, p.595.

⁵⁷ Mahoney, Evidence, p.595-596.

⁵⁸ Queensland Greens, Submission No.45, p.5.

⁵⁹ Mahoney, Evidence, p.598.

⁶⁰ Ellis, Evidence, p.581.

⁶¹ Media Statement from Brisbane's Lord mayor, Jim Soorley. *Civic cabinet Announces Willawong Site Remediation Task Force*. Media Release, 7 February 1994.

the Zetland Community Action Group. This group expressed the concern that the resource availability for residents was much less than that of the pro-incineration lobby.⁶² It was suggested the Commonwealth government could have a role in providing social and health impact studies.⁶³

7.42 The Committee believes that when there are ongoing disputes between resident groups and government authorities that the establishment of an independent panel may facilitate the process of conflict resolution. It is envisaged that these panels will be appointed for a period of weeks or months to work on that particular dispute.

7.43 Accordingly, the Committee recommends that:

Recommendation 8

The Committee recommends that independent panels be established to facilitate the settlement of ongoing disputes with regard to waste management issues.

7.44 Further, the Committee recommends that:

Recommendation 9

The Committee recommends that the members of these panels be determined by National Environment Protection Council and not have members from the State or Territory in which the dispute occurs.

⁶² Timmiss, Evidence, p.346.

⁶³ Ibid, p.346.

Concluding Comments

7.45 The community must be made aware of the implications of its values or it may not appreciate the consequences of its proposals.⁶⁴ If the community wishes to continue or improve the current standard of living then some politically unpalatable decisions about waste management will need to be made.

7.46 The use of community monitoring committees may assist in allaying community concerns if they have full access to information.⁶⁵ It was suggested that governments at all three levels address a more rational perception of risk to the community and provide information in an easily understood form whilst addressing the real concerns and not avoiding sensitive issues.

7.47 The issue is real risk as against perceived risk.⁶⁶ It was suggested to the Committee that there was a need for greater efforts by governments to dispel public perceptions based on myths.⁶⁷ The public should be fully informed about the facts of waste disposal and the relative merits of the available options and the implementation of a range of options which would optimise the environmental and economic impacts.⁶⁸

7.48 One of the avenues for further work is a cooperative approach from industry and government on the development of information and

⁶⁴ Creighton J (1983) 'The use of values: Public participation in the planning process', in *Public involvement techniques: A reader of ten years experience at the Institute for Water Resources*, eds Creighton J, Delli Priscoli J and Dunning C, US Army Corps of Engineers, USA, pp.41-56., p.53, cited in Collins, Submission No.30, p.8.

⁶⁵ Toxic Chemicals Committee, Total Environment Centre Inc, Submission No.36, p.10.

⁶⁶ Wall, Evidence, p.107.

⁶⁷ Association of Liquidpaperboard Carton Manufacturers Inc, Submission No.60, p.15.

⁶⁸ Ibid, p.15.

educational strategies for community programs relating to the reality of the waste management situation and the opportunities for action.⁶⁹

7.49 Clean Up Australia is lifting people's awareness and getting them to take a more pro-active role in their attention to environmental matters and changing the behaviour of the community.⁷⁰ Mr Kiernan was of the opinion that:

We must satisfy ourselves of the environmental effects of alternative disposal methods and then communicate these in lay terms to the public. The public has a real need and desire to understand the issues and alternatives.⁷¹

7.50 Procedures need to be made obvious to raise the confidence of the government and the public about the capability of the industry to manage the community's wastes effectively.⁷² The national advisory body on intractable waste is developing a national protocol for community consultation.⁷³ An essential part of this consultation process must be an understanding of the concept of the community's right to know.

⁶⁹ Environmental management Industry Association of Australia Limited, Submission No.63, p.5.

⁷⁰ Kiernan, Evidence, p.264.

⁷¹ Clean Up Australia Ltd, Submission No.78, p.2.

⁷² Howlett, Evidence, p.523.

⁷³ Cole, Evidence, p.523.

