ASL

Fact sheet

How ASL manages public consultation

About this fact sheet

This fact sheet explains what stakeholders can generally expect when participating in an ASL public consultation, including how feedback and submissions are considered, managed and, where applicable, published. ASL is committed to consultation that is transparent, coordinated, respectful and meaningful. Consultation helps us understand stakeholder perspectives, identify risks and opportunities, test assumptions and improve the design and delivery of our work.

When we consult, we will explain:

- why we are consulting
- the decision, activity or outcome the consultation is intended to inform
- ASL's role and responsibilities
- who is responsible for making the final decision
- what is open to stakeholder influence
- what is outside the scope of the consultation
- how feedback and submissions will be considered
- what will happen after the consultation closes.

Consultation informs decision-making, but it does not mean that every stakeholder view or recommendation will be adopted. Decisions may also need to take account of legislative, policy, contractual, technical, commercial, operational, governance and probity considerations. The level of stakeholder influence may therefore differ between consultations. Specific arrangements may vary between consultations and will be explained in the relevant consultation material.

When and why ASL consults

ASL may consult where:

- consultation is required by legislation, regulation, contractual arrangements, government direction or an approved governance process
- stakeholder input may improve the design or implementation of a statutory or contracted function
- feedback may help improve an ASL program, process, product or activity.

The consultation material will explain the basis for the consultation and any requirements or limitations that apply. Mandatory consultation requirements will take precedence where they apply.

How to participate

The ways you can participate will depend on the purpose and subject of the consultation. Consultation activities may include:

- written submissions
- surveys
- workshops and roundtables
- stakeholder interviews
- bilateral meetings
- advisory groups
- public information or engagement sessions.

The relevant consultation material will explain how to participate, any submission requirements, the closing date and where feedback should be provided.

How feedback is considered

ASL records and assesses feedback received through its consultation activities. We consider the substance, relevance and supporting information provided, alongside the legal, policy, technical, operational, financial, commercial and strategic factors relevant to the decision or activity.

Our assessment may consider:

- common themes and areas of agreement
- different or competing stakeholder views
- relevance to the purpose and scope of the consultation
- risks, opportunities and unintended consequences
- implementation and delivery implications
- potential impacts on consumers, communities and other stakeholders
- matters that should be referred to another organisation or decision-maker.

Where appropriate, ASL may publish or otherwise communicate what we heard, how feedback was considered, what changed, what did not change and why,

and the decision or next steps. The form and level of reporting will depend on the nature, significance and public interest of the consultation.

Publication of submissions

Where ASL formally invites written submissions, our general approach is to publish the submissions we receive. This supports transparency and helps stakeholders understand the range of views provided through the consultation.

The consultation material will explain whether submissions are intended to be published and any consultation-specific arrangements that apply. Before publication, ASL may review, redact or withhold information where appropriate.

Publication of a submission does not indicate that ASL agrees with or endorses the views expressed. Published submissions may include a statement clarifying this. Substantially identical campaign submissions may be acknowledged collectively.

Confidentiality, privacy and redaction

If you want all or part of your submission to be treated as confidential, you should:

- clearly identify the information concerned
- explain why you consider it confidential
- indicate whether a redacted version can be published.

Please do not assume that a submission will be treated as confidential merely because it contains a confidentiality notice or disclaimer. ASL will consider confidentiality requests on their merits and will consider reasonable requests wherever practicable. However, ASL cannot guarantee that information will be treated as confidential in every circumstance. Information may need to be shared internally, with advisers or with another relevant decision-maker so that it can be properly assessed.

If ASL considers that requested confidentiality arrangements cannot reasonably be accommodated, we may contact you, where practicable, before deciding whether to publish, redact, withhold or otherwise manage the relevant information.

Submissions should avoid including personal information that is not necessary for the consultation. This includes personal contact information, signatures and personal information about another person.

Before publication, ASL may remove or obscure personal information such as:

- private email addresses
- private telephone numbers
- residential addresses
- signatures
- information that identifies an individual where identification is unnecessary
- other information that should not reasonably be published.

