

# POLICY

## Engagement and public consultation

### Policy statement

It is the intent of NSW Resources Regulator to engage with our stakeholders, using effective engagement practices, on major issues and policies. Engagement is the umbrella encompassing all public participation activities undertaken by us. Engagement encompasses activities ranging from informal discussions, contact with stakeholders, group discussions or meetings to formal consultation processes.

Our vision is for a safe and responsible mining, extractive and petroleum industry. We will enable an active and informed dialogue with stakeholders to achieve this vision. We are committed to undertaking open and transparent consultation with stakeholders and we will consider the views of stakeholders in our decision-making processes.

This policy relates to engaging with industry and community stakeholders and interested individuals in NSW.

This policy does not cover engagement and consultation activities with other NSW government agencies and government agencies from other states or the Commonwealth.

### Purpose and principles

The purpose of this policy is to provide a framework that facilitates understanding diverse views resulting in informed decision making.

We will fulfil legislative and regulatory obligations under the *Work Health and Safety Act 2011*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Mining Act 1992* through good governance for stakeholder consultation when developing or revising regulatory tools including:

- regulations
- codes of practice

- technical reference guides
- practice guides.

In addition to our values, we are committed to the following:

- communication and engagement
- building relationships
- transparency
- informed decision making
- considering outcomes
- evaluation and review
- providing feedback.

## Key requirements

### Our approach

We encourage meaningful and timely opportunities for stakeholders to be involved when relevant. To achieve this, our processes need to ensure proper consideration is given to stakeholder views.

We recognise and abide by best practice principles developed by the International Association for Public Participation (IAP2). The IAP2 Public Participation Spectrum is useful to identify and select the appropriate level of stakeholder / public participation, select methods of engagement and identify a range of tools. The model is values-based, decision-oriented and goal-driven.

We have tailored our engagement activities using the spectrum and have adopted five levels of participation, describing the proposed engagement activities for each. In many cases, more than one level of participation and technique will be required to achieve our engagement objectives (such as inform and consult). Moving to the right of the spectrum corresponds to an increase in expectation for stakeholder / public participation and impact.

Table 1: IAP2 Public Participation Spectrum

Inform	Consult	Involve	Collaborate	Empower
We notify stakeholders of minor updates and provide accurate and relevant information.	We consult with stakeholders and invite them to provide their views and concerns about a proposal.	We respond to stakeholder views through a targeted engagement approach.	We work with stakeholders to develop alternatives and identify a preferred solution.	We implement what is decided with stakeholders.

© 2004 International Association for Public Participation – see website: [www.iap2.org.au/spectrum.pdf](http://www.iap2.org.au/spectrum.pdf)

We acknowledge the importance of building relationships with stakeholders and we embrace ongoing dialogue to improve decision-making processes through timely, transparent, honest, inclusive, accessible and responsive stakeholder participation. Receiving diverse perspectives and potential solutions enables us to make more informed decisions. Furthermore, it is not always practical or appropriate to engage stakeholders about all our decisions.

## Consulting

Effective decision making relies on input from a range of sources including stakeholders, community, professional advisors and others. In this area of the spectrum, we ask and listen to stakeholders.

We obtain feedback from stakeholders regarding views, solutions, alternatives and proposals to inform and influence the outcome of our decisions and actions.

## Types of consultation

We undertake numerous activities that require consultation. These activities include reviews of legislation, developing regulatory policy through discussion papers and policy position papers and strategic planning to set our direction and enable industry to meet their obligations. We use a variety of tailored approaches to consultation.

## Statutory boards

We consult with the Mine Safety Advisory Council (MSAC) and Mining and Petroleum Competence Board (MPCB). The MSAC is a tripartite forum with an independent chair comprising representatives of employers, unions, government and independent people with expertise. The MSAC is a collaborative partnership that integrates the views of all stakeholders, while working towards common goals to:

- strengthen relationships and build trust
- agree on priority work, health and safety issues and actions to address them
- gather, analyse, evaluate and communicate information on work health and safety.

The MPCB oversees the development of competence standards and the assessment of people who have a role at a mine that may affect health and safety. Like MSAC, the MPCB is a tripartite body with an independent chair. It comprises representatives of employers, unions, government and independent people with expertise.

We will, when appropriate, consult directly with the MSAC and the MPCB to receive feedback from representatives within the industry, and when required, will conduct industry consultation on behalf of the MSAC or the MPCB.

## Open public consultation

Open public consultation will be on our *Have Your Say* web page. This type of consultation will be used when members of the general public or stakeholders may have views that will be considered.

## Targeted stakeholder consultation

Targeted consultation with identified stakeholder groups may be undertaken on specific issues when an open submission process is not required. This may take the form of direct mail / email or may include a forum by invitation.

