



Response to CER Proposals for the improvement of the CER Public Consultation Process

- CAI welcomes the initiative by CER to review the public consultation process; however we have a number of concerns about the proposals contained in this document.
- CAI believes that it is vital that CER apply the guidelines outlined in “Reaching Out, Guidelines on Consultation for Public Sector Bodies” Can CER confirm that this is the case?
- We believe that CER needs to be more imaginative in how it seeks to engage with consumers/public to get feedback; putting a technical document on the website and expecting consumers to reply will not work.
- Section 3.2.4 of the paper refers to keeping the length of consultations to a minimum and also ‘jargon free’. This is immediately followed by the caveat ‘where possible’. This does little to convince the CAI that progress is to be achieved on this essential remedial measure.
- The point made that *‘The Commission has always encouraged as many respondents’* is open to debate and would not be the view of the majority of consumers, particularly domestic consumers.
- There still appears to be an over reliance on consultation papers and written submissions as a means to elicit views and perspectives, this inherently favours suppliers/industry as they have the resources to dedicate to making submissions and the consumer/public sector is disadvantaged and may not be heard when key decisions are being made.
- We would be concerned at the proposal to establish a “Regular Consultation Discussion Group” especially the reference to *“The Consultation Discussion Group meetings would act as a forum for industry participants to put forward their ideas and thoughts on upcoming CER consultations. The terms of reference would be highly defined and CER core policy team members would attend regularly to listen to the views of industry participants”* While the document refers to consumer groups in the membership of this group, it is disappointing that there is no reference to the need to ensure consumer/public perspective in these meetings.
- There is a danger that such an arrangement will only enhance the stranglehold of industry/suppliers on policy making and decision taking to the detriment of consumers.
- Further to the matter of consumer detriment there requires to be consideration of a means of remunerating the contribution from consumer experts. We have referred

to the technical detail of consultations but it is the knowledge required to decipher the background data to such processes that is key to an informed and relevant submission. Those who have that professional capability are few and are affordable only to industry. Their time is limited and precludes pro-bono activity. A fund must be provided to permit the under-resourced consult with experts in the course of their pre-submission and pre-Discussion Group activities.

- Even if these concerns were addressed, in the absence of clarity on the role and function of this discussion group it is difficult for CAI to make a judgement on whether such a development would be in the interests of consumers. Given limited resources, human and otherwise, we would not be interested in engaging in a structure until such time as these matters were clarified.
- The paper does not address the issue of the weighting CER gives to industry and consumer submissions. As in most sectors the vested interests in industry have the resources to make detailed and numerous submissions, whereas there are usually fewer consumer submissions. In order to uphold their public interest obligations, other public bodies take these factors into account. It is not clear from this document if CER does.
- Section 3.2.6 refers to the introduction of a minimum 28-day consultation period. This, the CAI would contend, must be supported by a system of widespread awareness that would require extending beyond the basic advice through the bi-monthly newsletter.
- We would like to seek more clarification on what CER means by public meetings, how they would be structured. How these are structured and organised will be vital if CER is serious about consumer/public engagement/feedback. We would caution against tokenism dressed up as consultation.

Presented By:

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