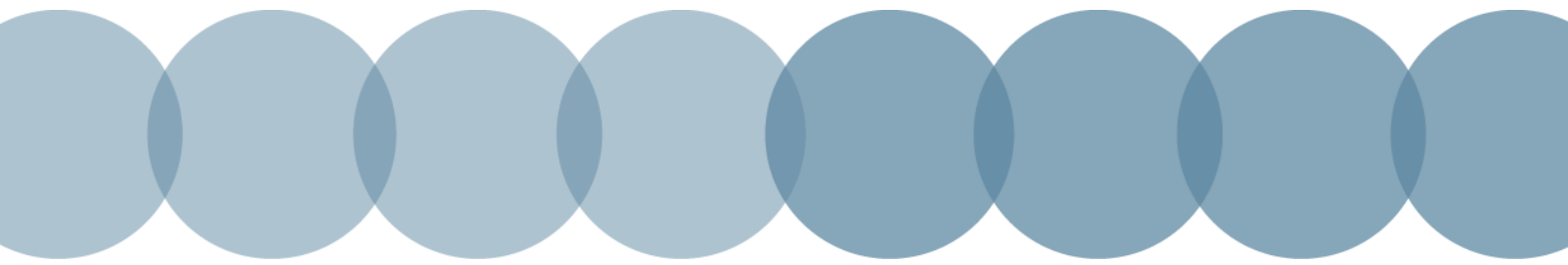




**PUBLICATION OF SUBMISSIONS RECEIVED BY
TASMANIAN GOVERNMENT DEPARTMENTS IN
RESPONSE TO CONSULTATION ON MAJOR
POLICY MATTERS**

January 2018



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1 INTRODUCTION

The Tasmanian Government is committed to ensuring that public consultation processes are open and transparent and that departments apply a consistent approach to the publication of submissions. This commitment reflects community expectations for having access to information that informs Government decision-making on major policy matters.

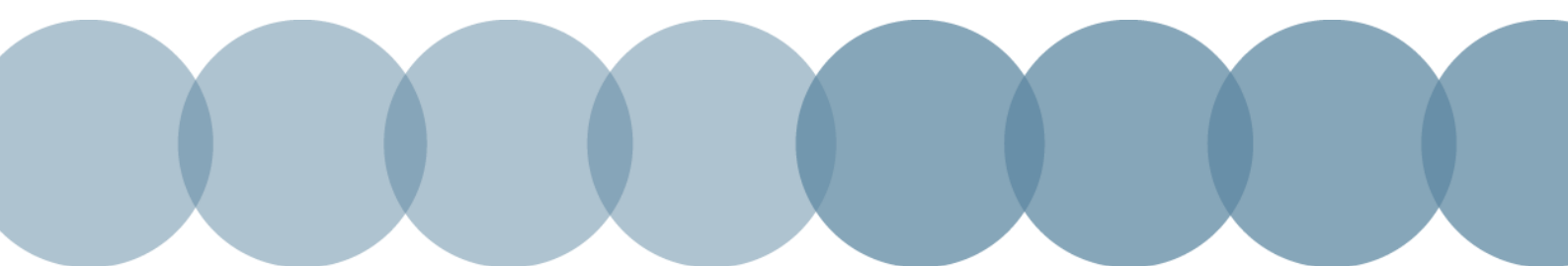
From 1 January 2018, the Tasmanian Government requires that all Government departments routinely publish on websites all written submissions made in response to broad public consultation on major policy matters. The default position is the publication of all submissions. Exceptions only exist when it is not in the public interest to release the information: for example, to protect personal and other sensitive information (including that of a commercial nature) or where the submitter has requested that the submission be treated as confidential.

2 PURPOSE OF THE POLICY

To provide a consistent set of rules and guidelines on the publication of submissions in response to public consultation on major policy matters.

