



STAKEHOLDER FEEDBACK REPORT on:

2022 Industry Consultation Program and Wider Engagement

In March 2022 Port of Melbourne (PoM) held its annual Industry Consultation program. Feedback at meetings and through submissions received during this program informed our 2022 Tariff Compliance Statement to the Essential Services Commission (ESC). Amongst other things, PoM sought feedback on:

- PoM's 2022 Industry Consultation Program; and
- PoM's engagement on port development

Over 50 attended our Industry online briefing, with a further nine one on one meetings. Seven organisations made written submissions that specifically provided feedback on PoM's consultation and engagement.

Additionally, the ESC's Inquiry into Port of Melbourne compliance with the pricing order 2021 and industry submissions in response to the Inquiry provided PoM with additional insight and feedback on our consultation and engagement practices.

In response to the findings of the Inquiry, in May 2022, Port of Melbourne (PoM) committed to an Undertaking to the Assistant Treasurer, the Hon Danny Pearson MP, Essential Services Commission (ESC) Minister.

As part of the Undertaking, a Pricing Order Engagement Protocol has been prepared and the draft is available for feedback. More information is available at www.portofmelbourne.com.

Below is a summary of feedback from our 2022 Industry Consultation Program and how it has informed the draft Pricing Order Engagement Protocol.



What we heard

Consultation Commitment

PoM should publish a statement outlining its approach to consultation and commit that consultation will meet this standard moving forward.

- ▶ The draft POEP is a published protocol that outlines PoM's approach to consulting on regulatory matters.

PoM's commitment to the draft POEP and its application is outlined in Section 1.

Consultation Standards

PoM should identify a recognised consultation standard or framework that it will adhere to.

- ▶ The draft POEP recognises that PoM's engagement approach references the IAP2 framework but will necessarily be adapted to suit the purpose of consultation.



What we heard



How we responded

Consultation Audience

PoM should identify who it will consult and at what stage.

- ▶ Given the broad nature of the draft POEP it is difficult to identify specific Port Users at specific stages of consultation. Rather, the POEP recognises the need to identify Port Users and their particular consultation needs and to consider the level of interest of different Port Users as part of the approach to consultation planning.

Consultation Timeframes

A reasonable timeframe is required for consultation and for stakeholders to consider and respond to supporting information.

- ▶ The draft POEP identifies that for material matters and formal consultation programs PoM will:
 - Provide 2 weeks notice prior to commencement
 - Provide at least 4 weeks for formal consultation period.

Confidential Information

PoM should explain how it will use confidential information to inform its decision making.

- ▶ **Section 5** of the draft POEP explains how PoM will treat commercially sensitive information.

Port User Feedback

Greater transparency on how feedback is used by PoM to inform decision making including providing some level of visibility to stakeholders about how feedback was adopted or disregarded.

- ▶ The draft POEP recognises the need to allow appropriate consultation when proposals are still in the formative stage and explains the mechanisms through which Port Users can provide feedback.

The draft POEP also outlines the mechanisms for PoM to communicate how feedback has been used to inform PoM's decision making.

Consultation Materials

An agreed level of minimum supporting information which will be provided to support consultation.

- ▶ The draft POEP covers PoM's approach to consulting on regulatory matters under the Pricing Order and therefore needs to be broad in nature. However, the need to ensure that consultation materials provide appropriate information to enable Port Users to make meaningful contributions has been captured under **Section 4 Our Regulatory Consultation Process (Implement consultation)**.

Consultation planning

Where topics are substantial they may warrant separate and more detailed analysis in a standalone consultation process

- ▶ Section 4 *Our Regulatory Consultation Process* addresses this point of feedback by identifying the key matters for PoM to consider as part of its consultation including for example giving consideration to the topic of consultation and ensuring the consultation materials and form of consultation are appropriate to the topic.



How we will use industry stakeholder feedback

Consistent with the draft POEP, PoM will use feedback on specific topics to inform future consultation activities. The general feedback we received on PoM's consultation and engagement approach has been used to inform the preparation of a Draft Pricing Order Engagement Protocol.

For more information

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