The Executive Director or Chief Inspector will decide when a targeted approach is appropriate and which stakeholder groups will be targeted.

## Representative stakeholder steering group

Some consultation processes may require input from technical experts and practitioners within the mining industry, best conducted under a representative stakeholder steering group. Consultation activities that may be conducted under this process include:

- codes of practice
- technical reference guides
- practice guides
- strategies (multi-media)
- special interest papers.

We will choose the most appropriate approach depending on the issues. We may choose a range of approaches.

## Choosing the right tools

Choosing the right tools for consultation will depend on the nature and extent of consultation required for the issues. It is likely there will need to be mix of consultation tools:

- discussion and or options papers
- meetings
- workshops, seminars, round tables, summits
- emails or letters
- phone calls
- newsletters.

These mechanisms may also be used as part of the formal consultation process.

Table 2 Engagement examples

IAP2 Spectrum	Criteria	Example	Engagement method examples
Inform	<ul style="list-style-type: none"> <li>• Minor-to-no impact on stakeholders.</li> </ul>	Administrative updates such as reflecting machinery of government changes.	newsletters website update guidance materials and fact sheets
Consult	<ul style="list-style-type: none"> <li>• Single-issue nature of the matter.</li> <li>• Minor degree of complexity across a sector or industry.</li> <li>• Low degree of impact on industry or other stakeholders.</li> <li>• Clear process forward.</li> </ul>	Scheduled review of industry guidance or forms (e.g. updates to codes of practice or mining design guidelines - MDGs)	representative stakeholder steering group presentations at conferences, etc website publication
Involve	<ul style="list-style-type: none"> <li>• Single issue or a few issues involved in the matter.</li> <li>• Multiple issues within a specific sector.</li> <li>• Moderate degree of complexity across a sector or industry.</li> <li>• Moderate degree of impact on the industry or other stakeholders.</li> <li>• Clear process forward or clear options for the way forward.</li> </ul>	Development of regulatory policy (e.g. innovation policy)	targeted stakeholder consultation discussion papers
Collaborate	<ul style="list-style-type: none"> <li>• Multiple issues involved. Divided stakeholder views likely.</li> <li>• Moderate or high degree of impact on industry or other stakeholders.</li> </ul>	Legislative amendments to address emerging industry-wide issue (e.g. exposure standard)	open public consultation targeted stakeholder consultation

	<ul style="list-style-type: none"> <li>• Moderate or high industry, community or political interest.</li> <li>• Clear options for the way forward or no clear way forward.</li> </ul>	for diesel particulate matter)	discussion papers
Empower	<ul style="list-style-type: none"> <li>• Possible high degree of impact on industry and other stakeholders.</li> <li>• High industry, community or political interest.</li> <li>• Multiple ways forward where options may be clear or not clear.</li> </ul>	A decision made by the MPCB (e.g. changing experience requirements for statutory functions)	implementation of a decision agreed with stakeholders (following other consultation)

## Legislative requirements

Formal consultation requirements regarding various changes to the *Mining Act 1992*, or an authorisation, are prescribed in the *Mining Act 1992*. Formal consultation requirements for making work health and safety codes of practice are prescribed in the *Work Health and Safety Act 2011*. The Acts may prescribe who to consult with, and for how long.

## Response to feedback

We will:

- acknowledge the receipt of submissions via an email response
- publish copies of open public consultation submissions on our website
- analyse responses and provide recommendations
- publish a summary of themes from submissions on our website
- notify respondents of the outcomes from our consideration
- publish a summary of outcomes from our consideration on our website.

On occasion, we will conduct consultation on behalf of the MSAC or the MPCB. In these instances, they will consider the results of the consultation to inform their decisions. As such, the views or positions put forward in the consultation papers should not be taken to be the position of the NSW Resources Regulator.

## Open public consultation

When undertaking open public consultation processes, we will publish copies of all submissions on our website at the conclusion of the consultation period.

Publishing public submissions received will ensure transparency around the feedback that is considered when determining our legislative, regulatory or policy position.

When requested, we may redact certain information within a submission, such as information that may be commercial-in-confidence or if it contains personal information.

At a minimum, we will generally disclose that a person or organisation has made a submission. Only in exceptional circumstances will we consider withholding the identity of a submitter when publishing their submission (i.e. if there are legitimate concerns around personal security or safety).

We will generally not publish the contact details of submitters.

## Responsibilities

- The method of stakeholder consultation must be approved by a member of the NSW Resources Regulator's Executive Leadership Group.

## Related documents

- NSW Resources Regulator [Public comment policy](#)
- [NSW Resources Regulator Strategic Approach](#)

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