



Guidance Note 1: Consultation Considerations

This guidance note is designed to assist agencies plan and implement consultations with their stakeholders. Most Western Australian government agencies develop stakeholder engagement plans, communication plans and project plans before proceeding with consultations on their regulatory proposal. These plans are used to identify key stakeholders, their influence, and to map and plan the most appropriate consultative methodologies to be used.

For the purposes of the Better Regulation Program, agencies are required to consult with stakeholders if the agency's assessment identifies that their regulatory proposal is likely to create a significant adverse economic impact on stakeholders (including government).

Why consult?

Consultation is an important element of regulatory development as it:

- gathers and considers the unique perspectives of stakeholders and contributes to finding solutions that are relevant and fit for purpose.
- provides essential feedback on the merits and impacts of a regulatory proposal or option; and
- informs decision-makers of the range of options and the course of action available.

Key attributes of consultation



Consultation is effective when it is:

- 1 Developed with a clear purpose and scope that garners stakeholder feedback and is relevant to matters under inquiry.
- 2 Includes a succinct discussion paper or consultation paper for stakeholders to consider all the issues and alternative options and includes specific questions.
- 3 Proportionate to the complexity, significance, and potential impacts of the proposed option and is tailored to suit each matter under consideration.
- 4 Is easily accessible for stakeholders and provides appropriate time for stakeholders to provide feedback.
- 5 Transparent thus ensuring an accurate understanding of the problem and objectives.

Who should be consulted?

As indicated earlier, agencies generally develop a comprehensive stakeholder engagement plan, communications plan, and a project plan for approval by management before commencing their consultations. The stakeholder engagement plan includes stakeholder mapping that identifies the range of interested stakeholders (for example, consumers, business, industry, government, peak bodies, training institutes and policy institutes) and their level of influence. Stakeholder mapping helps to develop strategies that consider whether public forums and or targeted consultations are required. The table below illustrates the levels of interest and influence of stakeholders.

Levels of Interest and influence of Stakeholders

Interest 	Consult (keep engaged) <ul style="list-style-type: none"> Stakeholders that are directly or indirectly impacted by the changes. Have high interest. 	Partner (manage closely) <ul style="list-style-type: none"> Stakeholders that have a high degree of power and interest. May require extra consultation to ensure support for implementation.
	Inform (keep informed) <ul style="list-style-type: none"> Low interest and low power. May have consequential/indirect impacts. Require consultation. 	Involve (keep satisfied) <ul style="list-style-type: none"> High influence and power but may not be interested in the changes. Will require consultation to understand possible implementation risks.
	Low 	Influence

Some agencies have developed memorandums of understanding or partnership agreements with stakeholders that specify how and when the consultation should occur as well as the minimum consultation time frame for feedback.

Depending on the level of potential impacts on stakeholders, and the complexity and timing of the proposal, an agency's stakeholder engagement plan may detail the type of consultation depending on how contentious the issue is and the level of interest. For example, in the very early stages, it may be appropriate to conduct targeted consultation with the main stakeholders, industry bodies or other policy makers. This approach is useful in identifying unintended consequences or risks that had not been previously considered. Risk management strategies are incorporated into the stakeholder engagement plan to ensure that all risks are managed.

Forms of consultation

The table outlines the range, purpose, and forms of consultations. Agencies may apply a combination of methods to engage with stakeholders.

	When is it appropriate?	What forms can it take?
Full public consultation	<ul style="list-style-type: none"> • When transparency and public accountability is the utmost priority. • When the integrity of the decision process is at risk without early public scrutiny e.g. amendments relating to the economy that will affect a large proportion of households and consumers. • When the decision is highly market sensitive, and some could gain an unfair advantage from being consulted. • When reviewing legislation (i.e. statutory reviews). 	<ul style="list-style-type: none"> • Public meetings and briefings on the consultation framework as well as explanations of the proposals under consideration. • Consultation or discussion paper released for comment. • Call for oral or written submissions. • Online surveys, direct communication to affected entities. • Interviews. • Promotion through traditional media, advertising, and social media.
Targeted consultation	<ul style="list-style-type: none"> • When the affected group of stakeholders are small in number or within a geographic area or business sector. e.g. changes within a specific sector/industry. • When an issue has already attracted significant and prolonged public debate and wider consultation serves no useful policy purpose. 	<ul style="list-style-type: none"> • Generally, a discussion paper or consultation paper on the issue is released for comment. • Face-to-face meetings, or direct telephone calls. • Small scale survey/questionnaire activities. • Direct public engagement of peak bodies or other representative groups. • Direct engagement with stakeholders providing a service or support for those affected. • Online forums.
Confidential consultation	<ul style="list-style-type: none"> • When contents are sensitive and may needlessly trigger widespread concern or confusion among stakeholders. • When the sensitivity of the issue requires that agencies gauge public sentiment or inform affected stakeholders directly. e.g. changes relating directly to commercial businesses. • When public debate is strongly polarised, and consultation is likely to compromise good decision making. • When open public consultation could compromise the confidentiality of Cabinet deliberations. 	<ul style="list-style-type: none"> • Narrow consultation of select groups of opinion leaders or peak bodies. • Quantitative research into the general views and likely responses of affected entities or areas in which two-way dialogue is not sought. • Information forum for selected stakeholders.

	When is it appropriate?	What forms can it take?
Post-implementation review	<ul style="list-style-type: none"> Treasurer's Exemption obtained. 	<ul style="list-style-type: none"> Consultation can take any of the above forms but takes place after the decision-maker has given approval. Consultation, in the form of a Post-Implementation review within three years, will seek detailed dialogue with entities on the transition and implementation issues rather than on the policy decision itself.

Checklist – Have the following been considered?

- Is there a current stakeholder engagement plan that details the approach to gain feedback from all stakeholders?
- Are you clear on the purpose of the consultation, and communicated the reasons and what will be done with the input from parties?
- Has a range of consultation methods been considered for all affected stakeholders?
- Has the consultation strategy and details been communicated effectively in the CRIS to all affected parties?
- Has a risk management plan been developed?

Help and support

The Better Regulation Unit can assist agencies with developing a consultation strategy, including providing advice about the level of consultation appropriate to proposals and implementation.

For further information or general enquiries please contact us at email:

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