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**Team:** Corporate Communications

**Title:** Making public comment

**Version no:** 2

**Effective date:** December 2013

**FOI exempt:** Yes

**Approved by:** Director, Corporate Communications and Strategic Change

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## BACKGROUND/INTRODUCTION

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The Australian Public Service Commission (APSC) has developed guidance for APS agencies and APS employees on their rights and obligations when making public comment.

This policy reinforces the APSC's guidance and aims to provide balanced and fair treatment of ComSuper's rights to protect its reputation and the rights of ComSuper's staff to reasonable freedom of expression when making public comment.

ComSuper recognises that interested and engaged professionals are an asset to the organisation and that staff can increase their technical knowledge and personal effectiveness through productive exchanges with other professionals. This may occur in many ways including online, over the phone, in person, or through published materials.

APS employees need to ensure that they understand the APS Values and Code of Conduct and how they apply to official or personal communications.

The Code of Conduct requires all employees to 'at all times behave in a way that upholds the APS Values and the integrity and good reputation of the employees Agency and the APS'.

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## SCOPE

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This policy applies to all ComSuper staff in both a professional and personal capacity.

The term 'public comment' is used broadly, and includes comment made on ComSuper's operations, work related matters and personnel.

Methods of making public comment may include, but not be limited to, the following:

- in written publications; including books, journals, newspapers and letters
- at all public speaking engagements; including conferences and media interviews
- on internet sites that allow user participation and interaction; including social networking sites, blogs, chat sites, forums or news websites
- any other forum where comment is facilitated and may be accessed by the community.

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## POLICY

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The making of public comment by a ComSuper staff member must comply with the APS Values and Code of Conduct and the APSC's guidance for APS employees as outlined in *Circular 2012/1: Revisions to the Commission's guidance on making public comment and participating online*.

ComSuper staff are required to obtain written authorisation from a member of ComSuper's Executive Committee, preferably their branch manager, prior to making public comment on ComSuper's operations, work related matters and personnel.

ComSuper staff must have this authorisation and content approval before presenting, discussing or publishing any wider information relating to ComSuper's operations, work related matters and personnel. This includes, but is not limited to, any comment that:

- commits ComSuper to any action or initiative
- attempts to speak, or could be interpreted as speaking, on behalf of ComSuper
- relates to controversial, sensitive, confidential or political matters
- could be interpreted as a personal political view or political advocacy
- could bring ComSuper, the Commonwealth Superannuation Corporation or our relevant Ministers into disrepute.

ComSuper staff do not need to seek clearance when talking about factual, unclassified matters related to ComSuper.

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## EXCEPTIONS

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There are no exceptions to this policy.

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## DRIVERS

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The drivers for this policy are:

- the release of guidance provided by the APSC: *Circular 2012/1: Revisions to the Commission's guidance on making public comment and participating online*
- increasing uncertainty and/or lack of awareness about permitted behaviours
- increasing availability of opportunities to engage intentionally and unintentionally in public comment
- availability of access from ComSuper workstations to sites that provide avenues for public comment.

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## CONSEQUENCES

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In the event of a breach of this policy, disciplinary measures may be taken at the managerial level. Serious breaches may result in action under the APS Code of Conduct.

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## REFERENCES

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Documents that relate to making public comment and this policy:

- APSC's *Circular 2012/1: Revisions to the Commission's guidance on making public comment and participating online*
- The APS Values and Code of Conduct
- Refer to the information technology policy section on the intranet for a listing of relevant IT related policies. It is the responsibility of all staff to be aware of, and comply with, all relevant policies and procedures.

## DOCUMENT AND FOI RELEASE ADMINISTRATION

### Approvals – Document content and FOI Release

All documents must be approved by the relevant EL1 or above

Date	Version	Name	Position
3/12/2013	2	[REDACTED]	Director, Corp Comms and Strategic Change
19/09/2012	V1	[REDACTED]	Executive Manager, Corp Strategy and Support

### Revision History

Date	Version	Drafter's Name	Drafter's Position	Reason for Revision
3/12/2013	2	[REDACTED]	A/g Manager, Corp C	Annual update
19/09/2012	0.6	[REDACTED]	Executive Manager, Corporate Strategy and Support	Grammatical editing
18/09/2012	0.5	[REDACTED]	Manager Corporate Communications	Minor clarification amendments
20/07/2012	0.4	[REDACTED]	Manager Corporate Communications	Amendments from Executive Committee
5/06/2012	0.3	[REDACTED]	Manager Corporate Communications	Input from Manager Corporate Comms and EM Comms
9/12/2011	0.2	[REDACTED]	Assistant Director, Audit & Risk	New policy
10/12/2012	0.1	[REDACTED]	Assistant Director, Audit & Risk	Input from CIO and EM HR

### Document Owner

Date	Document Owner (i.e. section responsible for the document)
5/06/2012	Corporate Communications
10/12/2011	Audit & Risk

### Required Consultation (mandatory for major changes)

Date	Document Owner (i.e. section responsible for the document)
23/08/2012	Workplace Relations Committee
12/06/2012	Paper to the Executive Committee
20/01/2012	[REDACTED], Executive Manager, Communications
8/12/2011	[REDACTED], Chief Information Officer
8/12/2011	[REDACTED], A/g Executive Manager, Human Resources

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## FOI Document Release

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**All documents** will be released unless a direction to exempt is provided by document owner. The list of exemptions is displaying in the table below. If you require advice regarding FOI or exemptions, please contact your scheme FOI/Legal team.

Exemption Number	Explanation	Only check if an Exemption applies
FOI- N/A	This document is not used to assist ComSuper to exercise its functions or powers in making decisions or recommendations that affect members of the public	X
33	Documents affecting national security, defence or international relations	
34	Cabinet documents	
37	Documents affecting enforcement of law and protection of public safety	
38	Documents to which secrecy provisions of enactments apply	
42	Documents subject to legal professional privilege	
45	Documents containing material obtained in confidence	
46	Documents disclosure of which would be contempt of Parliament or contempt of court	
47	Documents disclosing trade secrets or commercially valuable information	
47A	Electoral rolls and related documents	
s 47B	Cause damage to Commonwealth-State relations *	
s 47C	Deliberative processes *	
s 47D	Substantial adverse effect on the financial or property interests of the Commonwealth *	
s 47E	Prejudice/substantial adverse effect on certain operations of agencies *	
s 47F	Unreasonable disclosure of personal information *	
s 47G	Unreasonably affect business *	
s 47H	Research (unreasonably expose agency/officer to disadvantage) *	
s 47J	Substantial adverse effect on the economy *	

\* Public interest conditional exemption