

# Tasmanian Government Submissions to Inquiries and Reviews Policy

DOCUMENT P2021-01

Effective Date 01/22; Review Date: 01/23

## Description

This document sets out the policy, procedures and approval process for Tasmanian Government submissions and responses to inquiries. Relevant inquiries (those that affect the interests of the Tasmanian Government) are held by Tasmanian Parliamentary Committees and statutory agencies, Royal Commissions and Special Commissions of Inquiry and the Commonwealth Parliament and agencies. This policy document guides Tasmanian Government agencies<sup>1</sup> on whether a submission should be made and the pathway for review and approval.

Please note this excludes routine technical or operational submissions conducted as business as usual.

## Introduction

The Government receives many requests to contribute submissions to inquiries or reviews or to respond to reports arising from inquiries or reviews. Most requests or invitations are from:

- Tasmanian Parliamentary committees;
- Statutory agencies such as the Productivity Commission;
- Royal Commissions and Special Commissions of Inquiry;
- Commonwealth Government agencies and the Commonwealth Parliament; or
- non-government organisations or international bodies.

The policy principles within this document provide a framework for Tasmanian Government agencies to consider when assessing whether there is a need to prepare a submission to a review or inquiry listed above. Note: International Treaties are excluded from this process, as a separate policy document covers these matters, the [Treaty Policy and Procedures Manual](#).

<sup>1</sup> As set out in Schedule 1 of the *State Service Act 2000*

## Process for Inquiries and Reviews

The Government may respond to requests in different ways, depending on the nature of the inquiry. In some cases, there may be little or no value in the preparation of a submission. In other cases, a submission offers an important opportunity to influence policies or strategies in areas of significance to Tasmania via an evidence-based submission. As the organisation holding the inquiry may make a request for a submission or response directly to the Premier, Ministers or agencies, it is important there is a systematic approach to assessing the benefit of any submission, with coordination across Government.

The required steps are:

- Agencies should advise the Department of Premier and Cabinet (DPAC) Policy and Delivery Division as soon as they are aware of an inquiry, via [policy@dpac.tas.gov.au](mailto:policy@dpac.tas.gov.au).
- DPAC, in partnership with agencies, will provide advice on whether a submission is required. In many cases, once the below principles are considered, a submission may not be necessary. There is no default position about making a submission, and often it will not be the best use of resources.
- DPAC will seek approval from Cabinet or the Premier or their delegate for the proposed approach to the submission (that is, whether one should be made and the type of submission it should be). DPAC will advise the agency of the approach approved.
- Generally, where an inquiry raises issues that primarily relate to a particular portfolio area, the lead agency will be responsible for drafting the submission. The relevant agency may consult other agencies affected by the inquiry in preparing the submission. However, DPAC may assume this responsibility in certain instances, for example, where the inquiry raises complex issues affecting several portfolios, or there is no clear lead agency.

- The lead agency must consult with all relevant departments and coordinate a whole-of-government response. DPAC and the Department of Treasury and Finance should be consulted in every instance. If a department is providing material to another department for inclusion in a whole-of-government submission and the material contains a commitment to a new policy position, it should ensure that the material is cleared by its Minister prior to providing to the lead department. If the material is based on existing policy or factual information, a Head of Agency can clear the information.
- In all cases, a draft submission must be provided to DPAC for review and clearance by Cabinet or the Premier or their delegate **a minimum of 10 working days before the due date**. If Cabinet approval is required for proposed policy positions in the submission, additional time should be allowed, and a Cabinet Minute should be prepared, with the proposed inquiry submission attached. Where the inquiry or review has a condensed submission timeframe (i.e. less than 20 working days), the relevant agency should contact DPAC regarding the draft Minute.
- Only in exceptional circumstances will the Government seek an extension to a due date for a submission.

Attachment 1 sets out the process and timeframes.

## Policy for Inquiries and Reviews

Tasmanian Government agencies should assess whether a submission should be prepared, using the following principles. The principles must be weighed against each other to assess whether a submission is justified. Sometimes only one principle will be satisfied but it will be significant enough to justify making a submission. In other cases, multiple principles may be satisfied, but to an insufficient degree to justify the diversion of resources to prepare a submission. Senior officials are expected to use professional judgement in applying these Principles, and to consult central agency officials where there are queries or concerns about their application.

Although these guidelines do not formally bind state owned businesses, such organisations should be mindful of government policy in carrying out their functions and should liaise with relevant departments or Ministers where necessary and appropriate.

## State Servants Called to Appear Before Inquiries

Where a State servant is summoned to appear in person at an inquiry in their capacity as an employee of the Tasmanian Government, they must advise their Head of Agency before attending the inquiry. A State servant must also seek approval from their Head of Agency where they are approached or wish to appear in person at an inquiry. This will enable any agency and whole-of-government implications to be considered.

## Principles

### 1. Will the submission contribute to the Tasmanian Government's policy objectives?

*Matters that should be considered:*

- Will making a submission further Tasmanian Government policy objectives?
- Is it a high priority issue for the Tasmanian Government?
- Will a submission contribute to Tasmanian Government objectives?
- Would the Tasmanian Government be considering the issue in the absence of the inquiry/review?

### 2. Will the submission be of strategic benefit to Tasmania?

*Matters that should be considered:*

- Is there an expectation or commitment that Tasmania will make a submission?
- Could the submission be an opportunity to position Tasmania strongly for future discussions or negotiations?
- Could failure to make a submission or provide requested information harm Commonwealth-State relations?

### 3. Will the submission add value for Tasmania for the effort required to prepare it?

*Matters that should be considered:*

- Can a high quality evidence-based submission be prepared using the available resources?
- Will Tasmania benefit from making a submission?
- Are adequate time and resources available to ensure a high-quality submission?
- Do the benefits of making a submission outweigh the resources necessary to prepare, clear and lodge the submission?

### 4. Will making a submission mitigate significant risk to Tasmania?

*Matters that should be considered:*

- There may be significant risk to Tasmania from the potential outcomes of an inquiry or a review. It is important to consider both the risks and benefits that may arise.
- Are there funding implications for Tasmania?
- Do the potential outcomes of the Inquiry or Review pose significant risk to Tasmania?
- Why is Tasmania being asked to submit or provide information?

# Attachment I

## Timeline

