



BOARD POLICY

Consultation Policy

Introduction

The Chiropractic Board is committed to open, transparent and consistent consultation with the public, practitioners and stakeholders. When carrying out consultation the Board is seeking information and advice it will consider when making a decision, consultation does not mean the Board is abrogating its powers or responsibilities under the HPCA Act.

Legislation

The HPCA Act requires in section 14 that the Board consult on matters of scopes of practice and prescribed qualifications, best practice is to also consult on fees before gazetting changes.

The HPCA Act section 118 (j) states a function of the Board is to “liaise with other authorities appointed under this Act about matters of common interest.” Consultation is a formal way to liaise with other RAs and gather their insight on matters of common work.

Fundamentals of Consultation

The Court of Appeal in the case *Wellington International Airport v Air New Zealand*¹ identified certain elements fundamental to consultation, which are summarized below:

- Consultation is not to be equated with negotiation. Consultation may occur without those consulted agreeing with the outcome.
- Consultation is the statement of a proposal which has not yet been fully decided upon, the process must be genuine with submissions considered.
- Sufficient time must be allowed for consultation.
- Enough information must be provided to those being consulted with to enable them to make informed submissions.
- The consulting party must keep an open mind and be prepared to change or even start afresh, although it is entitled to have a work plan in mind.

The benefits of a proper consultation include:

- Enabling the profession and stakeholders to participate in policy development;
- Early identification of potential problems with proposal;
- Increases public, practitioner, and stakeholder understanding of the role, purpose and functions of the Board.

¹ *Wellington International Airport v Air New Zealand* [1993] 1 NZLR 671,675.

*The Board thanks the Medical Council and Dental Council as their consultation policies were used as guidance and some sections were adapted into this policy.

Who to be consulted

Depending on the topic of the proposal for consultation the Board may wish to seek submissions from additional persons or groups. For all consultations the following will be consulted:

- Public, by way of consultation documents available on Board's website;
- Practitioners who currently hold an APC or are maintaining their registration;
- New Zealand Chiropractors' Association;
- New Zealand College of Chiropractic;
- Chiropractic Board of Australia; and
- All RAs under the HPCA Act.

Consultation Process

The Board is to determine on what matters it wishes to consult, the Board must not be delayed in carrying out its normal business by consulting on all issues but should thoroughly consider consultation on matter which will have an impact for patients, the public and practitioners. Unless a matter is deemed insignificant the Board will consult on all public policies. The Board as a matter of course will not consult on internal Board policies.

1. Consultation Documents
 - a. Consultation documents will be concise and written in plain English.
 - b. The purpose of the consultation will be clearly stated.
 - c. Sufficient background and information must be provided to give a context and provide the opportunity for meaningful submissions to be made.
 - d. An explanation of how the proposal protects public safety must be included.
 - e. Issues on which submissions are specifically sought are noted.
 - f. The proposed document is included.
 - g. Questions about the proposal are posed.
 - h. Consultation Process noted, including:
 - i. Timeframes (at least 6 weeks, no more than 12 weeks);
 - ii. Contact information for enquiries;
 - iii. Submission guidelines;
 - iv. Notification of confidential or not;
 - v. Next steps planned by Board; and
 - vi. How the outcome will be made public.
2. Engagement for consultation
 - a. All consultation documents will be made available on the Board's website and included as a newsletter topic.
 - b. Stakeholder organisations will receive the consultation documents with a letter requesting their submission.
 - c. Practitioners who currently hold an APC or are maintaining their registration will receive an email notifying them of the consultation which will include the consultation documents.
 - d. Receipt of all submissions will be confirmed with the sender in the manner they were submitted ie-email, post.
3. Public and Stakeholder meetings
 - a. The Board will determine on a case-by-case basis the appropriateness and desirability of holding public and or stakeholder consultation meetings.
 - b. If the Board determines a meeting is appropriate they will determine who will chair the meeting;
 - i. Independent person

- ii. Contractor
 - iii. Board or Committee Chair
- c. The Board must determine if it will hold targeted meetings for specific stakeholders or open meetings for all practitioners and the public.
- d. Written submission will be required of meeting attendants wishing to make a submission.

Board Decision Making

The Board office will compile all submissions received and depending on the nature of the submissions provide the Board basic analysis of the submissions.

Each submission will be considered by the full Board at a face to face meeting of the Board to ensure proper consideration. The Board will consider if further consultation is needed if any significant changes are made to the Board's original intent.

Board Adopted: 28 August 2015

Review: