

POLICY DOCUMENT

2.63.1

Policy Name	Public Consultation & Community Engagement
Policy No.	2.63.1
Version:	1
Strategic Reference:	3.2 A strategically driven, community aware and accountable Council
Responsible Department:	Corporate, Community & Governance Services
Policy Adopted:	18 May 2020
Last revised date:	7 August 2017
Minute reference:	CO 20/047
Next review date:	This policy shall be reviewed by the City of Port Lincoln within 4 years of adopted date or on significant change to legislation or aspects included within this policy.
Applicable Legislation:	Local Government Act 1999
Related Policies:	2.56.1 Social Media Policy 18.63.2 Code of Practice – Council and Committee Meetings
Related Documents:	14.64.2.2 Communication and Engagement Action Plan 2-20-T4 Communication and Engagement Strategy Template

1. PURPOSE

The Council is committed to being open, responsive and accountable in its decision making, and will ensure the community is informed on matters of Council and of decisions that may affect the local and wider community through effective communication and consultation processes.

The purpose of this policy is to ensure that Council complies with its public consultation and engagement principles and meet the legislative requirements outlined by the *Local Government Act 1999*, and/or prescribed by any other legislation.

To achieve this, Council will:

- determine legislative requirements prior to the public consultation process;
- use appropriate and cost effective methods for the consultation topic, taking into account that not all members of the community have access to the Council office or social media;
- inform, consult and/or involve the local community, stakeholders and interested parties that have an interest in a decision or proposal, or may be directly or indirectly affected by the decision that has been made or is being proposed;
- provide reasonable opportunity to make submissions in the relevant circumstances and/or where possible exceed the minimum requirements to ensure adequate time has been provided to the community to provide feedback on the consultation topic; and
- consider all, and use feedback from the community, stakeholders and/or interested parties in its decision making processes to enhance its decision making.

2. **SCOPE**

Pursuant to Section 50 of the *Local Government Act 1999 (the Act)* Council is required to prepare and adopt a public consultation policy. This policy outlines the principles and framework that Council will follow to encourage community, stakeholders and interested parties to be involved in the decision making process of Council where relevant.

The policy references topics that require public consultation whereby Council is:

- required by *the Act*, to follow the relevant steps set out in its public consultation policy;
- required by *the Act*, or prescribed by other legislation, to follow prescribed consultation steps; and/or
- required by a Council resolution.

Where there are legislative requirements for public consultation prescribed by other legislation, those specific processes will take precedence over the steps outlined in this policy, should there be any inconsistency.

This Policy applies to Council Members, Council committee members, Council employees and contractors, agents and consultants acting on behalf of Council.

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

3. **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.

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*.

4. ALTERATIONS TO PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT POLICY

4.1. 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.

4.2. 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 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 consider the submissions at a meeting of the Council.

4.3. 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.

4.4. 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 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 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 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.

4.5. 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 clause 4.4 operate in their stead.

5. DEFINITIONS

‘Community’ means people who, live, work, study, or conduct business in, or who visit, own property, use or enjoy the services, facilities and public places and who have an interest in the City of Port Lincoln.

‘Community engagement’ means ‘involving communities in decision-making processes, which is critical in the successful development of acceptable policies and sustainable decisions in government, the private sector and the community’¹.

‘Council’ means the City of Port Lincoln.

‘Formal submission’ - Required for some specific projects or decisions or to fulfil a legislative obligation to provide the community the opportunity to express its opinion towards an issue/proposal which can contribute towards Council’s decision.

‘IAP2’ - International Association of Public Participation, an international association of members who seek to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world.

‘Interested parties’ refers to members of the community or wider community, groups and organisations who maybe directly or indirectly affected by a decision, development or process and/or has an interest in Council planning and decision making.

‘Stakeholders’ refers to people, groups and organisations who may be directly involved or who may have direct influence on an engagement process.

‘Public Consultation Policy and/or Policy’ means this Public Consultation and Community Engagement Policy.

‘Public notice’ refers to a notice to the community that is published on the Council website and details of the notice and website address are also published in a newspaper circulating within the Port Lincoln area.

‘The Act’ means the *Local Government Act 1999*.

6. PRINCIPLES

The following principles will guide Council’s public consultation and community engagement processes:

- The Council is committed to involving the community, stakeholders and interested parties in its decision making processes and where relevant will provide opportunity for input and/or feedback on a particular topic or Council decision that will affect the community;

¹ Barbara Chappell, Community Engagement Handbook, Local Government Association of South Australia, First Edition March 2008, p. 1.

- Council will not necessarily seek or be able to obtain consensus among all in order to move forward with the decision making process.
- Seeking community engagement on a topic or decision is not intended to replace the final decision making power of Council Members, the Chief Executive Officer or their delegate but to enhance Council's decision making.
- All formal submissions received by Council as part of the consultation process must include the name and residential address of the respondent where required.
- The identity of those who provide input to community engagement activities will be made known only to those who need to know in the process of compiling the feedback. Identities will not be revealed or made public by the Council, except where required by law.
- Council will define the parameters of the public consultation topic prior to the commencement of the process to ensure legislative requirements are met
- Council will consider the availability of council resources when determining the level and style of community engagement prior to the start of the process
- Community interest or awareness and/or the number of people that may be affected by the outcome will vary depending on the topic or decision, therefore Council will take into consideration the most effective engagement strategies for that particular circumstance
- Council will take into consideration the sensitivity and nature of the topic and/or decision and the spread of the affected population in its community engagement
- Community views and interests will be considered with other influences such as financial, economic, environmental, cultural and social constraints
- Council will incorporate the principles of the International Association for Public Participation (IAP2) as best practice in its community engagement practices to identify and select the appropriate level of public participation, methods of engagement and a range of tools to be used for each public consultation opportunity.

