

**Keywords:** *Public Community Consultation Engagement*

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<b>Responsible Officer(s):</b>	<i>CEO / EA</i>
<b>Council File Reference:</b>	<i>COUNCIL POLICIES (P)</i>
<b>Applicable Legislation:</b>	<i>Section 50 Local Government Act 1999 (SA) – Public Consultation Policies</i>
<b>Relevant Policies:</b>	<i>Access to Meetings - Code of Practice; Order Making Policy</i>
<b>Related Procedures:</b>	<b><i>Sec. 50(4) – Public Consultation required prior to adoption of the “Public Consultation Policy” and/or alteration/amendment thereto unless (Pt. 6) alteration is determined to be of minor significance. Requires notification in the “Advertiser” for significant changes.</i></b>
<b>Delegations:</b>	<i>Berri Barmera Council Delegations Register</i>

### Purpose

The Public Consultation and Community Engagement Policy has been developed in accordance with the intent and requirements of Section 50 of the Local Government Act 1999. The policy provides a basis for involving the community in planning and decision making processes to ensure effective community engagement and participation in the management of community resources, and to foster a partnership with the local community.

### Objectives

The objectives of this Policy are:

- (a) to fulfil the statutory requirements of the Local Government Act 1999 Sec 50;
- (b) to enable the community to contribute to the Council’s decision making through open and accountable processes;
- (c) to promote equity through optimal access to consultation opportunities;
- (d) to provide a framework for the administration’s implementation of the Council’s principles for community engagement, including community consultation.

## Interpretation

For the purposes of this Policy, the following definitions apply:

- (a) *Community* means “the public”. The community includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the Berri Barmera Council. These people are often referred to as “stakeholders” in the affairs of the Council.
- (b) *Communication* in this Policy, means conveying information to another party.
- (c) *The Act* means the Local Government Act 1999, as amended.
- (d) *Community Engagement* is any process that involves the community in problem solving or decision-making and uses community input to make decisions. Community engagement can include communicating with the community about decisions made; consulting on specific ideas or proposals; involving the community in planning processes; and collaborating with the community to make decisions.
- (e) *Community Consultation is part of community engagement and* means a planned process by which the Council formally invites its constituents and stakeholders to comment about matters upon which Elected Members are to deliberate. This means providing information to the community and eliciting opinions and comments from members of the public, for the Council to consider. The final decision regarding such matters rests with the Council. The Administration may also consult the community regarding specific aspects of programs to be implemented, within the framework of the Council’s decisions and the provisions of the Local Government Act or other legislation. The final decision regarding these operational matters, rests with the Chief Executive Officer.
- (f) *Council* means the Elected Members of the Berri Barmera Council. The *Council Administration* refers to the employees and contractors engaged by the organisation.

## Principles

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

The Council has adopted the following principles as central to effective community engagement and public consultation:

- (a) The community has a right to contribute to and to be informed about key decisions and issues affecting the local area.
- (b) The community is to be provided with adequate information in order to make informed opinions. Information is to be provided to identified stakeholders so that it:
  - (i) is clearly presented and relevant;
  - (ii) is readily accessible;
  - (iii) clearly defines the aspects of the matter which are subject to community comment;
  - (iv) is provided with due regard to the resources available and to relevant legislation, Council Policies and Codes of Practice;
  - (v) clearly states that submissions received will become public documents;
  - (vi) provides contact details for further enquiries; and
  - (vii) outlines the decision making process of which the consultation is a part.
- (c) Appropriate and timely opportunities are to be provided for people to gain access to information and to be involved in community engagement programs and should result in greater confidence in the Council and responsive decision making.

- (d) Presentations by members of the public at formal Council meetings are governed by Local Government (Procedures at Meetings) Regulation number 11 (Deputations).
- (e) The Council has a responsibility to consider all submissions in a balanced way, and recognises that community opinion is one aspect of the decision making process. The Council will strive to make decisions for the good governance of the district as a whole, over the long term, taking account of all the influences and factors relevant to any particular matter. The Council is required to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accord with legislation.
- (f) Community engagement processes will be open, transparent and accountable and within resource constraints. The level and style of engagement with the community will vary depending on the community interest in the matter, the number of people potentially affected by the Council's decision, the resources available, and legislative requirements. An appropriate period of time is to be provided for consideration of, response to and collation of input on the matter.
- (g) Informal consultation methods that capture community engagement commentary are to be included within the reporting of public consultation where possible. Some examples are:
- Members of the public who attend Council's formal consultation meetings (such as the Annual Business Plan public meeting) can influence the decisions of Council. An attendance list and summary of key questions/points of discussion for meetings of this type are to be captured and included in the consultation reports where appropriate.
  - Comments via Council's Social media platforms may be included where appropriate as part of any consultation undertaken by Council.
- (h) The community will be advised of significant decisions which have involved a community engagement process, and there will be readily available public access to the outcomes of all community engagement programs. 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, e.g. community notice boards
  - Community group representations to Council workshops

### **Statutory Requirements**

The preparation and adoption of this policy fulfils the council's obligations under section 50(1) of the Local Government Act 1999. Where there are statutory requirements for consultation, these will take precedence over this policy where there is any inconsistency.

Section 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.

(a) 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.

(b) The Local Government Act 1999 requires that community consultation be undertaken in relation to the following matters. Legislative requirements must be followed with regard to:

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| • Composition and wards of the Council                       | Section 12(7)               |
| • Status of Council or change of names                       | Section 13(2)               |
| • Principal office of the Council                            | Section 45(3)               |
| • Prudential requirements for certain activities             | Section 48 (2)(d) (5) & (6) |
| • Public consultation policy                                 | Section 50(6)               |
| • Access to meetings and documents - code of practice        | Section 92(5)               |
| • Strategic management plans                                 | Section 122(6)              |
| • Annual Business Plans & Budgets                            | Section 123(3)(b)           |
| • Basis of rating  | Section 151(5)              |
| • Basis of differential rates                                | Sec 156(14a) to (14f)       |
| • Community land: classification                             | Section 193(2)              |
| • Community land: revocation of classification               | Section 194(2)              |
| • Community land: proposed management plans                  | Section 197(1)              |
| • Community land: amendment or revocation of management plan | Section 198                 |
| • Community land: alienation by lease or licence             | Sec. 202(2)& (3)            |
| • Permits for business purposes (on roads)                   | Section 223(1)              |
| • Planting of vegetation on roads                            | Section 232                 |
| • Vehicles - Removal   | Section 237                 |
| • Passing by-laws  | Section 249                 |
| • Order making policies                                      | Section 259                 |
| • Proposing to remove trees and road construction projects   |                             |

## **Additional Matters For Consultation**

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.

In addition to the matters set out in the Local Government Act 1999, the Council may choose to follow this policy in regard to other matters. Without limiting the extent of the operation of this policy, issues warranting community consultation may include:

- Major public infrastructure developments - an extended public consultation period of 28 days be undertaken for major public infrastructure developments. Council also take into consideration delivery methods of public consultation and community engagement for major projects.
- The provision of services and facilities
- Traffic management
- Proposals for change

## **Implementation Of This Policy**

This policy applies to Council Members sitting as the elected body, 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.

## **ACKNOWLEDGMENT:**

*This Policy has been sourced from the Unley City Council whose permission has been granted to use as a template by the Berri Barmera Council. Additional text has been sourced from the LGA SA Public Consultation Policy template.*