

REGIONAL COMMUNITIES (CONSULTATION STANDARDS) BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The challenges experienced in regional and remote areas, such as connectivity issues or geographical distance, can make it more difficult for communities in these areas to be engaged in consultation process. Feedback from stakeholders indicates that more can be done to improve the way consultation occurs in regional and remote communities.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill seeks to require that consultation with a community in regional NSW is undertaken in accordance with a consultation standard. The objective of enshrining a standard in legislation is to provide guidance to government agencies in how they undertake consultation and to provide certainty to regional communities about how they can expect government to consult with them.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Bill introduced by the Member for Barwon in the Legislative Assembly originally prescribed the 'Quality Assurance Standard for Community and Stakeholder Engagement' [International Association for Public Participation - IAP2] as the prescribed standard.

The Bill that has been received by the Legislative Council has been amended to instead require agencies to have regard to a "Consultation with Regional Communities Guide" (the Guide), which is a guide issued from time to time by the Premier.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Retaining the IAP2 Standard as proposed in the original version of the Bill would not be fit for purpose. While the IAP2 Standard outlines best practice, it is not intended for use in this context and does not provide specific guidance on the various unique circumstances that arise when undertaking consultation in regional NSW. The Guide will be able to set out different consultation approaches based on the scale of potential impact of a proposal or based on the specific needs of the group being consulted. Unlike the IAP2 standard, the Guide will be able to be drafted in a way that makes it easier for agencies to understand what is required of them and to demonstrate compliance. Similarly, this will make easier for regional stakeholders to understand how they can expect the government to consult with them. The Guide may be updated more easily as best practice consultation standards change or as new guidance on emerging consultation challenges is required. The development of the Guide (and future iterations) will also be informed by consultation with impacted and interested stakeholders in NSW.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

It is proposed that the Bill will commence on proclamation, as per the amendments made in the Legislative Assembly. This will allow time for the Guide to be developed before the requirements in the Bill commence. It is intended that the Bill would commence via proclamation once the Guide is finalised.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

When introducing this Bill in the Legislative Assembly, the Member for Barwon referenced the views of regional and remote stakeholders about consultation challenges they have faced. This Bill has been developed in response to those concerns.