

	Public Consultation Policy
File Number	18.8.11
Date Adopted:	14 July 2015
Minute Reference:	11.9
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Responsible Manager/s or Department:	Governance Business Support
Related Policies / Codes:	<i>Local Government Act (1999) s50 and C4, p5</i>
Related Procedure(s):	
Related Document(s):	Kangaroo Island Council Strategic Management Plan 2014-2018 LGA Public Consultation Guidelines

1. Introduction

The purpose of this Policy is to outline a set of guiding principles that underpin Kangaroo Island Council's [Council] approach to Community consultation, with the aim of guiding effective engagement between Council and Community. This Policy will: provide the foundation for a coordinated and consistent standard of engagement across Kangaroo Island; articulate and clarify Community engagement definitions and ensure Council complies; and, where possible, exceeds the requirements of the *Local Government Act (1999)* [the Act].

Council aims to ensure that appropriate and cost effective methods are used to inform and involve the local Community, key stakeholders and interested parties relevant to the specific circumstances of each consultation topic. Council recognises the Community expectation of good governance through greater transparency and accountability. These principles are embodied in this Policy and Council's Strategic Management Plan 2014-2018.

This Policy addresses the key elements of both communication and consultation.

2. Scope

This Policy applies to Elected Members, Employees, contractors and consultants acting on behalf of Council delivering Council's Community engagement and consultation programs and activities.



3. Definitions

In this policy, unless the contrary intention appears, these words have the following meaning:

CEO means the Council's Chief Executive Officer;

Communication means the one-way provision of information by Council representative to stakeholders (internal or external). Communication includes but is not limited to, advertisements, letters, newsletters, brochures, phone calls, door knocks, signs, displays, drawings and models.

Consultation means the two-way provision of information by Council representative to stakeholders (internal or external) that enables them to respond, expressing concerns and identifying issues, so these can be considered before making a final decision. Consultation includes, but is not limited to, discussion, written submissions, surveys, group meetings, workshops, displays, public events, and formal advisory committees. Consultation provides opportunities to clarify information, raise issues and discuss ideas and options.

Council means the Kangaroo Island Council;

Employee means Employees of Council including managers, staff, contractors, agency personnel, volunteers and work experience placements who are performing duties/tasks on behalf of the Council; and

EM means all Elected Members of the Council, including the Mayor.

Engagement means a process whereby participation is both allowed and sought in the decision making process.

4. Policy Objective

The objective of this Public Consultation Policy is to engage citizens, Community groups, organisations and businesses in the Council's problem solving, planning and decision making at both EM and Employee levels. Public consultation processes aim to:

- inform Community members, groups and organisations about specific decisions likely to affect them;
- ensure all views are considered in planning and decision making;
- create, as much as practicable, united visions that speak to multiple interests and concerns; and
- initiate action to resolve issues and problems.

Overall, this Public Consultation Policy aims to inspire people, groups and organisations to take an active role in caring for and enriching the Kangaroo Island Community. This builds the longer term capacity of the Council and its citizens to work together for a healthier, safer and more vibrant community. Further objectives of the Public Consultation Process are to:

- communicate the interests and meets the process needs of the participants;

- seek out and facilitates the involvement of those potentially affected;
- involve participants in defining how they participate;
- communicate to participants how their input affected the decision;
- provide participants with the information they need to participate in a meaningful way;
- increase public confidence in Council and its management of local resources; and
- provide a continuing partnership between Council and the community.

5. Role of Council's Strategic Management Plan

Council's Strategic Management Plan 2014-2018, contains reference to several goals that underpin the way in which the Council undertakes its business and activities. One objective is to ensure open communication that incorporates on-going consultation with the Community. The Public Consultation Policy aims to fulfil this goal for Council.

Furthermore the Strategic Management Plan outlines the objectives and Policies concerning the Community Consultation Process. These objectives recognise the rights and responsibilities of the Community to engage in relevant elements of the decision making processes.

6. Local Government Act 1999

The Public Consultation Policy has been developed and adopted in accordance with Section 50 of the Local Government Act 1999. Section 50 requires the Policy to identify steps Council intends to take where the *Act* requires consultation, and provides for the steps to vary according to the class of decisions to be made by Council. Other sections of the *Act* refer to consultation requirements and, in some instances, set out what a Council must do when the Public Consultation Policy is not applied. A summary of these requirements is attached as Appendix 1.

This Policy will apply to those circumstances required in the *Act* and may also be applied in the following circumstances.

- Roadworks which may have some impact or inconvenience to adjoining properties;
- Major roadworks that effect the broader Community;
- Significant vegetation clearance;
- Proposals for major infrastructure or Community asset development;
- Policy development of a substantive nature; and
- Initiating and coordinating special events and celebrations.

