

Submissions Policy

August 2021

1 About this policy

This policy provides guidance on how to make submissions to our reviews and how we handle submissions.

1.1 Why do we have a submissions policy?

IPART is committed to meaningful stakeholder engagement. This policy is designed to help stakeholders understand what information we treat as a 'submission', how we use that information and why submissions are important to our work.

This policy also promotes consistency in IPART's approach to submissions and assists IPART to comply with legal requirements on information management and privacy.

2 Scope of this policy

2.1 What information do we treat in accordance with this policy?

IPART regularly calls for submissions from the public. Any information provided in response to such a call will be treated in accordance with this policy. This includes:

- written submissions lodged via the relevant 'have your say' page (including information submitted in response to specific questions via a form on IPART's website);
- written submissions lodged via email or post and accompanied by a completed cover sheet;
- verbal submissions (see the 'How to make a verbal submission' section at the end of this policy); and
- any further information we request in response to a written or verbal submission.

For the sake of transparency, IPART may also treat other information as a submission. For example, if you write to us on an issue relevant to a matter IPART is considering with the aim of influencing the outcome, IPART may decide to treat this correspondence as a submission, and in accordance with this policy. This means, for example, that we may publish your correspondence or refer to it in a publication.

2.2 What information is not covered by this policy?

The following are excluded from the scope of this policy:

- comments or responses to social media posts on platforms like Twitter, LinkedIn and Facebook;
- pricing proposals by regulated businesses;
- submissions made in response to audit outcomes or proposed enforcement action;
- information required under our compulsory information gathering powers;
- responses to targeted industry consultation (for example, on policy documents that affect only regulated entities); and
- survey responses and results (although we may publish aggregated information from surveys on our website, to the extent that it does not identify or cannot be used to identify individuals or organisations).

2.3 We may take other information into account

As stated above, this policy relates to information we receive in response to formal calls for public submissions. However, we also receive other information in different formats from a range of stakeholders. We receive such information both outside of our formal review processes, as well as during formal consultation periods. Sometimes we take that information into account for a relevant review. In those circumstances, we may publish or refer to it in our report or other publications in the interest of transparency.

3 What to include in your submission

Your submission doesn't have to follow a particular format. However, we often include questions in our papers and reports that we seek feedback on, and it helps if those questions are addressed.

Submissions should:

- clearly indicate which review they relate to, and
- refer to any relevant IPART issues or discussion papers, reports or determinations.

3.1 What if I don't want to be identified?

Asking IPART not to publish your name

If you have concerns about your submission being published under your name, you may ask us not to publish your name. In this instance, we will publish your submission on our website, noting that the submitter's name has been suppressed.

Choosing not to provide your name to IPART

Alternatively, you may choose not to tell us your name. We note that it is useful to include your contact details on the submission (even if you ask us not to publish your name) so we can discuss your submission with you.

If you do not tell us your name (and you do not claim confidentiality: see 3.2), IPART may publish your submission on our website noting that it is an anonymous submission (i.e. that we don't know the submitter's identity). If we need to discuss your submission with you and are unable to contact you because you did not tell us your name, we may give your submission less weight.

3.2 What if my submission contains sensitive information?

You may ask us not to publish parts, or all, of your submission because it contains sensitive information. This is called making a claim for confidentiality. We may ask you to provide reasons for claiming confidentiality. You may claim confidentiality over information that is genuinely of a commercially sensitive or confidential nature and is not otherwise publicly available.

Please note that we may give your submission less weight than the submissions we publish (for example, where we have not been able to test the information in your submission).

3.2.1 How to make a claim for confidentiality

Where possible, we prefer to publish as much information as practicable. If only part of your submission contains confidential information, we would like to publish the other information.

Please provide **two copies** of your submission:

- one complete copy which contains the confidential information for our internal use; and
- one copy with the confidential information blacked out or redacted (while preserving page numbers and headings) so that it is suitable for publication. Alternatively, you can provide a copy with the confidential information highlighted and we can black out that information before we publish it.

