



TITLE: PUBLIC CONSULTATION POLICY

REFERENCE NUMBER:	DOC/21/39155
RESPONSIBLE OFFICER/ DEPARTMENT:	Community Services
APPLICABLE LEGISLATION:	Local Government Act 1999
MOUNT BARKER DC 2020 - 2035 – COMMUNITY PLAN:	Leadership and good governance LGG Strategy 3 Provide opportunities for the community to access and participate in decision-making processes and fully integrate community engagement practices into Council activities.
RELATED POLICIES:	Nil
SUPPORTING PROCEDURES:	To be drafted
PREVIOUS REVIEW DATES:	4 May 2020
ENDORSED BY COUNCIL:	6 April 2021
MINUTE RESOLUTION NUMBER:	OM20210406.11
NEXT REVIEW DATE:	6 April 2024

1. PURPOSE

The Mount Barker District Council is strongly committed to genuine, effective and timely community consultation on a range of issues to ensure it meets (or exceeds) its obligations under the Local Government Act 1999 (“the Act”). Council consultation may often exceed the minimum consultation requirements.

This Policy sets out the steps the Council will follow for public consultation as required under Section 50 of the Local Government Act 1999 (“The Act”) and provides guidelines for other consultation topics.

2. SCOPE

The Policy will define the role of Council Members and employees, in consulting with the community and the methods which will be used.

3. DEFINITIONS

Council shall mean the Mount Barker District Council

Public Consultation shall mean two-way communication to seek ideas, opinions, alternatives and proposals to inform decision making.

The Act shall mean the Local Government Act, 1999.

Note – for the purposes of this Policy the words ‘community’ and ‘public’ are interchangeable.

4. ROLES & RESPONSIBILITIES

Council:

- Prepare and adopt the Public Consultation Policy;
- Participate in, and advocate for, community consultation processes and activities; and
- Receive, review and consider the information received from the community in the course of its decision-making to ensure it is aware of the community’s perspective and incorporates reasonable consultation suggestions to make an informed decision to provide the community with the best possible outcomes.

Chief Executive Officer:

- Implement the Public Consultation Policy; and
- Review the consultation levels, reporting outcomes of the consultations to Council, and review the value of the Policy.

Employees

- Planning for and following the requirements of this Policy and requirements in the Act;
- Provide a summary of consultation comments in the report to Council and all submissions as an attachment.

5. POLICY STATEMENT

The primary objectives of this Policy are to:

- Encourage the community to actively participate in policy development, planning and programming, the management and evaluation of services and in identifying areas of concern.

- Ensure that Council's objectives and initiatives are informed and improved by the valuable information gathered in community consultation.
- Demonstrate that community consultation precedes action - it is the beginning of the cycle which results in action.
- Provide a community consultation process which serves and builds trust and positive relationships within the community.
- Demonstrates open, transparent and responsive decision making.

6. PUBLIC CONSULTATION REQUIREMENTS

6.1 Consultation Methods

Generally, the strategic objective of any community consultation plan is to ensure that community stakeholders, residents and ratepayers receive regular information about Council's plans, , objectives, achievements and performance, and are advised of major initiatives and issues that may impact or affect the community and those stakeholders are given the opportunity to be consulted on such topics. .

To assist in this objective the Statutes Amendment (Local Government Review) Bill 2020 introduces one Community Engagement Charter for the whole local government sector. Upon passing of the Bill, Council staff will draft a Community Engagement procedure to be used in conjunction with this policy and the Community Engagement Charter.

The Statutes Amendment (Local Government Review) Bill 2020, which was introduced into Parliament on 17 June 2020 is currently with the Upper House and there is uncertainty regarding timing of the introduction of any reforms should the Bill pass.

6.2 Statutory Requirements

In a number of program and service areas the Council is required to comply with specific legislative timeframes and requirements regarding public consultation as set out in the Act, which include minimum consultation periods, publication in the Gazette and public meetings etc. Below are tables with consultation requirements requiring Council compliance .

In addition, if not specified in the Act, as a minimum Council will ensure information related to the consultation topic as noted below will be included on Council's website and hard copies available for perusal or purchase at the Local Government Centre. Consideration will also be given to other optional consultation methods as noted in 6.4.

Sections of the Act with specific timeframes and requirements

Representation Reviews	Section 12 (7) (8) (9) (10)
Status of a Council/Change of Name	Section 13 (2)
Public Consultation Policies	Section 50
Annual Business Plan	Section 123 (3) (4) (5) (6) (7) (8) (9) (10)
Rates and Charges – Change to Basis of Rating Report	Section 151 (5a) (5b) (5c) (5d) (5e) (7) (8) (8a)
Rating – Differential Rates	Section 156 (14) (14a) (14b) (14c) (14d) (14e) (14ea)
Passing by-laws	Section 249 (1) (2)
Councils to develop policies (power to make orders)	Section 259

In addition reporting on public consultation is required for:

Prudential Requirements for certain activities	Section 48
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6.3 Consultation Categories – Where A Timeframe is Not Defined in the Local Government Act 1999

The Public Consultation Policy specifies three (3) levels of consultation designed to suit statutory requirements where the timeframe is not defined. Any good consultation strategy requires a certain degree of flexibility to suit the specific situation. While setting out minimum standards, each level reflects this need by not being too prescriptive.

