

Policy

Public Submissions Policy

This policy provides guidance for stakeholders and staff on how the commission handles written and verbal submissions which are voluntarily provided to inform our decisions and program of work. The policy is consistent with the principles of our [Stakeholder Engagement Framework](#) and relevant legislative responsibilities.

What you need to know

Engaging with stakeholders is essential to our work. We value the knowledge and perspectives of stakeholders from across the sectors we regulate as well as the ideas and opinions of consumer and community representatives, experts and the wider community who are affected by the decisions we make.

Submissions help us understand more about the issues and trends affecting the sectors we work with and the concerns of all Victorians. They help us test the feasibility of our ideas and understand the potential impacts of our decisions.

Confidentiality

Where a request is made for a submission to remain confidential, reasons must be given in writing. The commission may not accept a submission if it does not consider the reasons valid and, in some circumstances, may decide to publish such submissions ([under provisions of our Act s.38 \(2\)](#)).

This policy applies to all public officials of the commission

This policy applies to all workplace participants, including executives, commissioners, employees and contractors, consultants or individuals undertaking activity on behalf of the commission who handle submissions provided to the commission.

Source: Stakeholder Engagement Framework 2018

Public submissions are part of our commitment to genuine stakeholder engagement

This policy, together with the Submissions policy procedure, supports our commitment to transparency and accountability as described in the commission's stakeholder engagement framework.

We publish submissions and summaries of stakeholder input and explain how this input informed our decisions.

Our submissions policy and procedure are aimed at fulfilling four key promises to our stakeholders:



We communicate clearly about what we're looking for in a submission.

We provide clear guidance on what are the key issues for input and identify limitations like immovable deadlines. We ask simple questions and invite alternative viewpoints.



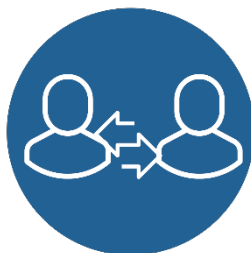
We actively promote opportunities to make a submission.

We use different platforms to reach different audiences and provide clear timeframes and a variety of mechanisms to ensure our engagement is accessible and inclusive.



We promote transparency and further discussion by publishing submissions.

We promote transparency and discussion by publishing submissions so others can see what information we are considering in making our decisions.



We provide feedback to submitters to 'close the loop' on public engagement

We analyse submissions and provide feedback to stakeholders so they can see how their input has been considered in making our decisions.

Submissions can be written or verbal

Submissions are a voluntary contribution from an individual, company or group of interested stakeholders provided in response to a call for input into a project or program:

- **Written submissions** may be received via post, email or online (via our website, Engage Victoria or other digital platforms).

- **Verbal submissions** including comments made in face to face meetings or via video or teleconferencing.

Submissions are generally made during a nominated consultation period but may also apply to input received outside this time frame (see [Submissions should be provided by the due date](#)).

Comments or responses to social media posts on platforms like Twitter, Linked In and Facebook are not considered submissions.

Complaints are not considered submissions and should be handled in accordance with the External Complaint Handling policy. Where a public submission includes a complaint about the commission, a regulated business or other entity, those parts may be excluded from publication. The complaint itself will then be dealt with according to the complaint handling policy.

We invite submissions to ensure our work is well informed

We seek submissions from stakeholders to ensure our regulatory decisions are well informed and grounded in the real-life experience of those affected by our work. We invite input at key stages to facilitate meaningful engagement, from asking for initial views on issues papers through to more specific feedback on draft decisions and reports.

- Submissions can be provided in electronic or hard copy form, and sent via email, submitted online or posted.
- If provided by email we prefer MS Word or in portable document format (PDF).

Submissions should be provided by the due date

Many projects have tight timeframes so submissions received after the due date may not be able to be considered. If a written request for an extension is made early (no closer than within two days of the due date) and does not compromise our analysis, a short extension may be granted. Extensions of time for providing a submission are approved by the relevant director or chief executive officer.

We make submissions public to promote transparency in decision making

Transparency is one of five key principles underpinning our stakeholder engagement framework. Publishing the information that contributes to our decisions – including public submissions – is an important contributor to that transparency.

We publish written submissions and transcripts or summaries of verbal submissions on our website and may refer to them directly in our reports and decisions.

We publish names as well as position titles and organisation names if submissions are made in a professional or representative capacity. We remove personal information such as phone numbers, emails and addresses.

