

**PUBLIC CONSULTATION POLICY**

First Approved	July 2011
Status	Mandatory
Review Frequency	4 yearly or as required
Last Reviewed	20 April 2020 (ACM20561)
Next Review Due	April 2024
File Number	18.63.001 / PL202050
Responsible Division	Office of the Chief Executive
Related Documents	Public Consultation Procedure Alexandrina Council Community Strategic Plan 2014 – 2023 LGA Public Consultation Guidelines LGA Community Engagement Handbook LGMA Reinforcing Local Government Report
Applicable Legislation	<i>Local Government Act 1999 s.50</i> <i>Local Government Act 1999 Chapter 4, part 5</i> <i>Public Access and Public Consultation Notice (No 2) 2020</i>

**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 the transmission of COVID-19, and declared 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), 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.

**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.

## **Introduction**

Alexandrina Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the council and the community.

In carrying out its consultation process, the council applies the following principles:

- Members of the community have a right to be informed about issues affecting their area and their lives and to influence council's decisions about these
- Community interest will vary depending on the issue and the number of people affected, and council's level of consultation will reflect this
- Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

### **Policy Objective**

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

### **Scope**

This policy applies to Elected Members, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the *Public Consultation Policy*, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

### **Policy Statement**

The preparation and adoption of this policy fulfils the council's obligations under s.50(1) of the *Local Government Act 1999*. S.50 provides that:

- The council must set out the steps that the council will follow in cases where the *Local Government Act* requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council's decision-making.

In addition, under the *Local Government Act* the council has the following obligations where it is required by law to follow its public consultation policy.

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on the council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, the council must submit the proposal to a public consultation process.

Other sections of the *Local Government Act* also refer to consultation requirements, and in some instances set out what a Council must do. See **Specified consultation requirements** below.

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the *Development Act 1993*, these specific processes take precedence over this policy, should there be any inconsistency.

### **Specified consultation requirements**

Under the *Local Government Act*, Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (s.45)
- Adopting or varying a public consultation policy (s.50)
- Altering the Code of Practice relating to the principles, policies and procedures that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (s.92)
- Adopting Strategic Management Plans (s.122)
- Excluding land from classification as community land (s.193)
- Revoking the classification as community land (s.194)
- Adopting, amending or revoking a management plan for community land (s.197)
- Amending or revoking a management plan for community land (s.198)
- Alienating of community land where the management plan does not allow it (s. 202)
- Alienating roads (s.223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (s.232)
- Proposing to remove trees and road construction projects
- Carrying out representation reviews (s.12(5))
- Considering a change of status of Council or name change (s.13)
- Carrying out commercial activities - Prudential Arrangements (s.48)
- Making By-laws (s.249)
- Making Orders (s.259).

For details of the specific requirements under these sections, refer to the specified sections of the *Local Government Act*.

Other consultation and engagement methods may include:

- Publication in a regular newsletter
- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings

- Direct consultation with community representative groups
- Active and passive use of Council's website and social media
- Use of a community email database
- Customer Surveys
- Fixed displays, eg community notice boards
- Community group representations to Council workshops.

### **Documentation**

To assist in demonstrating that public consultation processes are fair, transparent and accountable, cost effective and meet community needs, all documentation associated with consultation processes will be recorded in the Council's records management system.

### **Availability of Policy**

This Policy will be available for inspection at the Council's offices during normal business hours and on the Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au). Copies will also be provided to interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.