The name of a submitting organisation may be published. The name of an individual submitter may also be published where this is explained in the consultation material or the individual has agreed to publication. Personal information provided to ASL will be managed in accordance with applicable privacy, information security and records management requirements.

Before providing a submission

By providing a submission, you acknowledge that ASL may use its content to inform the consultation and related decision-making.

Where submissions are intended to be published, ASL may ask you to confirm:

- whether the submission can be published
- the name of the individual or organisation to be attributed
- whether any information is requested to be withheld or redacted
- whether you are authorised to provide the submission on behalf of the named organisation.

If you are submitting on behalf of an organisation, you should obtain any necessary internal approval before providing the submission.

Special submission circumstances

Late submissions

ASL may consider a late submission where reasonably practicable, taking account of the reason for the delay, the consultation and decision-making timetable, the progress of analysis or decision-making, fairness to other stakeholders, and any applicable legislative, regulatory, contractual or governance requirements.

ASL cannot guarantee that a late submission will be considered or published. If you expect that you will be unable to meet a consultation deadline, please contact ASL as early as possible.

Out-of-scope content

The consultation material will explain the matters that are open to feedback and any matters outside the scope of the consultation. ASL will generally focus its analysis and reporting on feedback that is relevant to the consultation's stated purpose.

If a submission includes out-of-scope content, ASL may:

- consider the relevant parts of the submission
- record the out-of-scope material without addressing it in the consultation outcome
- refer the matter to an appropriate ASL business area
- refer the submitter to another organisation or process where appropriate
- manage the matter through ASL's feedback or complaints process if it raises a separate concern requiring a response.

ASL will not make commitments about matters outside its role, decision-making authority or influence. Consultation materials will distinguish between matters open to stakeholder influence and matters constrained by legislation, policy, contractual arrangements, governance or probity.

Campaign and substantially identical submissions

ASL may receive multiple submissions containing identical or substantially identical wording, including submissions generated through an organised campaign. These submissions will still be received and considered.

To support proportionate and transparent reporting, ASL may:

- group substantially identical submissions together for analysis
- record the shared position or key message once
- report the number or level of campaign responses where this can be reliably determined
- publish a representative submission or standard campaign wording rather than each identical submission
- withhold duplicate attachments or repeated material
- redact personal information before publication.

Grouping submissions does not mean that the views expressed are disregarded. However, the number of substantially identical submissions will not necessarily determine the outcome of a consultation. ASL considers the substance, relevance and supporting information provided, alongside the full range of relevant factors and stakeholder perspectives. Where submissions use similar templates but contain meaningful individual comments, those additional comments may also be considered separately.

When ASL may not publish

ASL may decide not to publish, or to publish only part of, a submission where publication may:

- disclose personal, confidential, commercially sensitive, culturally sensitive or culturally restricted information
- breach a legal obligation or restriction
- compromise procurement integrity, competitive neutrality or probity
- publish defamatory, threatening, discriminatory or otherwise unlawful material
- create an unreasonable safety or security risk
- publish material outside the scope of the consultation

- duplicate substantially identical campaign material
- publish material without the necessary authority or permission
- require redaction that would remove the submission's substantive meaning.

A decision not to publish all or part of a submission does not necessarily mean that its relevant content will not be considered.

Consultation records and enquiries

ASL maintains records appropriate to the nature and significance of each consultation. These may include:

- the consultation purpose and scope
- consultation materials
- stakeholder feedback and submissions
- publication and confidentiality arrangements
- key themes, risks and issues
- how feedback was considered
- decisions and actions arising from the consultation
- consultation outcomes and relevant approvals.

Records are retained in accordance with applicable ASL records management requirements.

ASL aims to make its consultation activities accessible and to support meaningful and inclusive participation. If you need consultation material in an alternative format or require an adjustment to participate, please contact us using the details provided in the consultation material. Requests may relate to accessible formats, assistance accessing documents, alternative ways of providing feedback, participation adjustments, or cultural and language considerations. We will consider reasonable requests having regard to the nature of the consultation, available arrangements and relevant timeframes.

Questions about a particular consultation should be directed to the contact identified in the relevant consultation material. For general enquiries about ASL stakeholder engagement, feedback or complaints, contact **engagement@asl.org.au**.