



## Capital Leadership

- in the national interest?

Challenges for effective  
environmental management

1 – 3 October 2009 ■ Wellington

# Workshop Session

## Community Involvement in RMA – Valuable Contribution or Necessary Evil?

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Chair: Andy Beatson



Resource Management Law Association  
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# Community involvement in RMA: valuable contribution or necessary evil?

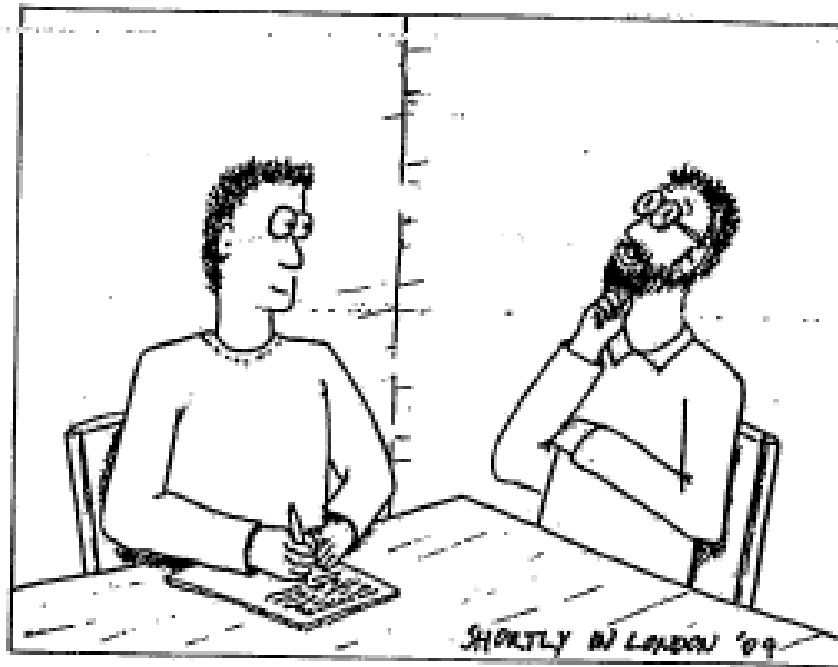
Dianne Buchan

Panel contribution at RMLA Conference  
2<sup>nd</sup> and 3<sup>rd</sup> October 2009

**Some people find the thought of consultation  
really scary**



*"What? We actually ask the public what they think? But how will they know what we want them to say?"*



*"Don't worry. I've thought of a way to phrase the question to give a positive result regardless of the answer."*

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# Mistake Number One

**We do not always acknowledge the good outcomes that community involvement can achieve for us, and work towards maximising those outcomes**

# ***What can community involvement achieve ?***

- ❑ **Reveal new, perhaps crucial information about issues relevant to the proposal**
- ❑ **Generate respect and confidence in developers who invite genuine participation**
- ❑ **The community gains a better understanding of the issues/constraints & may champion the project**
- ❑ **Reduced likelihood that proposal or decision will be challenged, and**
- ❑ **Submissions will be better informed**

# Mistake Number Two

**We do not make it clear that community input is just one input to the decision-making process**

# Community input is one ingredient in the decision-making mix

Community values and opinions

Expert/technical opinion

Environmental concerns

Financial matters

Political concerns



# Factors that influence weighting given to community inputs

- ❑ **How serious are the consequences of getting it wrong?**
- ❑ **How many people will be affected by the decision – positively and negatively?**
- ❑ **The extent to which the person's personal situation will be affected**
- ❑ **How reversible is the decision, is there scope for unforeseen detrimental effects to be mitigated?**

# Other factors that influence weighting of community inputs

- ❑ **The knowledge and experience of the parties engaging – just because they have a different view doesn't mean they are wrong!**
- ❑ **The political costs/benefits of being seen to engage with the community or not**

# Mistake Number Three

**We tend to think consultation is about getting people to agree.**

**It is more about making sure both sides are well informed and the information is taken into account in decision-making**

# What is “Proper” Consultation ?

**The Wellington International Airport decision (Justice Mackay, 1991) defines proper consultation as involving:**

- ❑ Talking with parties**
- ❑ Providing relevant information**
- ❑ Keeping an open mind**
- ❑ Taking notice of what is said**
- ❑ Not making the decision until the consultation process is completed**

# Clarification

**To consult is not merely to tell or present. Nor, at the other extreme, is it to agree...** (Wellington International Airport V Air NZ 1991).

**Open mind and blank mind are not the same but be prepared to change your mind** (West Coast United Council V AEPB 1993).

# Mistake Number Four

**We usually consult far too late in the decision-making process**

# The way of the future

## Deliberative Decision-Making: Techniques for Building Consensus

- ❑ Participants know from the beginning that the aim is to find a consensus
- ❑ Positions (on both sides) must be supported by reasons
- ❑ The quality of those reasons will determine the outcome, not differences in power or social standing

# Variety of opinion is necessary for objective knowledge

Paul Feyerabend





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