- Level 1:**
- a) At least 21 days consultation period;**
 - b) Follow any legislative requirements**
 - c) A notice in The Courier (minimum) inviting submissions on the matter;**
 - d) Information will be available at the Local Government Centre and on Council's website.**
 - e) Consideration will be given to other optional consultation methods as noted in 6.4.**

Principal Office – Opening Hours	Section 45(3)
Code of Practice – Access to Meetings and documents	Section 92 (5) (6) (7)
Community Land Management Plans	Section 197 (1) (3)
Community Land – Alienation by lease or licence	Section 202 (2)

Authorisation / Permits for works on Roads	Section 223
Roads – Trees if planting impacts on residents, businesses or advertisers	Section 232 (b)
Time limits for dealing with certain applications	Section 242 (4)
Strategic Management Plans: <ul style="list-style-type: none"> • Long Term Financial Plan • Strategic Asset Management Plan 	Section 122 (6), (8)

- Level 2:**
- a) At least 28 days consultation period;**
 - b) Follow any legislative requirements;**
 - c) A notice in The Courier (minimum) inviting submissions on the matter,**
 - d) Information available at the Local Government Centre and on Council's website.**
 - e) Signage will be installed for the consultation period at the site.**
 - f) Consideration will be given to other optional consultation methods as noted in 5.4.**

Community Land – Revocation	Section 193(3) and 194(2)
Community Land Management Plans – amendment or revocation	Section 198 (2) (4)

- Level 3:**
- a) At least 6 weeks consultation period;**
 - b) Follow any legislative requirements;**
 - c) A notice in The Courier (minimum) inviting submissions on the matter,**
 - d) Information available at the Local Government Centre and on Council's website.**
 - e)**
 - f) Consideration will be given to the other optional consultation methods as noted in 5.4.**

Strategic Management Plans: <ul style="list-style-type: none"> • Eg Community Plan 	Section 122 (6), (8)
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6.4 Consultation for matters not stipulated by the Local Government Act 1999

It is Council's prerogative to establish the level of consultation for topics not identified in the Act as requiring consultation. This includes matters brought to its attention by the community as requiring consultation. If not stipulated in the Act, the level of engagement will be dependent on project complexity, community impact, community interest, political sensitivity, timelines and resource availability and may include:

- Direct mail publications or letterbox drops within a particular street or radius of the subject matter;
- Advertising in The Advertiser, The Courier, The Weekender Herald, local radio stations, local township newsletters and other media outlets as deemed appropriate;
- Social media including Facebook;
- Media releases to appropriate media outlets and community groups;
- Community forums, workshops and stakeholder meetings;
- Use of facilitators for face to face or online workshops for complex matters’;
- Market research or surveys;
- The Council Your Say site yoursay.mountbarker.sa.gov.au
- General fixed displays (noticeboards in the Council foyer, Library and local shopping centres); and
- Specific displays or signage, as appropriate.

6.5 Council Decision

Public consultation assists the Chief Executive Officer and his delegates in formulating recommendations to Council within Council’s formal decision making process. .

6.6 Submissions

Feedback methods will require the name, address and where relevant, stakeholder group to be included in any responses from the community, including telephone, electronic and written responses. This will enable residents, ratepayers, businesses, members of social, sporting and service clubs, and other interested parties to be separately identified by Council Officers and data aggregated separately.

Names, addresses and any other identifying items from individuals will remain confidential unless legally required to be disclosed.

Submissions from associations, incorporated bodies and community organisations/groups will be made available with the details of the association, incorporated body or community organisation/group being identified.

Where possible such entities are encouraged to include an extract of the minutes of the meeting at which their submission is considered and/or endorsed.

In some instances, the content of a submission may dictate that it be subject to the application of another Council policy and/or treated in confidence such as under the Public Interest Disclosure Act and associated council procedure . In these instances, Council Officers will not make the submission public, and/or will redact relevant sections. The person making the submission will be advised where possible (in the event their identity is known and contact details provided) by the Risk & Governance Officer in the event the content of a submission (or part thereof) is excluded and the reasons why.

A thematic summary of all submissions will be provided to Council as part of the report on the consultation. The summary will identify major themes from submissions and Council's response to the points raised clarifying either:

- If the issue is already identified - where;
- If the matter is deemed not relevant – why;
- Whether the suggestion will be included

A copy of all submissions will be provided as an attachment (unless determined to remain confidential). Confidential submissions will be made available to Council Members through the Council extranet. Depending on the volume of submissions this may only be via an electronic attachment, with one hard copy available at the Local Government Centre with the agenda, and one hard copy at the Council meeting.

7. TRAINING / EDUCATION

Appropriate training for staff involved in formal public consultation processes will be provided when required.

8. REVIEW

This Policy will be reviewed every three years or the frequency may be dictated in legislation, or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Chief Executive Officer.

9. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au

10. FURTHER INFORMATION

For further information on this Policy, please contact:

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