



MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

CONSUMER REPRESENTATION

CONSULTING CONSUMERS





Consultation is a generic term used by government to encompass a range of different levels of discussion and consideration.

Purpose of consultation

The purpose of consultation is to improve decision-making. It is an exchange of perspectives and an exchange of knowledge to identify problems and develop decisions which have the best chance of providing solutions which work and meet the terms of the problem.

If consultation is to meet its purpose then it must be a genuine exchange of views between people who have the knowledge and experience to confront the issues.

Why do consumers come to consultation meetings?

Consumers come to consultation meetings to contribute to decision-making and to be listened to. Being listened to in a respectful and serious way is what consultation is all about for them.

This means that although you take the opportunity to explain your proposal first-hand, answer questions, and share your

perspective with consumers, it is then critical that you demonstrate that you are listening to the consumers by focusing on what they are saying as they talk and by responding to them and reflecting back to them what they have said. In other words, demonstrate what you have heard and give them the opportunity to correct you if you have missed something.

Locating effective consumer representatives

Key to effective consultation with consumers is inviting the participation of effective consumer representatives.

Effective consumer representatives can and do add value to decision-making because they can assess problems from the consumer perspective and identify the consequences of both the problem and any proposed solutions.

Effective consumers are those described on page 3.

The booklet called *Recruiting effective consumer representatives* was written to assist officials in the search for effective consumer representatives. If you do not



have a copy of the booklet, you can access it through the Ministry's website www.consumeraffairs.govt.nz.

The Ministry of Consumer Affairs is also available to assist you.

Qualities of an effective consumer representative

Cabinet accepted this description as reflecting the desirable qualities for consumer representatives. The description is not designed to be used as a tick list of qualities. The statements modify each other and give an overall description of the qualifications which need to be present if you are going to select an effective consumer representative.

Knowledge and experience requirements

- A track record of achievements for the community (they have taken initiative(s) and seen them through to the end). The quality of the track record matters more than the length.
- Is respected for her/his integrity in the community s/he has worked in and will represent.

- Knows the realities of ordinary people's lives (especially those who are disadvantaged), knows the issues, knows the community thought processes, how decisions are made, and knows the community's wisdom and its ignorance, its breadth and its contradictions.
- Knows what's practical / possible, and sensible / rational and realistic / probable in the community.

Networking requirements

- Has broad community networks s/he consults regularly and is accessible to the community. Not someone who works alone.
- Demonstrates a comprehensive understanding of confidentiality.

Essential attributes

- Able to appreciate the common good.
- Stable, and acts consistently.
- Understands group processes and can work constructively within them.
- Addresses issues from the perspective of the consumer.
- Has strong communication skills and will be assertive and persistent if necessary.





- Strategises effectively from a minority stance and finds solutions and common ground with others.
- Exercises good judgement.
- Excellent at developing and maintaining appropriate relationships.
- Respects cultural differences.

Consultation - a genuine exchange

It is important to describe very clearly to those you are consulting the nature of the consultation and the results you are looking for.

Consultation has been defined by the Court. For discussion to be defined as consultation legally, it must meet the following terms. There must be

1. Communication of a genuine invitation to give advice
2. Sufficient information supplied to the consulted party
3. Sufficient time given to the consulted party to participate
4. A genuine consideration of advice given.

This is a particularly appropriate approach when consumer agreement to the outcome of the project is critical.

In other words, consultation isn't a forum where you simply convince people that you are right, where you ask for comment on a completed proposal before it goes to the decision-making body. Rather it is a forum where you may have defined an issue or a problem, and you may put your point of view but your focus must be on hearing how others define the problem and see the solutions so that you can incorporate that into your thinking when you write the proposal for the decision-makers.

Relevant legal decisions

“Consulting involves the statement of a proposal not yet fully decided upon, listening to what others have to say, considering their responses and then deciding what will be done.”

West Coast United Council v Prebble (1988)
12NZTPA 399, at 405

(This definition was also used by McGechan J in Air New Zealand Ltd v Wellington International Airport Ltd below)



“The essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. To achieve consultation sufficient information must be supplied by the consulting party to the consulted party to enable it to tender helpful advice. Sufficient time must be given by that consulting party to the consulted party to enable it to do that.”

McGechan J, in Air New Zealand Ltd v Wellington International Airport Ltd (CP403/91, High Court, Wellington)

Beware advocacy

When you have developed an argument, or written a paper which includes a proposal, it is a particular skill to then listen to others criticise that proposal and make alternative proposals without leaping to defend it. In the course of consultation, however, this is what you must do.

The talent is to not hear alternatives as victimising your proposal but instead to see them truly as alternatives which you consider seriously. It is, therefore, important to

- ensure that you follow people’s line of enquiry and thinking

- understand how they have defined the problem
- identify what evidence they have selected, and
- how they have reached their conclusions.

If this is not how the process progresses then this is not consultation.

Loss of value

Much of the consultation which occurs between government and other bodies, actually occurs in writing. Especially for this reason, officials have developed the practice of assisting those being consulted by providing questions.

This is not a problem in itself. The problem is in the loss of value which occurs because of the way this is often interpreted by consumers.

Consumers often assume that before consultation occurs, the problem has been defined and the solution or decision has been decided, at least in terms of its shape. In this situation, consumers assume that discussion on the definition of the problem, the priority the matter has with consumers, and other possible ways that this problem





could be approached will be ignored. They therefore also assume that they have been asked to focus on the proposal you have developed – not on earlier fundamental questions.