3 POLICY REQUIREMENTS

1. From 1 January 2018, the Tasmanian Government requires that all Government departments routinely publish on websites all submissions made in response to broad public consultation on major policy matters. *(Departments are asked to comply with this requirement from 1 January 2018 where possible; however, a three month transition phase applies where this is not possible.)*
2. In calling for submissions, departments must identify that submissions will be published and advise when and where they will be published. Department Secretaries have the discretion to determine a reasonable timeframe for publishing submissions. Depending on the nature of the policy matter under consideration, it may not be appropriate to publish submissions until after the Government has considered all advice and information provided to it.
3. Departments are encouraged to use the 'Have Your Say' template (refer to Section 9) to call for public submissions.
4. The following information is not to be published:
 - a. private addresses and contact details (including mobile phone numbers);
 - b. defamatory or offensive material;

- 
- c. submissions which breach any laws;
 - d. submissions that do not substantively comment on issues that are relevant to the consultation; and
 - e. entire submissions where the submitter has requested the submission remains confidential.
5. Where possible, information that falls under items 4a. to 4d. should be redacted to enable the remainder of the submission to be published. If this is not possible the submission should not be published.

4 WHEN DOES THIS POLICY APPLY?

The Policy applies:

- when departments seek feedback or views from the public via a broad public consultation process to assist with the development, implementation and/or review of major public policy. This includes the review/amendment of legislation; and
- for consultation processes commenced on or after 1 January 2018; and
- for all submissions made by the public or public/community organisations unless an exemption applies or confidentially has been requested; and
- to departments listed under Schedule 1, Part 1, Column 1 of Division 1 of the *State Service Act 2000*.

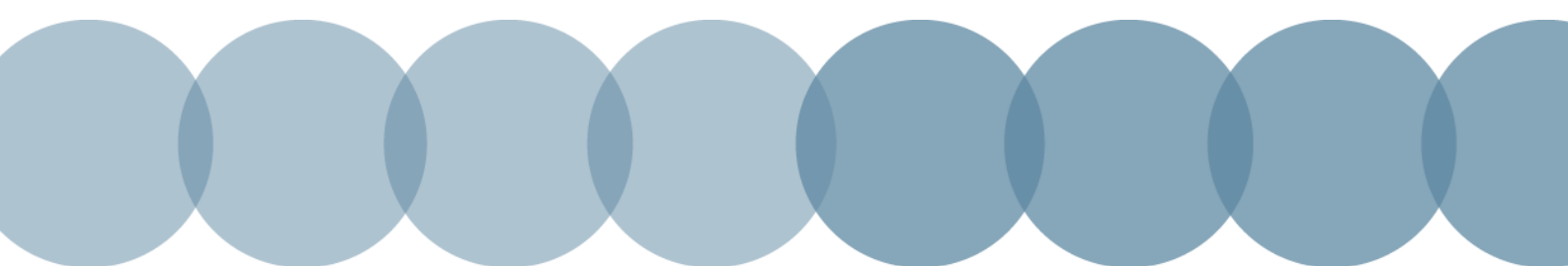
5 WHAT IS 'BROAD PUBLIC CONSULTATION ON MAJOR POLICY MATTERS'?

Broad public consultation is any matter where the community's/organisations' views are publicly sought either through advertising in any of the three major State newspapers or through a department's website. The call for public submissions may also be advertised through a media release or in the Tasmanian Government Gazette. Where this degree of public consultation occurs, the policy matter will be considered 'major'.

6 WHEN DOES THIS POLICY NOT APPLY?

Targeted requests

- Requests to specific stakeholders on the operation of a particular policy area, or to seek preliminary views in the early stages of the policy development process (which may inform a broader policy development process) are not considered to be 'broad public consultation' and are therefore not required to be published. This Policy does



not apply to statutory or judicial officers and their offices, unless it is considered that it is in the public interest to publish the submission.

- Letters from a department to an external party (such as the president of an organisation or advocacy group) seeking views on matters that are not part of, or connected in any way to, broad public consultation are exempt from this Policy.

