Consultation and the principles of good decision making

APPEA HSE Conference

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• We have raised the bar (and this is why)
• Principles of good decision making & good consultation
• A means, rather than an end
• Transparent and respectful
• Continuous and iterative
• Conclusion
We have raised the bar
(and this is why)

At the time, titleholders were submitting more strategic EP with high levels of uncertainty regarding their activities.

Increased correspondence, feedback and complaints.

External stakeholders give feedback that they don’t like and don’t trust the ‘new process’.

Coordinated protest campaigns over some activities.

We all need to get better at this.

EPBC streamlining commences.
## Principles of good decision making

- Within power
- Fair
- Relevant
- Reasonable
- Well-founded
- Clear

Source: summarised from *Administrative Decisions (Judicial Review) Act 1977*

## Principles of good consultation

- Continuous
- Broad-based
- Accessible
- Not burdensome
- Transparent
- Consistent and flexible
- Evaluation and review
- Not rushed
- A means, rather than an end

Source: *Australian Government Guide to Regulation* (Department of Prime Minister and Cabinet 2014)
In principle...

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A means, rather than an end

- Process vs outcome ✗
- Process + outcome ✓
  or sometimes
- Process (- outcome) ✓

Process matters
A means, rather than an end

Right People

Process

Right Information

Right Time
A means, rather than an end

- Establish the context
- Risk Assessment
- Risk treatment
- Implement, monitor and review

Right people

Right information

Right time

Communicate & Consult
A means rather than an end
Step 1 • Process
Step 2 • Process
Step 3 • Process

Outcome
Outcome
Outcome

Transparent
Transparent process

- No surprises
- Clear objectives
- Open to all stakeholders
- Stakeholder opt-out, rather than opt-in
- Complete, understandable and relevant information provided
Transparent outcomes

- Outcomes used to identify risks
- Outcomes used to inform risk assessment

Risk assessment

Communicate back to stakeholders

- Stakeholders know how their views are taken into account
- Direct, meaningful response

Deliver on promises

- Do what you say you will do
- Let people know if circumstances change

Outcome

Outcome

Outcome
Continuous and iterative

Establish the context

Risk Assessment

Risk treatment

Implement, monitor and review

Communicate & Consult
Conclusion

- Process Step 1
- Process Step 2
- Process Step 3

Establish the context

Risk Assessment

Risk treatment

Implement, monitor and review

Communicate & Consult

Outcome

Right People

Right Information

Right Time

Right Information & Consult

Step 1 • Process
Step 2 • Process
Step 3 • Process

Outcome

Outcome

Outcome
Thank you