Consumers are also likely to assume that something is going to happen regardless of their response, so their focus is to make the proposal as right as possible, not to challenge its foundations.

In other words, if you want consumer representatives to

- assess problems from the consumer perspective and
- identify the consequences of both the problem and any proposed solutions and
- make a comprehensive quality judgement and
- provide advice

then you need to perhaps broaden the range of your questions and definitely encourage consumers to see the questions only as a guideline to help them think, not as a series of points they must confine themselves to if their response is to be counted.

Consultation meetings

Conducting consultation through meetings requires some expertise in meeting management. The size of meetings and the participants are highly relevant factors in this management.

Examples

1. You may hold large meetings for “all-comers” across New Zealand, inviting all relevant organisations and individuals (consumers, interested professionals, and industry) to meet together. This will create a diverse meeting where various groups hear and consider the views of others, and may come to an industry-consumer consensus on some matters. Such a meeting will require expert chairing.
2. You may hold separate meetings for the industry, interested professionals, and the consumers/community. This removes opportunities for groups to challenge each other and perhaps achieve some consensus. On the other hand, you are likely to get clarity on the various perspectives. This is also a wise approach where there is conflict within one or other of the sectors.

(examples continue next page)



3. You may meet people organisation by organisation (industry, consumers). The restriction here is that you will only meet those who are members of the organisations you select. This may restrict the breadth of opinion you give yourself access to.
4. You may create an advisory group(s) of 10-12 consumer representatives. Representatives can come from selected consumer organisations or from selected consumer constituencies or may be a mixture of both approaches.

Examples

Organisations such as

NZ Citizens Advice Bureaux, NZ Federation of Family Budgeting Advice Services, the Maori Women's Welfare League, Pacifica, Shakti, the Consumers' Institute, Rural Women and the National Council of Women are a few of the many potential organisations you could invite.

Constituencies such as

Maori, middle New Zealand, people with difficulties, Pacific peoples, rural

people, Aucklanders, new migrants, younger New Zealanders, middle-aged New Zealanders, and older New Zealanders are amongst the many constituencies which are present in New Zealand.

5. You may create a mixed advisory group(s) of 10-12 consumers, industry, and interested professionals for a short term. Representatives can come from selected organisations or from selected constituencies or may be a mixture of both approaches.
6. You may consult by correspondence or written submission by sending the proposal out to organisations and identified individuals, and perhaps holding some explanatory meetings.

How can the Ministry of Consumer Affairs help you?

The Ministry of Consumer Affairs is determined to ensure that consumer representation is effective across government. We will help you find a consulting solution which meets your needs and help you identify an appropriate range of consumer representatives for your situation.





Checklist for effective meetings with consumers

What is the question?

Have the preferred outcomes of the meeting and the agenda on a board in front of the meeting so that this remains the focus of the meeting.

Focus on the task

Have a précis of the problem and/or proposal for discussion up on a board in front of people. It will keep everyone focused towards the front and on the task, and it will allow specific referencing to the written document.

Meeting rules

At the beginning of the meeting set down some basic meeting rules which apply to you and to the consumer representatives such as

- a maximum of five minutes to speak on any one matter unless the meeting agrees to an extension
- speak one at a time and no interrupting each other. Respect and courtesy are essential
- when there'll be a break
- if you as Chair, can't hear someone, move towards them down the room until you can. You don't have to stay at the front if things aren't out of control
- as Chair, run a speaking list so people don't have to jump in or keep their hands up. They are more likely to listen to the debate if they know their turn is coming.

Limit your speaking

Limit your speaking to

- an initial clear and concise explanation of the problem and any proposals, and then try to limit yourself to answering questions. Don't spend time convincing them that you are right.
- providing any other information which explains the nature of the proposal
 - The reasons why this matter has become an issue which needs to be worked on.
(continue next page)



- Any instructions that you have had which are non-negotiable. This may include instruction from Ministers or senior colleagues, and it also includes the requirements of conventions such as those for constructing cabinet papers.
- The process you are following and the processes of government as appropriate.
- Any timeframes you are obliged to meet.

Listen respectfully

Take every person and every opinion seriously. Indicate clearly that you are doing this by

- looking in their direction when they are speaking and not talking to others
- keeping a record of who has attended the meeting
- storing their opinions on a white board or similar. Then the consumers can see what you are getting out of their comment and how you are interpreting them. This enables them to see when they haven't been understood and do

something about that. It also has two other purposes

1. Tends to limit repetition because people can see that you already have their point recorded and
2. Enables you to get their views clarified by asking them what words they would prefer you to use if they don't believe that your recording reflects them accurately. In other words you end up with an agreed record of the meeting.

Consumers consulted will accept that they do not always “win the day” if they know that you listened to them and considered their perspective and any specific suggestions seriously.

No conflict

Ensure that conflict is absent or at least controlled. The focus is on listening not proving you are right.





MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

Other Consumer Representation Resources:

Guidelines for Chairpersons

Recruiting Effective Consumer Representatives

Being a Consumer Representative

Ministry of Consumer Affairs

PO Box 1473

Wellington

New Zealand

Ph 64 4 474 2750

Fax 64 4 473 9400

Email mcainfo@mca.govt.nz

Web www.consumeraffairs.govt.nz

ISBN 0-478-26383-X

June 2004