Face-to-face consultations/surveys and other forms of consultation

- Departments may choose to consult via a number of different mechanisms. This Policy relates to written submissions. Departments may however choose to publish factual notes of community consultation, survey results or other community consultation. Publication supports the principle of enabling the community to understand all consultation that feeds into decision-making. Departmental Secretaries have the discretion to determine the approach in relation to the publishing these forms of submission.

Where it is not in the public interest to publish a submission

Submissions received to inform the development, implementation or review of Government policy will generally be published. However, there may be sound policy reasons (or legal requirements) for a submission, or information contained in it, to remain confidential. This, for instance, applies to information that would otherwise be exempt under a *Right to Information* request or contrary to the *Personal Information Protection Act 2004*. In these instances, protecting the public interest may favour non-publication. Further examples of information that would not be published are:

- submissions that are made internal to government (i.e. between government departments);
- budget submissions;
- wage negotiations;
- where legislation requires a different consultation process to be followed; and
- any matter that would harm individual or public health or safety, or impede the administration of justice.

Confidential submissions

Where a submitter has requested that their submission be treated as 'confidential', their submission is not to be published.

Independent Bodies

By definition, the Policy does not apply to consultation processes operated by independent bodies such as the Sentencing Advisory Council or statutory bodies.



7 ASSOCIATED POLICY AND LEGISLATION

The following policies and legislation apply to the implementation of this policy framework:

- Web Content Accessibility Guidelines (WCAG) 2.0
- *Right to Information Act 2009*
- *Personal Information Protection Act 2004*
- Tasmanian Government Communications Policy
<http://www.communications.tas.gov.au/policy>



8 PUBLIC SUBMISSION PUBLICATION GUIDELINES FOR DEPARTMENTS

These Guidelines are provided to assist departments meet the Tasmanian Government's policy objective that all departments routinely publish on their websites all public submissions provided in response to broad public consultation processes on major policy matters.

8.1 NOTIFICATION THAT SUBMISSIONS WILL BE PUBLISHED

An advertisement calling for submissions is to include a statement advising that all submissions will be published on the department's website. The department can also include a statement identifying that a request can be made for the submission to be treated as confidential and for the name of the person/organisation making the submission not to be disclosed. Reasons are to accompany such a request.

8.2 INFORMATION NOT TO BE PUBLISHED

A statement may also include detail that the following information will not to be published:

- private addresses and contact details (including mobile phone numbers);
- defamatory or offensive material;
- submissions which breach any laws; and
- submissions that do not substantively comment on issues that are relevant to the consultation.

8.3 TIMELINE FOR PUBLISHING SUBMISSIONS ONLINE

Notices calling for submissions are to specify, where possible, when submissions will be published.

As a matter of policy, submissions should be published on department websites within a reasonable timeframe as determined by the department.

A number of options exist:

- a) on receipt of the submission;
- b) within a reasonable timeframe of the closing date for submissions; or
- c) within a reasonable timeframe from the conclusion of the project/policy.

What is 'reasonable' will be determined on a case-by-case basis and may include the time required to redact any personal/sensitive information, to make documents ready for publication, or to allow appropriate consideration of the matters raised.

8.4 LOCATION OF SUBMISSIONS

Departments are encouraged to have a 'Public Consultation' link on their homepage to assist members of the public easily find information on current consultation processes and to access published submissions.

8.5 ONLINE SURVEYS

Departments may use online surveys or forms to seek feedback or views from the public. In these instances, the 'Have Your Say' template may be adjusted as required.

8.6 ACCESSIBILITY

When seeking submissions departments should request they are in an accessible format. However, documents received from external parties may not be accessible to users with assistive technologies. In those instances, departments are not expected to reformat documents. Departments should include a disclaimer on their websites noting that although it is the Government's policy to ensure its documents are provided in an accessible format, it cannot take responsibility for the accessibility of documents provided to it by a third party.

To enable accessibility, departments may also consider creating online forms for input.

