



District Council of  
ORROROO  
CARRIETON

## Public Consultation Policy

Version 5.0

## Public Consultation Policy

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Applicable Legislation	Local Government Act 1999 s50 Local Government Act 1999 s302B Public Access and Public Consultation Notice (No 2) 2020
Related Policies	
Related Procedures	

### Introduction

The District Council of Orroroo Carrieton (“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.

In carrying out a 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 be involved in the Council’s decision making processes about these matters;
- the Council recognises that the level of consultation with the community will vary depending on community interest in the issue, the number of people potentially affected, and the legislative requirements for consultation set out in the Act for specific matters. The Council’s level of consultation will reflect this;
- community involvement in Council decision making will 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 promote positive interactions between the Council and the community, and to ensure that the Council meets its legislative obligations with regards to public consultation. This will be achieved 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 in the public consultation process;
- using feedback received to enhance decision making processes.

## Scope

This Policy will apply as required by section 50 of the *Local Government Act 1999* (“the Act”).

This Policy applies to Council Members sitting as the elected body and Council employees, as well as contractors, agents and consultants acting on behalf of the Council.

The Chief Executive Officer is responsible for:

- the implementation of the Public Consultation Policy;
- reporting the outcomes of a public consultation process to the Council; and
- reporting on the review and evaluation of the Policy as required.

The Council has delegated responsibility to the Chief Executive Officer to determine the method of Public Consultation required for each circumstance, by reference to the requirements specified under the Act.

In accordance with the Act, the Council may, from time to time, alter this Policy or substitute a new policy. Where significant changes to the Policy are proposed, the Council must submit the proposal to a public consultation process.

## Policy Statement

The preparation and adoption of this Policy fulfils the Council’s obligations under section 50 of the Act .

The Act requires the Council to consult in accordance with its Public Consultation Policy with regards to certain matters, and provides a discretion to consult for the purposes of other matters.

Section 50(2) of the Act relevantly provides that:

- the Council **must** set out the steps that the Council will follow in cases where the Act requires consultation on a matter; and
- the Council **may** set out the steps that the Council will follow in other cases involving the Council’s decision-making.

### 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*.

## Procedure

Where it is required to follow its Public Consultation Policy under the Act, the Council has the following obligations. The Council must:

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

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

### 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.

Any steps taken by the Council in addition to the minimum requirements set out under the Act are at the absolute discretion of the Council and will depend upon the particular topic under consideration, the resources available to the Council and the level of interest the topic is likely to generate.

In this regard, other consultation and engagement methods may include (but are not limited to):

- 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; and
- community group representations to Council workshops.

The Council will always refer directly to the relevant section of the Act before determining the appropriate consultation requirements.

Where there are legislative requirements for consultation under other legislation applicable to the Council, such as the *Development Act 1993*, in the event of any inconsistency, the specific legislative provisions take precedence over matters set out under this Policy.

## Specified consultation requirements

Under the Act the Council is required to undertake particular types (or levels) of consultation as a minimum requirement in relation to the following matters:

- carrying out Representation Reviews (section 12);
- considering a change of status of Council or name change (section 13);
- determining the manner, place and time of opening of its Principal Office (section 45);
- carrying out commercial activities - Prudential Arrangements (section 48);
- adopting or varying a Public Consultation Policy (section 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, minutes and release of documents (section 92);
- adopting Strategic Management Plans (section 122);
- before changing the basis of rating in certain circumstances (section 151);
- before changing the basis of differential rates in certain circumstances (section 156);
- excluding land from classification as community land (section 193);
- revoking the classification of land as community land (section 194);
- adopting, amending or revoking a management plan for community land (section 197);
- amending or revoking a management plan for community land (section 198);
- alienating community land by lease or licence (section 202);
- authorisation or permits restricting access to a road (section 223);
- before planting vegetation that may have a significant impact on residents, the proprietors or nearby residents (section 232); passing Bylaws (section 249); and
- amending a Council policy in certain circumstances (section 259).

For details of the requirements for public consultation specified under these sections, please refer to the relevant sections of the Act.

## Further information

This Policy will be available for inspection at the Council offices during ordinary business hours and available to be downloaded, free of charge, from the Council's website: [www.orreroo.sa.gov.au](http://www.orreroo.sa.gov.au)