Submissions from regulated businesses are treated the same as submissions from the public or other stakeholders. This contributes to the transparency and integrity of our decision making. It demonstrates our accountability to the community by allowing open scrutiny of the information we use to make decisions.

Requests for confidentiality will be considered on their merit

All submissions are considered public unless accompanied by a request for confidentiality of personal or commercially sensitive information which:

- identifies which part, or parts are covered and
- provides detailed reasons, for example, the information is commercially sensitive, or disclosure would cause harm or detriment to the person supplying it.

Where a submitter is requesting confidentiality, they must provide two versions including:

- a confidential version - with relevant parts clearly marked as 'confidential'
- a public version - with confidential information deleted but with formatting and page numbers retained.

Commissioners, staff and consultants may view confidential and commercially sensitive information to enable them to do their work. However, this information is not published or directly referred to in reports.

In some circumstances, the commission may decide to publish a confidential submission if:

- (i) the commission is of the opinion that the disclosure of the information or document would not cause detriment to the person supplying it; or
- (ii) that although disclosure of the information or document would cause detriment to that person, the public benefit in disclosing it outweighs that detriment.¹

Such a decision would require the commission to determine that publishing the submission did not constitute a breach of its legal obligations.

In these cases, we are guided by the commission's Confidential Business Information policy.

At times, the commission may also be legally required to produce confidential information under the [Freedom of Information Act 1982](#)².

¹ [Essential Services Commission Act 2001 SECT 38 Restriction on disclosure of confidential information](#)

² [Freedom of Information Act 1982 – Section 35 Documents containing material obtained in confidence](#)

Anonymous submissions may not be accepted

Anonymous submissions are not encouraged because it can be difficult to make use of the information provided as we are not able to follow up with any questions or verify the source.

We encourage anyone who may be concerned about their identity being made public to consider making a confidential rather than an anonymous submission (see requirements above).

Anonymous submissions may be accepted if:

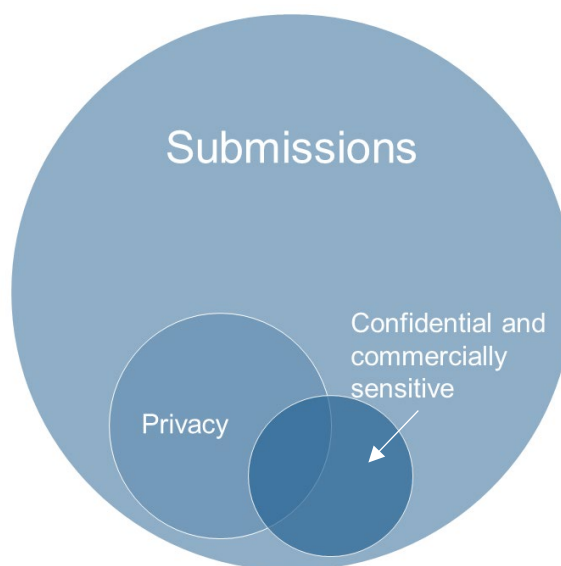
- the submitter appears to have genuine concerns disclosure of their identity will 'cause detriment to the person supplying it' or 'any other person who is aware of the information'³
- the information provided suggests a serious breach of rules which we believe warrants further investigation.

Anonymous submissions are not made public.

The submissions policy and other policies work together to protect individuals

This policy and other related policies work together to support the principle of responsible handling of information and data by the commission.

- The commission's privacy policy explains our responsibilities under the [Privacy and Data Protection Act 2014 and other applicable laws](#).
- Our policy relating to confidential and commercially sensitive information relates to the handling, use and disclosure of confidential business information received by us in our role as an industry regulator and providing advice to government.



A breach of this policy may be a serious matter

If staff do not follow this policy and its related procedure they could face disciplinary action. Serious cases or cases of deliberate non-compliance may result in termination of employment or engagement. If a staff member or consultant breaks the law, you may also be personally liable. A breach of this policy may also mean there has been a breach of the Victorian Public Service Code of Conduct.

³ [Essential Services Commission Act 2001 – Section 38 Restriction on disclosure of confidential information](#)

Staff are encouraged to report behaviour inconsistent with this policy

Breaches of this policy should be raised with your manager in the first instance.

If the breach involves mishandling of a stakeholder's submission, including the release of information to any external person (including but not only confidential or commercially sensitive information) the divisional director, head of strategic communication and chief executive officer must be informed immediately.

An affected stakeholder will need to be informed about what has happened and how it has to be rectified.