

ACVM GROUP GROUP POLICY

CONSULTATION POLICY

1 BACKGROUND

This policy documents the principles used by the MAF Food Assurance Authority Agricultural Compounds and Veterinary Medicines (ACVM) Group when consulting prior to making significant decisions. The policy aims to provide consistency and transparency in the consultation process.

The purpose of consultation is to improve the quality and consistency of decision-making, and increase the acceptability of decisions. Interested and affected parties have the right, and an increasing expectation, to be consulted.

People implementing this policy should have regard to:

- the provisions of relevant legislation such as the Privacy Act 1993, Human Rights Act 1993, New Zealand Bill of Rights Act 1990, Official Information Act 1982;
- the principles of the Treaty of Waitangi;
- New Zealand's international commitments, e.g. under World Trade Organisation agreements;
- the relevant provisions of the Agricultural Compounds and Veterinary Medicines Act 1997, the Hazardous Substances and New Organisms Act 1996 and other related legislation.

2 DEFINITIONS

ACVM Group

Agricultural Compounds and Veterinary Medicines Group. All of the staff reporting to the Director, ACVM Group

AgVetLink

Newsletter from the ACVM Group

AVMAC

Agricultural Compounds and Veterinary Medicines Advisory Council

ERMA NZ

Environmental Risk Management Authority New Zealand

MAF Food

Ministry of Agriculture and Forestry Food Assurance Group

3 POLICY

3.1 Definition

- 3.1.1 Consultation is the process of actively seeking information or advice prior to making a decision. It is done with the aim of soliciting the views of those who might be materially affected, and considering those views so that an informed decision can be made. Consultation should be undertaken between informed parties who have an open mind about the result.
- 3.1.2 Consultation is not merely the sharing of information, nor the notification of a decision already taken. The result is not necessarily consensus or a lowest common denominator. Excessive consultation is a form of procrastination, and should not be used as a substitute for decision-making.
- 3.1.3 The objective of each round of consultation is to advance the decision-making process by refining the ACVM Group position.

3.2 Matters for consultation

- 3.2.1 The ACVM Group will consult prior to making any decision likely to have a significant effect on people or organisations outside MAF. This will include, but will not be confined to, development of:
- legislation (Acts and Regulations);
 - operational policies;
 - operational standards;
 - operational methodologies.
- 3.2.2 Consultation will not be undertaken on minor decisions that do not meet the test of 'significant effect', nor on decisions that are necessary to deal effectively with an urgent problem. Urgent problems are unforeseen developments which require action to be taken within the expected consultation period.
- 3.2.3 Where an established policy or risk analysis has been documented and consulted upon, there will not usually be consultation on individual standards or procedures which apply, although these may still need to be notified to affected parties.
- 3.2.4 There is a statutory obligation to consult when developing the following types of documents:
- regulations under section 70 and section 75 of the ACVM Act 1997.

3.3 Parties to be consulted

3.3.1 Internal consultation

- 3.3.1.1 This involves the review of proposals that have impact on other areas of MAF and where the results of the review are for internal consumption. This process may involve reviewers outside MAF. Internal consultation may be an end in itself, but will take place before any external consultation.
- 3.3.1.2 At least one person (other than the author) will carry out an internal review of any consultation document before it is presented to the ACVM Group Management team for discussion.
- 3.3.1.3 The consultation document will be written in the form of a memorandum from the Director, ACVM Group to the other MAF Directors for consideration and comment. If there is an impact on MAF groups outside MAF Food (e.g. MAF Policy Group, MAF Biosecurity or Border Control), they should also be copied the memorandum. The Legal section should also be involved at the internal consultation stage.

3.3.2 External consultation

- 3.3.2.1 This can involve different audiences, separately or simultaneously, e.g.:
- other Government departments or agencies;
 - targeted individuals or groups;
 - the general public.
- 3.3.2.2 Government departments and other agencies whose responsibilities might be affected by an issue under consideration will be consulted. The Cabinet Office Manual contains a list of departmental responsibilities.
- 3.3.2.3 Ministers affected and Cabinet should consider all proposals affecting the Government's fiscal obligations, and any other major issues where the Director, ACVM Group considers such consultation is necessary, prior to public consultation.
- 3.3.2.4 Any external consultation documents will first be presented by the ACVM Group or one of the AVMAC working groups and discussed by AVMAC (refer to AVMAC terms of reference).
- 3.3.2.5 Public consultation should ensure direct contact with all interested and affected people or organisations. The availability of documents for consultation will be announced in *AgVetLink* and on the ACVM website (<http://www.maf.govt.nz/ACVM/>).

3.4 Principles

- 3.4.1 Consultation documents should clearly set out the ACVM Group proposals and supporting rationale. The purpose of consultation must be made clear to participants so that it is apparent what level of influence participants will have over the final outcome.
- 3.4.2 The content and presentation of all documents released for external consultation should reflect well on the image and credibility of MAF and the ACVM Group. This includes meeting the MAF visual identity standards, being written clearly, and containing (or being accompanied by) at least a summary that is comprehensible to the informed lay person.
- 3.4.3 The consultation process (or the appropriate part of it) will be reiterated at the discretion of the Director, ACVM Group in circumstances where one or more of the following apply:
- events suggest that there is inadequate public understanding;
 - the initial consultation was not as wide as is necessary;
 - MAF's position has significantly changed from that indicated in the initial document;
 - or
 - significant new information becomes available.
- 3.4.4 The outcome of a consultation, and the rationale behind that outcome, will be reported back directly to all submitters and notified publicly in *AgVetLink* or other communication media, before implementation wherever possible.
- 3.4.5 The ACVM Group is not responsible for meeting any costs incurred by other parties participating in consultation, except where prior arrangements have been made by the Director, ACVM Group.

3.5 Responsibilities

- 3.5.1 The author of a document, or team leader of a working group, is responsible for ensuring that appropriate consultation is carried out in accordance with this policy. This includes deciding on the groups to be consulted and planning time frames.
- 3.5.2 The manager of the consultation process will organise for a summary of any submissions and responses from the ACVM Group to the issues raised. The summary will be kept on file and may be made public.
- 3.5.3 When managing consultation, care must be taken to protect personal and commercially sensitive information, and Cabinet confidentiality.

3.6 Time frames

- 3.6.1 Interested and affected parties should have a reasonable time to consider the issues raised and make submissions. This will depend on the nature and complexity of the document, but should be at least:
- 10 working days for internal consultation;
 - 15 working days for Government departments and agencies;
 - 6 weeks for consultation with interested and affected parties;
 - 60 days for any matters requiring consultation internationally.
- 3.6.2 The Director, ACVM Group may vary these time periods where necessary.

4 REFERENCES

- ACVM Group Operational Procedure - AVMAC meeting procedure and terms of reference
- Cabinet Office Manual