

Policy Document
PUBLIC CONSULTATION POLICY

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Strategic Plan link: Strategy 1.1.7 Ensure compliance of relevant Council policies and procedures with legislative requirements.		
References and related Policies & Procedures: Local Government Act 1999 Local Government (Elections) Act 1999 DCSB-G-09.01 Code of Conduct for Elected Members DCSB-HR-12.02 Code of Conduct for Council Employees		

1.1 INTRODUCTION

The Local Government Act 1999 [“the Act”] provides that a Council must prepare and adopt a Public Consultation Policy, which sets out the procedure that the Council will follow in instances where the Act requires that a Council must follow its public consultation policy.

1.2 PURPOSE

The purpose of this Policy is to set out the ways in which the community can be involved in Governance and decision making, through an effective public consultation process, and therefore meet the requirements of the Act.

Active participation in consultation opportunities will assist both the community and the Council in creating awareness of issues in future policy formulation, as well as the numerous administrative and governance decisions required in the operation and management of the District Council of Streaky Bay (Council).

This policy confirms the Council’s commitment to open, accountable and responsible decision making, facilitates effective consultation with its community and encourages community involvement through partnerships in planning and decision-making. It sets out the steps Council will take in relation to public consultation to ensure that the most cost effective method of informing and involving the community appropriate for specific circumstances are used. It also sets procedures for consultation topics which are appropriate for specific circumstances and consultation topics which are required under the Act.

1.2 OBJECTIVES

The objectives of this policy are:-

- ✓ to promote positive relations between the Council and its community;
- ✓ to seek and take account of the views, issues and aspirations expressed by the community and other stakeholders as required by the Act;
- ✓ to pursue cost effective means of seeking and receiving feedback, as well as providing information to the community;
- ✓ give due and appropriate consideration to feedback received from consultation in conjunction with implications and outcomes, especially in respect of budget commitments, and other legislative constraints and considerations'
- ✓ to recognise that different issues may required different forms of consultation.

1.4 PRINCIPLES

This policy is underpinned by the following principles, which are central to effective public consultation. The Council will:

- ✓ identify potential stakeholders in each specific circumstance;
- ✓ ensure information is easily understood and accessible to identify stakeholders, and include contact details for obtaining further information in all communication;
- ✓ develop and implement the framework of the consultation process for each specific topic;
- ✓ listen and respond to community views in a balanced way, taking into account all submissions whatsoever;
- ✓ promote Council decision-making which is open, transparent, responsive and accountable to the community;
- ✓ keep records and provide feedback about the reasons for decisions, where relevant;
- ✓ review and evaluate its public consultation policy to ensure on-going improvement in the way it involves the community and its statutory decision making process.

1.5 PROCEDURES

The following process will be undertaken by the Council to fulfil the requirements of this policy:-

- ✓ The Council will identify a range of options available to it, to communicate information to a range of interested persons (*including the general public*) and invite submissions;
- ✓ As a minimum, the Council will publish a notice in;
 - a newspaper that circulates locally
 - Council's newsletter the Criterion (when the timing of the consultation allows, please note the Criterion is a monthly print),
- ✓ The notice should describe the matter for which public consultation is required, and invite interested persons to make written submissions to the Council.
- ✓ The time frames with which submissions can be received shall be at least 21 days from the date of the notice;
 - In addition to the above, other options which the Council may choose to utilise the following additional methods to communicate information and invite submissions;
 - a notice in The Advertiser;
 - letter drops to residences, owners and occupiers (*where appropriate*);
 - telephone access line
 - Internet/website

- Surveys
 - media releases to Radio, Television and the print media;
 - letters to stakeholders;
- ✓ To include the use of signs as part of the community land revocation process. A sign in plain English, which identifies the land and states the nature of any proposal being considered, is to be erected on the subject land, except in circumstances where the community land revocation is of a purely technical nature and does not change the existing use of the land, for example road use.

Any step taken by the Council in addition to the minimum requirement set out above, will be at the absolute discretion of the Council, and dependent upon the particular topic or issue under consideration, the resources available to the Council, and the level of interest the topic or issue is likely to generate.

In circumstances where the Act specifically requires reference to a Council's Public Consultation Policy, then Council will comply with the Act, in particular with regard to:-

- ✓ Principal Office – Opening hours (*Section 45(3)*),
- ✓ Code of Practice – Access to meetings and documents (*Section 92(5)(b)*),
- ✓ Annual Business Plan (*Section 123(3)*),
- ✓ Changes to Basis of Rating (*Section 151(5)*),
- ✓ Rating – Differential Rates (*Section 156(14a)*),
- ✓ Community Land – Revocation of Classification (*Section 194(2)*),
- ✓ Community Land – Management Plans (*Section 197(1)*),
- ✓ Community Land – Alienation by Lease or Licence (*Section 202(2)*),
- ✓ Roads – Permits restricting access or for use or activity requiring public consultation under regulations (*Section 223*), and
- ✓ Trees – Planting trees and vegetation (*Section 232*).

When a matter under Council's consideration is not specifically required by the Local Government Act 1999 to follow the steps set out in its Public Consultation Policy, but specific sections within the Act do specify that certain public consultation steps must be followed, Council will be guided by the steps outlined in the relevant sections of the Act. This will apply to:-

- ✓ Representative Reviews (*Section 12*),
- ✓ Status of a council/change of names (*Section 13*),
- ✓ Commercial Activities – Prudential Requirements (*Section 48*),

- ✓ Public Consultation Policy (*Section 50*),
- ✓ Strategic Management Plans (*Section 122(6)*),
- ✓ Passing By-laws (*Section 249*), and
- ✓ Policies on Orders (*Section 259*).

Where there are legislative requirements for consultation under other legislation then these take precedence over the Public Consultation Policy in so far as there is any inconsistency.

In circumstances where there is no requirement to follow relevant legislated practices Council staff will refer to the Public Consultation Implementation Procedure.

1.7 PUBLIC HEALTH EMERGENCY: PUBLIC ACCESS AND PUBLIC CONSULTATION

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to a declaration of the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999*, the *Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2)* varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the period Notice No 2 has effect (as provided for in Notice No 2), and in the future that any such similar declaration of emergency occurs, this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the *Local Government Act 1999*.

Alterations to Public Consultation Policy

A. Definitions

For the purposes of these alterations **the Council** includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

B. Statutory Requirement to Hold Public Meetings Suspended

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of

Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.

The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will consider the submissions at a meeting of the Council.

C. Other Requirement to Hold Public Meeting Suspended

The Council will not hold a public meeting in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

D. Other Requirement to undertake in Person Consultation Activity Suspended

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

E. Suspension of Other Inconsistent Provisions

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.

1.8 ROLES AND RESPONSIBILITIES

This policy will apply to Council Elected Members, Staff, Contractors, Agents and Consultants of the Council.

The Chief Executive Officer of the Council is responsible for:-

- ✓ implementation of this policy,
- ✓ reporting on the Council's success in meeting the objectives of this policy, and
- ✓ reporting on the review and evaluation of this policy.

1.7 ALTERATION OR SUBSTITUTION OF POLICY

Any alteration or substitution of this policy with a new policy will require public consultation, unless the Council determines that the alteration or substitution is only a minor significance and would attract little or no community interest.

1.8. AVAILABILITY OF POLICY

This policy will be available for inspection at the Council's principal office or Visitor Centre during ordinary business hours at no charge. A copy of this Policy will be made available on Council's website. Copies of this policy may be obtained upon request at a cost as per Council's Schedule of Fees and Charges.