

TO:

Mr Jon Stanhope MLA
Minister for Environment, Chief Minister ACT
The Hon. Robert Debus, MP
Minister for the Environment NSW
Ms Marion Rose Scrymgeour MLA
Minister for the Environment and Heritage NT
The Hon. Desley Boyle MP
Minister for Environment QLD

The Hon. John Hill, MP
Minister for Environment and Conservation SA
The Hon. Judy Jackson
Minister for Environment and Planning TAS
The Hon John William Thwaites
Minister for Environment VIC
The Hon. Judy Edwards MLA
Minister for the Environment WA
The Hon Senator Ian Campbell
Federal Minister For Environment and Heritage

3 February 2005

Dear Minister,

RE: National Packaging Covenant (NPC) consultation 31 January 2005

As you may know, environment groups have suspended their involvement with the "consultation" process for the NPC Mk 2, chaired by the Australian Department of Environment and Heritage, on Monday 31 January 2005. It was our clear understanding that Ministers had proposed a genuine effort to resolve the differences between community groups, local government, industry and the National Packaging Covenant Council (NPCC) in the Environment Protection and Heritage Council (EPHC) meeting held on 3 December 2004. This was particularly important in view of the acknowledged failure of the earlier 2004 NPCC consultation process.

From the very start of the 31 January meeting it was apparent that the framework and form of consultation was not going to achieve any positive environmental outcome, and that the Department of Environment and Heritage had given little thought to the best process to gain the support of key voices that have differing views about the NPC. Indeed, there seems to be a failure to understand that unless the NPCC is prepared to improve the environmental and economic outcomes, the Covenant will continue to lack public credibility or earn any form of community licence to operate.

The limited discussions on possible targets were hampered by the inability of the NSW Department of Environment and Conservation or the Victorian Environment Protection Authority to suggest interim solutions to the problem of agreeing on baseline data. There was also no serious attempt to 'push' industry to find the solutions. It was the jurisdictions of NSW and Victoria rather than just industry suggesting that Ministers' wishes to introduce targets may not be met. It is vital that the jurisdictions accept that failure to secure baseline data in the first NPC five year period was a significant failing of their offices. It is also vital that jurisdictions resolve to ensure that this failing will not lead to a second term of inaction, nor prevent the adoption of targets at the start of the new NPC.

Specifically, the early departure of our representatives (Clean Up Australia, Total Environment Centre and Environment Victoria) from the 31 January 2005 meeting in Canberra was prompted by:

1. The lack of a reply to our letter to Edward Cordner, Chief Executive Officer of the NPCC (13/1/05) seeking information on the 'status and process of the consultation'.
2. A failure to provide an agenda until the afternoon before the meeting or a timeline until we arrived in Canberra.
3. A refusal to include our suggested agenda items and framework for consultation/negotiation process submitted last week to DEH (copy enclosed).

4. No discussion about record keeping, voting, or process to ensure any equity or sense of fair play.
5. A stacked room, with over 10 industry representatives, and 10+ from the federal government overwhelming the 4 community representatives.
6. On arrival at the 31 January meeting we were presented with a timetable that made it clear that the day's meeting was the only planned face to face meeting on the complex NPC issues before Mk 2 was to be adopted.
7. It became apparent during the meeting that while there was a single stakeholder meeting, there would be ongoing small NPCC meetings on key issues. Effectively this meant business as usual for the NPCC, locking out community groups.
8. The Chair's effort at conciliation was to suggest there may be some ad hoc additional meetings, but could not present them as a structured process of consultation that could provide an adequate and effective process leading to results.

We do not intend our participation in a single meeting or inadequate "lip service" consultation process to be used as validation for the NPC Mk 2 outcomes, as occurred last year. Unless there is a genuine acceptance by the NPCC and EPHC that the introduction of targets is a necessary means to achieve significant environmental gains, the Boomerang Alliance is likely to have far greater success undertaking reform through the public domain via media and public action.

Before our departure from the meeting, we reiterated our desire to participate in a process of genuine negotiation with a stated aim of achieving significant environmental improvement. We urged the Chair to develop a structured consultation process that has the potential to properly address key issues and move the debate forwards. Attached you will find a framework for negotiations prepared by the Australian Food and Grocery Council for the first meeting to review the Environment Code of Practice for Packaging – we are surprised that this industry's attempts to make a process fair and inclusive were far more professional than the efforts on 31 January.

Upon the adequate development of a genuine process of negotiation, we would welcome rejoining the discussions. We understand that the timetable is relatively short and are prepared to cooperate, but will also need financial assistance to resource our participation in to facilitate the telescoped process. This should include costs of travel and labour required to adequately prepare.

We seek your intervention to resolve the problems. Should you wish to discuss this matter further, we would welcome discussions with your office. Please contact our campaigner Dave West or the writer on 02 9299 5680.

Yours sincerely,



Jeff Angel
Director, Total Environment Centre
for the Boomerang Alliance:



Shires Association of NSW