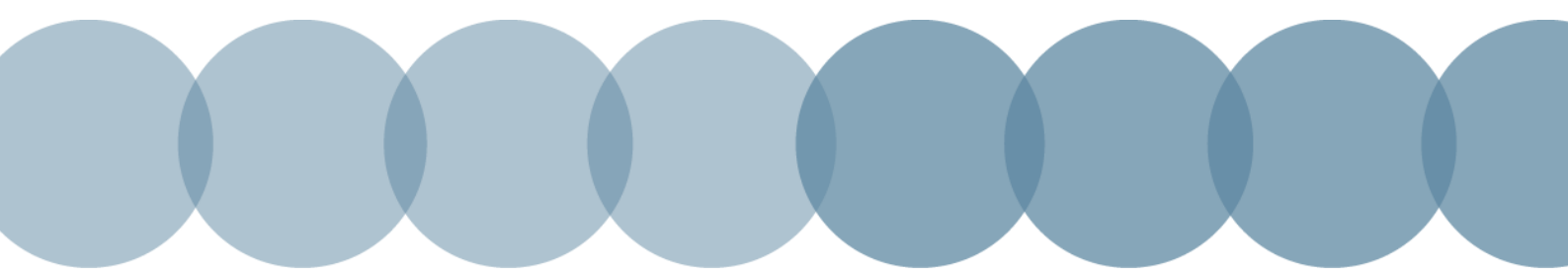
8.7 SUBMISSIONS THAT ARE IDENTICAL

Departments are not required to publish each individual submission where a number of identical responses are submitted. In such instances, it is recommended the name of each person who submitted the template response is identified as well as the template response.

8.8 INFORMATION TO BE PUBLISHED

The template below is the minimum recommended information for publishing submissions. Where there is a significant number of submissions departments may consider listing submissions in alphabetical order.

| Submission Number | Name (Organisation or Individual) | Date Received | PDF |
|-------------------|--|---------------|--------|
| 1 | [Title][First Name][Last Name] (only if individual) | [dd/mm/yy] | [Link] |
| 2 | [Organisation] | [dd/mm/yy] | [Link] |



| | | | |
|----|--------------------------------|------------|------------------------|
| 3 | Template Response (3 Received) | | [Link] |
| 3a | [Title][First Name][Last Name] | [dd/mm/yy] | |
| 3b | [Title][First Name][Last Name] | [dd/mm/yy] | |
| 3c | [Title][First Name][Last Name] | [dd/mm/yy] | |
| 4 | Confidential (5 Received) | | |



9 HAVE YOUR SAY TEMPLATE

(Template to be used for all requests for submissions in response to public consultation on major policy matters)

The Tasmanian Government is committed to providing opportunities for community involvement in the development of Government policy and we are seeking your input on *[insert policy / draft Bill / issues paper etc details]*.

[Explain the purpose of the policy / draft Bill and any additional contextual information (such as previous consultation on the policy/issue, where the current consultation fits within the policy development process and the context of the issue nationally or in other states).]

HOW TO MAKE A SUBMISSION

All written submissions on the *[draft policy / draft Bill/ issues paper etc]* must be received by *[insert time]* on *[insert submission close date]*.

Submissions can be forward to:

Email: *[Insert email address]*

Mail: *[Insert postal address – include an “Attention” notation if required]*

Other than indicated below, submissions will be treated as public information and will be published on our website at *[Insert link]* *[insert information about when submissions will be published eg, once the Government has determined proposed policy positions/ once consideration of the submissions has concluded/ by the end of mm/yyyy]*. Submissions will be published on *[date]*.

No personal information other than an individual’s name or the organisation making a submission will be published.

For further information, please contact: *[insert officer / employee’s contact details – or generic email address]*.

ACCESSIBILITY OF SUBMISSIONS

The Government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring Government information is accessible and easily understood by people with diverse communication needs

Where possible, please consider typing your submission in plain English and providing it in a format such as Microsoft Word or equivalent.



The Government cannot however take responsibility for the accessibility of documents provided by third parties.

IMPORTANT INFORMATION TO NOTE

Your name (or the name of the organisation) will be published unless you request otherwise.

In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission clearly identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals then either all or parts of the submission will not be published.

The Right to Information Act 2009 and confidentiality

Information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide any further comment.