

Consultation

Purpose

The business of the Gambling Compliance Group includes the development of policies, guidelines, rules, standards and licence conditions. The Gambling Act 2003 (the Act, stipulates formal consultation processes for regulatory tools such as game rules and minimum equipment and operating standards. Other policies, guidelines, administrative procedures (i.e. licensing procedures), audit processes and forms that we develop do not require a formal consultation process. However, we do often choose to consult on such matters.

The aim of this document is to provide you with information on who we consult with and when/how we do it. The document also details what consultation is and isn't and what you can expect during and after consultation.

What consultation is

Consultation is the seeking of views, information or feedback from people or agencies that have an interest in or are affected by a policy issue.

Consultation ensures that people or groups who may be affected by a policy, rule, procedure, form or standard have an opportunity to make their views heard. This allows the policy makers to consider their views when making final decisions or recommendations.

What consultation isn't

Consultation is not the taking of instructions. When consulting, we must take into account all views and make recommendations in accordance with Government policy. There is rarely a single point of view – a complex question may have many possible answers. However, it is not always possible to reflect all views in the final policy decision.

Similarly, consultation cannot be a process of 'give and take', negotiation or compromise. The aim is to impartially identify the best solution to a problem, irrespective of whether this favours particular interests.

Types of consultation

Consultation can be formal or informal. Formal consultation will usually take the form of a discussion document that invites submissions on issues raised in the

discussion document. This type of consultation may be with combined face-to-face consultation in the form of meetings, hui, focus groups, interviews or presentations, to name a few.

Informal consultation may also consist of a discussion paper that invites submissions and face-to-face meetings. The difference between formal and informal consultation is that specific processes will apply to formal consultation (i.e. timing, who to consult and when to consult), whilst informal consultation is more flexible. Sometimes the Department will conduct informal consultation before it embarks on a formal consultation process.

When we consult

The Act states that we must formally consult before game rules, minimum standards and minimum operating standards are made. This means that when proposed rules or standards have been drafted we must seek comment on them before we finalise and formally specify them. In some circumstances, we may consult with selected stakeholders on the desirability of making particular rules or standards. This kind of consultation may occur before the formal consultation on drafted rules, or it may happen simultaneously. In relation to particularly complex issues, we may embark on a significant and potentially lengthy consultation process with a wide range of interested stakeholders.

When developing policies, guidelines and administrative procedures, audit processes or forms, we may decide to consult stakeholders, but we are not required to. However, in the interests of maintaining good relationships and obtaining the broadest and most relevant information, we will very often consult.

When issues are particularly complex or controversial we will consult earlier rather than later using a variety of consultation methods, and seek comment from a wide array of stakeholders. We will not always consult on a large scale, either because it is not appropriate or there are particular constraints that we must work within. However, we will always meet our statutory obligations.

Who we consult

In relation to game rules and standards, the Act states that we must consult with 'those most likely to be affected'. This will vary from issue to issue, but in general it will include: gambling operators; problem gambling treatment providers; other sector interest or reference groups; lobby groups, territorial authorities; the Ministry of Health; overseas regulators; and representatives of the people most likely to be affected by the issue at hand. Often it will also be appropriate to consult with manufacturers, researchers and experts.

We make every endeavour to ensure that those we consult with who are 'representative' of a particular group, are indeed truly representative of that group.

In general we will consult with those people or groups:

- We have a statutory obligation or legal requirement to consult with
- Likely to be directly affected
- With expert knowledge
- Who are able to provide a unique or alternative perspective
- Who should be consulted with as a matter of courtesy or political etiquette
- Who are willing to be consulted

How we consult

What you can expect during the consultation process

You can expect the following from us when we consult, formally or informally:

- Our invitation to provide comment is made in good faith – we are genuinely seeking your views
- We will allow sufficient time for you to consider and respond. We generally allow 20 working days. In some instances, it may be appropriate to extend the consultation period, for example when an issue is particularly complex. In other instances it may be appropriate or necessary to consult over a shorter period of time
- We will provide you with sufficient information to allow you to make an informed response
- We will make ourselves available during the consultation period if you need more information or want to clarify anything
- Consultation documents will:
 - Take relevant matters into account
 - Identify significant points of view
 - Be impartial
 - Present issues and analysis objectively
 - Identify, where relevant, advantages and disadvantages of particular options
 - Provide complete and fair information
 - Canvas all significant stakeholders
 - Advise people that their submissions and any information they provide are subject to the Official Information Act 1982.

What you can expect after the consultation process

As a general rule the Department will provide feedback to stakeholders on the results of consultation. This may be done by way of meetings, letters to those consulted, or publication on the DIA website. We will often invite further comment from stakeholders on 'final' decisions or guidelines, though we are not legally obliged to. We are more likely to do this when the matter at hand is controversial or of particularly wide interest.

In relation to minimum operating standards for casinos, we must provide the reason for our decision to the relevant casino operator.