



# Public Consultation Policy

<b>Policy Number</b>	<b>POL-PCONSV5</b>
<b>File Number</b>	<b>9/POL/PCP/2</b>
<b>Responsible Officer</b>	<b>Chief Executive Officer</b>
<b>Adopted</b>	<b>10 May 2010</b>
<b>Last reviewed at Council Meeting</b>	<b>12 May 2020</b>
<b>Minute Number</b>	<b>20937/4</b>
<b>Due date of next Review</b>	<b>May 2024</b>



# Purpose

The purpose of this Policy is to outline the principles and procedures that the Council will follow to involve the community in planning and decision making in the local area, and to ensure accountability of the Council to the community through affective communication and consultation strategies.

# Policy

## Background

The Mid Murray Council ("the Council") is required under Section 50 of the Local Government Act 1999 ("the Act") to prepare and adopt a Public Consultation Policy ("the Policy").

In accordance with the Act, the Policy must identify the steps the Council will follow in circumstances where the Act requires the Council to follow its Policy.

This Policy will apply to those circumstances set out in the Act which require the Council to follow its Policy.

This Policy was adopted by the Council following public consultation about the Policy in accordance with Section 50(6) of the Act. Submissions received were considered and taken into account by the Council in finalising and adopting its Policy.

## Application

This Policy will apply as required by the *Local Government Act 1999*.

## Principles

The principles underpinning this Policy are:

- (i) the community has a right to be involved in and informed about decisions affecting their area;
- (ii) community involvement in Council decision making will result in greater confidence in the Council and responsive decision making;
- (iii) Council decision making should be open, transparent and accountable;
- (iv) the Council recognises that the level of consultation with the community will vary depending on the community interest in the topic, the number of persons potentially affected by the topic and the requirements for consultation set out in the Act for specific topics;
- (v) the Council's desire to balance community views and interests with other influences such as budgetary constraints;
- (vi) the community has a right to be informed and to influence decisions which affect their lives.



## Objectives

The objectives of this Policy are:

- (i) to promote positive relations between Council and the community;
- (ii) to promote effective communication and consultation between the Council and the community;
- (iii) to enable the community to participate in Council planning and decision making;
- (iv) to provide the framework for community involvement in Council planning and decision making;
- (v) to promote Council decision making which is open, transparent, responsive and accountable to the community.

## COVID -19 Provision

### 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*.

## 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.

The Mid Murray Council ("the Council") is required under Section 50 of the *Local Government Act 1999* ("the Act") to prepare and adopt a Public Consultation Policy ("the Policy").

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This Policy will apply to those circumstances set out in the Act which require the Council to follow its Policy.

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### **Roles and Responsibilities**

This Policy will apply to Council Elected Members, Staff, contractors and agents and consultants on behalf of the Council.

The Chief Executive Officer of the Council is responsible for:

- (i) implementing this Policy;
- (ii) establishing consultation levels and determining elements within the process where Council has not done so;
- (iii) reporting on the Council's success in meeting the objectives of this Policy; and
- (iv) reporting on the review and evaluation of this Policy.

### **Information Sharing**

The Mid Murray Council recognises the benefit of sharing information with its community where formal consultation is not required.

Council acknowledges the wealth of knowledge held by its residents within our community and encourages their involvement in strategic issues before Council.

Council will proactively keep its community informed on issues before its community through its website, media releases, radio and other forms as is determined appropriate.

Strategic information is often contained within Council reports and this information is contained on Council's website, with agendas being available for display three days prior to a meeting. This provides the community the ability to approach Elected Members prior to the meeting.



## Development Approvals

This Policy does not cover consultation in respect to development applications. The Development Act 1993 provides for specific requirements in relation to consultation on applications.

### Procedure

The following steps will be taken by the Council to fulfil the requirements of this Policy:

- (i) The Council will identify a range of options available to it to communicate information to interested persons and invite submissions;
- (ii) Council will also choose consultation periods carefully and do its best to avoid the months of December and January and also the Easter period. However there may be times out of Council's control that may require us to consult during those periods.
- (iii) As a minimum the Council will publish a notice in a newspaper circulating in the area and on Council's website describing the matter for which public consultation is required, and inviting interested persons to make submissions to the Council within a period being at least twenty one (21) days from the date of the Notice;
- (iv) The Council will consider any submissions received as part of its decision making process and will also have regard to any relevant legislation;
- (v) Other options which the Council may choose to utilise to communicate information and invite submissions, in addition to the above include:
  - notice in The Advertiser;
  - letter drops to residents;
  - telephone access line;
  - media releases;
  - letters to stakeholders;
  - Information on the local radio;
  - Notice in Government Gazette (where required by Legislation);
  - Emails to staff community distribution lists;
  - community forums;
  - fixed displays e.g. noticeboards.
- (vi) Any steps taken by the Council in addition to the minimum requirements set out in the Act and in paragraph (iii) above 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.



## Policy Responsibility

The Chief Executive Officer is responsible for ensuring the proper operation of this Policy.

## Availability/Accessibility

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).

This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges can be provided upon request.

## Legislative Framework / Other References

*Local Government Act 1999 (SA)*

*Development Act 1993 (SA)*

## Document History

This Policy will be subject to annual evaluation and review, Council may review this Policy at any time.

Version	Adopted	Minute No	Description of Change
1	10 May 2010	11901/1	Policy first adopted.
2			
3	14 July 2015	17182/2	Amended Policy adopted.
4	8 March 2016	17977/2	Amended Policy adopted.
4.1	January 2018		Updated with new Policy document format and layout. Content of Policy not changed.
5	12 May 2020	20937/4	Updated with COVID-19 Provisions due to declared Public Health Emergency