6.1. The IAP2 principles are:

Inform One way communication providing balanced and objective information to assist the community in understanding the topic, decision, alternatives and/or solutions made by Council.

Strategies used to inform the community, but is not limited to:

- *Council Port Lincoln Times article;*
- *website;*
- *Media release;*
- *Public notice;*
- *social media;*
- *Letter drops or mail outs*
- *E-newsletters*
- *Fixed displays; and*
- *on-site signage*

Consult Two-way communication whereby Council provides balanced information to assist the community in understanding a topic, decision, alternatives and/or solutions and seeks feedback on the matter.

Strategies used to consult the community, but is not limited to:

- surveys;
- Public comment - invite submissions

Involve Facilitating active participation by stakeholders designed to help identify issues and views from a diverse range of perspectives so that concerns and aspirations are understood and considered throughout a decision making process.

Strategies used to involve the community, but is not limited to:

- workshops;
- forums;
- stakeholder meetings;
- focus groups

Collaborate Partnership with the community to come up with a decision on a particular matter. Council will look to the community for direct advice and innovation in formulating alternatives and/or solutions. Council will consider the recommendations from the community in its decision making process. The final decision remains with the Council.

A strategy to be used to collaborate, but is not limited to:

- council reference groups

7. PUBLIC CONSULTATION TOPICS

7.1. Council to follow steps in its public consultation policy

The Local Government Act, 1999 requires Council to undertake public consultation on certain topics in accordance with the relevant steps set out in its own public consultation policy.

These topics are:

Topic	Section reference
Principal Office – Opening Hours	Section 45
Code of Practice – Access to meetings and documents	Section 92
Annual Business Plan	Section 123
Rates and charges – Change to Basis of Rating Report	Section 151
Rating – Differential Rates	Section 156
Community Land – Exclusion from Classification	Section 193

Topic	Section reference
Community Land - Revocation of Classification	Section 194
Community Land Management Plans	Section 197
Community Land – Alienation by lease or license	Section 202
Authorisation / Permits	Section 223
Roads – Trees	Section 232

For each topic listed above, Council staff will:

- (1) Prepare a document that sets out Council's proposal in relation to the topic; and
 - (a) Publish a public notice:
 - in a newspaper circulating within the area of the Council; and
 - on a website determined by the Chief Executive Officer

describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the public notice.
- (2) When submissions have been received by the closing date, Council staff will:
 - (a) Consider, summarise and analyse all submissions received;
 - (b) Prepare a report for Council or the relevant Council Committee which:
 - summarises the public consultation outcomes;
 - presents the information in the broader context of the matter under consideration;
 - makes recommendations for Council or the Committee to consider when deciding on the matter/s; and
 - is included on the agenda for a suitable Council or Committee meeting.
- (3) Council will consider the report and relevant recommendation/s and decide on the matter/s.

7.2. Council to follow prescribed consultation steps in the relevant Acts

The Local Government Act, 1999, and some other legislation requires Council to follow prescribed consultation steps and not the steps in its own public consultation policy.

These topics are:

Topic	Section reference
Representation Reviews	Section 12
Status of a Council / Change of Name	Section 13
Commercial Activities – Prudential Requirements	Section 48
Public Consultation Policies	Section 50
Strategic Management Plans	Section 122

Topic	Section reference
Amendment or revocation of Community Land Management Plans	Section 198
Roads Naming Policy	Section 219
Passing by-laws	Section 249
Making Orders	Section 259

In the cases above, Council will implement as a minimum the prescribed measures set out in the relevant Acts.

Other legislation that requires Council to follow prescribed consultation steps include, but may not be limited to:

- Roads (Opening and Closing) Act 1991
- Land Acquisition Act 1969
- Development Act 1993, and Planning, Development and Infrastructure Act 2016
- South Australian Public Health Act 2011.

7.3. Public Consultation required by a Council resolution

Public consultation on matters of Council and/or decisions that may affect the community and/or wider community may be required as a result of a Council resolution. In these instances, the Council resolution will state that the public consultation process will be in accordance with its public consultation policy.

As a minimum under this category Council will:

- 1) Publish a notice on its website www.portlincoln.sa.gov.au
- 2) Invite submissions on the topic at least 21 days from the date of the notice.

Additional consultation measures, including a longer consultation period, or an additional public notice may be determined by Council resolution or as deemed appropriate by administration.

8. PETITIONS

Petitions by a person or group received by Council in response to a community engagement must meet the requirements of Council's Code of Practice – Council and Committee Meetings 18.63.2.

Petitions will be considered at an Ordinary Council meeting as one submission alongside all other submissions and pertinent factors, when a decision is made.

9. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council's principal office during ordinary business hours at no charge and is available for viewing and downloading on Council's website www.portlincoln.sa.gov.au.

A copy of this Policy may be obtained upon request at a cost as per Council's Fees and Charges Schedule.

10. RELEVANT DELEGATED POWERS AND DUTIES

Any actions or decisions made regarding this policy, will be enacted upon as per Council's current Delegations Register.

11. REVIEW

Council may review and amend this public consultation policy, or substitute a new policy at any time.

Any alteration to this Policy, or substitution of this Policy with a new Policy, will require public consultation pursuant to Section 50(6) of the 'Act', unless the Council determines that the alteration or substitution of this Policy is only of minor significance and would attract little (or no) community interest.

This policy shall be reviewed by the City of Port Lincoln within four years from 'date adopted' or on significant change to legislation or aspects included within this policy.