If you have any questions about claiming confidentiality, you may [contact us](#) to discuss your proposed submission.

3.3 Copyright

It is your responsibility to obtain the appropriate licence(s) for any materials included in your submission that may be subject to copyright, and to authorise us to use that material and publish it online.

4 Late submissions

Lodging submissions by the deadline allows sufficient time for us to consider the views put forward.

We may consider requests for an extension, or submissions received after the published due date, at our discretion. If you are seeking an extension or would like to lodge a submission after the published due date, please provide reasons in support of your request.

Extensions granted to a specific stakeholder will not necessarily be offered to other stakeholders unless the basis for granting an extension applies broadly.

Even where we accept a late submission, we may not be able to consider it as fully as the submission we receive on time, due to the timeframes that apply to some of our reviews.

5 What will IPART do with your submission?

5.1 What we use submissions for

We use your feedback to understand your views about the issues we investigate, and to gather new ideas and insights.

We will consider your submission, along with other submissions, information gained through our investigations and consultation, and other research and analysis, to develop our recommendations and inform our decisions.

We may post or quote parts of your submission on our website, social media accounts, in media releases or in our reports.

5.2 Your submission may be used in other contexts

Where we receive information (including confidential submissions) in the course of one matter which is relevant to another matter, we may use that information for the other matter, subject to any legal requirements.

5.3 Publishing your submission

We are committed to transparent decision-making. If we are going to take information into account, we prefer to share that information with people who are affected by our work. Sometimes we are required by law to do so.

Unless you request otherwise, we generally publish on our website all the submissions that we received on time, or that we accepted after the due date. We also publish the name of the person or organisation making each submission. We generally publish all submissions together, after the published due date for the relevant consultation has passed.

In general, we do not publish confidential submissions or any parts of submissions which are confidential. We use the confidential material to inform our investigations and reviews, but we generally do not refer to confidential submissions or identify them as a source of information or opinion in our written reports.

We reserve the right not to publish submissions in whole or part, including where we consider that:

- a submission is excessively lengthy, offensive, potentially defamatory, a duplicate or standard form submission, or clearly out of scope for the inquiry or review; or
- our commitment to transparency is better served by making the information we received available and accessible in some other way - for example, if we receive a large volume of submissions, we may publish a summary that extracts the themes from the submissions.

5.4 Who will see your submission?

Submissions (including confidential submissions) may be viewed by the Tribunal members, staff and consultants (for example, when we obtain an opinion or analysis by an internal or external economic, legal or industry adviser). All of these people are required not to disclose confidential information that they receive.

Once submissions are published on our website, they are also accessible to the general public.

In certain circumstances, IPART may be required by law to disclose confidential submissions but will try to notify and consult you about the proposed disclosure. IPART determines requests for access to confidential submissions in accordance with the *Government Information (Public Access) Act 2009*, the *Independent Pricing and Regulatory Tribunal Act 1992* (see, for instance, section 22A) and any other applicable legislation.

When exercising some functions, IPART may be required to provide submissions, or a summary of submissions, to the relevant Minister. In those circumstances, we will draw such requirements to your attention (for example, it would be stated on the webpage for the relevant review that all submissions, including confidential submissions, will be provided to the relevant Minister).

5.5 How we treat your personal information

We treat all personal information in submissions in accordance with the *Privacy and Personal Information Protection Act 1998* and IPART's [Privacy Statement](#).

We remove email addresses, home or postal addresses and telephone numbers before publishing submissions. We will generally publish your name, your position (if relevant) and the name of your organisation (if relevant).

6 How to make a verbal submission

Please contact IPART if you need assistance to make a verbal submission. We will arrange for a staff member working on the relevant matter to call you to receive your verbal submission. You will need to agree to the staff member making a record of your submission, which will be treated in accordance with this policy.

To speak to us using an interpreter, please call the National Translating and Interpreting Service on 13 14 50 and ask them to call us on (02) 9290 8400. The service provides immediate phone interpreting. We will pay for this service.