

Effective consultation

The ACMA's guide to making a submission

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Introduction

As the regulator for broadcasting, telecommunications, radiocommunications and online content, the ACMA is responsible for a very wide range of issues affecting citizens and consumers across Australia.

It is important that our regulatory decisions are informed by evidence and take into account the views of those with an interest in the outcome. Online consultations, together with formal, written public consultations, allow views to be sought from a range of stakeholders and the public. The ACMA also gathers information and evidence from other sources including consultative committees, stakeholder workshops and conferences.

This guide can be read in conjunction with our statement about how we use evidence—[Evidence-informed regulation: The ACMA approach](#)—as part of our commitment to participatory, accessible and transparent regulatory development processes. It helps stakeholders to develop responses to consultations and share their views on important regulatory issues.

How to make a submission

You should follow these guidelines when making a formal written submission.

1. Tailor submissions to the issue(s) under consideration

- > Address the issues for comment that are specified in the consultation paper.
- > State which issues or questions are addressed in the submission.
- > Match comments to the numbered questions in the consultation paper where possible.
- > Frame submissions in terms of the particular regulatory framework, legislative objects or decision-making principles that are set out in the consultation paper.
- > Highlight for the ACMA's attention any additional matters that are raised that are outside the scope of the consultation and how these matters relate to the issues under consultation.

2. Clarify whose viewpoints are represented by the submission

- > Identify the name of the party making the submission, including organisation if applicable.
- > Explain who is represented—particularly industry associations and consumer and community groups.
- > Explain how the submission was developed, including whether the views of a representative body were sought in drafting the submission.

3. Provide reasons for the views expressed

We are interested in understanding whether stakeholders agree or disagree with our proposals, as well as the reasons why they do. Submissions should:

- > explain the reasoning behind your views
- > explain how the ACMA's regulatory proposals would affect you as a citizen, as a consumer or as a business
- > use specific examples to illustrate your points.

4. Provide supporting evidence, where possible

- > Use supporting information and analysis to substantiate your viewpoints where possible.
- > Highlight the quality of evidence referred to by stating its source, quoting it accurately and provide citations which allow for verification of the evidence. Include details of the methodology used, particularly where submitters have cited their own research.
- > If evidence is lacking in relation to the issue under consideration, provide views about what evidence is needed.

5. Adopt a broad definition of 'evidence'

We are keen to fully understand and assess the financial and other impacts of our proposals and any alternative approaches. Where possible, the ACMA seeks both quantitative and qualitative information about impacts, benefits and costs, such as the likely compliance costs.

We encourage submitters to think broadly about the supporting evidence to include in their submissions. There may be valuable information that the ACMA would not otherwise be aware of, or have ready access to.

Submitters may find it helpful to consider the wide range of information which the ACMA generally uses in its regulatory decision-making, and include these types of information in submissions. These include:

- > industry data
- > technical information and technology research
- > social and market research
- > economic modelling and analysis
- > consumer complaints data
- > international approaches to regulation
- > consultation
- > expert knowledge and practice.

6. Have a look at previous submissions to consultation exercises

These may be of assistance, particularly to first-time submitters, as examples of possible ways to draft and structure a submission. Submissions received via email or in the mail are usually available on the ACMA website. Submissions to online consultations are also published on the website and may provide guidance for first-time online submitters.

You should follow these guidelines when making an online submission:

- > Identify your name, organisation and contact email address in the comments form.
- > Match your comments to the section in the document you are addressing.
- > Match your answer to the question in the document you are addressing.
- > Comment on another person or organisation's submission by selecting the 'reply' button, if your comment adds genuine value to the issue discussed.
- > Highlight for the ACMA's attention any additional matters not directly covered by issues or questions raised in the consultation, and how they relate to the consultation by selecting the 'whole document' comment feature.

Our approach to consultation

We follow these general principles when undertaking consultations:

Clarity

We will clearly specify the issues on which we are consulting and the scope of the consultation exercise. We will explain the applicable regulatory framework, legislative objects and any decision-making principles. The aims of the consultation process will be clearly stated; for example, if a decision to regulate has already been made, stakeholders will be made aware that their views are sought primarily on regulatory design and implementation.

Duration

We will specify the length of time we will be consulting, which will differ according to applicable legislative requirements and the impact, range and complexity of the issues for comment.

Accessibility

Our consultation documents will be as concise and easy to understand as possible. They will include a summary of the issues and key information so that people can decide quickly whether a consultation exercise is relevant. When consultation exercises need to reach a diverse audience, a variety of dissemination channels will be considered.

Publication and release of submissions

In general, we prefer to publish submissions where possible. We will, in our consultation documents, specify our approach to the publication of submissions. This includes how we will treat any confidential material contained in submissions received. We will also explain when we may be required to release submissions by law.

Transparency

A range of transparency measures underpin our approach to consultation. We will, on a case-by-case basis, consider whether these measures will include publishing a formal response to consultation submissions that summarises comments and key issues, sets out how stakeholder views helped to shape our regulatory decisions and better allows reconciliation of the views of stakeholders and the ACMA decision.

Engagement

During our consultation processes we will aim to facilitate effective engagement with anyone who is genuinely interested in the outcome. We will provide a variety of ways to make submissions and will explore and adopt social media and engagement methods to increase collaboration and achieve effective engagement.

Further information

- > Stakeholders are welcome to seek further information and clarification about consultation processes directly from the ACMA.
- > Stakeholders are encouraged to direct any enquiries about specific consultation processes to the ACMA contact named in the relevant discussion paper.
- > If you have any suggestions about how the ACMA can improve its consultation process or would like further information about the ACMA's consultation processes, please email the ACMA at media@acma.gov.au.
- > The general information above is intended to supplement existing guidance on the ACMA's approach to consultation. For instance, the ACMA's approach to consultation on radiofrequency spectrum planning and management is set out on the ACMA website.
- > Current consultations for comment and closed consultations are available on the ACMA website: www.acma.gov.au/consultations.
- > For an outline of the ACMA's approach to the use of evidence, including consultation information, see [Evidence-informed regulation: The ACMA approach](#), on the ACMA website.