7. Principles

Some key principles of this policy include:

- people affected by a development proposal, project or substantive issue have the right to be informed and have the opportunity to participate;
- the consultation program should be interesting, equitable, inclusive and adequately resourced;
- consultation should commence early and be part of the assessment process rather than being a one-off event;
- the history of previous consultation programs should be taken into account;

- the purpose, expected outcomes and decision making process should be clearly communicated to all participating parties;
- a diversity of consultation techniques should be implemented to maximise opportunity for participation and flexibility regarding the choice of an appropriate consultation technique;
- consultation objectives should be matched with appropriate techniques;
- when an issue is considered to be potentially highly contentious and/or emotive, Community members should have the opportunity to voice their views confidentially through a Community consultation survey:
 - For issues impacting on the wider community, all ratepayers and residents recorded on the current Kangaroo Island Electoral Roll have the right to engage in this consultation process;
 - For issues impacting a community living in a specific township / zoning area, those recorded on the current Kangaroo Island Electoral Roll as being ratepayers and residents of that township / zoning area have the right to engage in this consultation process;
- the consultation policy should be constantly evaluated against its objectives and modified accordingly to meet changing needs; and
- participants should be provided feedback as part of the decision process.

8. Consultation

Excluding the requirements of the *Local Government Act (1999)* Section 50, Council will determine on a case by case basis at the time of its resolution whether consultation is required.

9. Delegations

Council acknowledges that the Chief Executive Officer may sub-delegate matters related to this Policy to staff or other persons employed or engaged by Council.

10. Documentation

To assist in demonstrating that Public Consultation processes are fair, transparent and accountable, cost effective and meet community needs, we will document all consultation processes.

11. Availability of the Policy

This Policy will be available for inspection at the Council's Offices 43 Dauncey Street, Kingscote during ordinary business hours and via the Council's website:

www.kangarooisland.sa.gov.au/policies

Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

SIGNED:



Being a Policy adopted by the Mayor and
Elected Council

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Chief Executive Officer

Date: 14 / 08 / 2017

History:		
Date Reviewed:	Version:	Reason for Amendment:
June 2015	Version 1	As required by the <i>Local Government Act (1999)</i> .
April 2016	Version 2	Inclusion of a definition and revised principle clause.
July 2017	Version 3	Periodic Review
July 2017	Version 4	Periodic Review
August 14 2018	Version 4	Periodic Review. Ref# C266:2018



Appendix 1

Local Government Act (1999)

Public Consultation Policy – Schedule of Requirements

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Definition of Public Consultation	Interpretation	Reference to Chapter 4, Part 5 only
Representation Reviews Review and reporting to the Electoral Commissioner	s.12	<p>Representation Options Paper</p> <ul style="list-style-type: none"> • Public notice: <ul style="list-style-type: none"> – of the preparation of the representation options paper; and -- inviting written submissions within a minimum period of 6 weeks. • Copy of notice to be published in newspaper circulating within its area. <p>Report</p> <ul style="list-style-type: none"> • Public notice: <ul style="list-style-type: none"> • informing public of the preparation and availability of the report; and • inviting written submissions within a minimum 3 week period. • Copy of notice to be published in newspaper circulating within its area. • Provide opportunity for person who makes written submission on report to appear personally or by representative before Council or a Council committee to be heard on submissions • Council must then finalise its report and refer to the Electoral Commissioner.
Status of a Council/ Change of Name <ul style="list-style-type: none"> • Change from a municipal Council to a district Council, or change from a district Council to a municipal Council • Alter the name of the Council, the area of the Council, or the name of a ward. 	s.13	<ul style="list-style-type: none"> • Public notice of the proposal inviting written submissions within a minimum period of 6 weeks, and publication of the notice in a newspaper circulating within its area • Provide opportunity for person who makes written submission to appear personally or by representative before Council or a Council committee to be heard on submissions
Principal Office – Opening hours	s.45	Consult in accordance with Council's public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.

Commercial Activities – Prudential Requirements	s.48(2)(d) s.48(5) and s.48(6)	Report addressing prudential issues to Include: <ul style="list-style-type: none"> the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them the means by which the community can influence or contribute to the project or its outcomes.
Public Consultation Policies	s.50	Requirements for preparation, adoption and alteration to Council's public consultation policy. <ul style="list-style-type: none"> Policy must set out steps that Council will follow in cases where the Act requires the Council to follow its public consultation policy Policy may also set out steps to follow in other cases involving Council decision making Steps may vary according to the classes of decisions within the scope of the policy, but must provide persons with a reasonable opportunity to make submissions in relevant circumstances Section 50(4) sets out minimum steps that must be provided for in a public consultation policy as follows: <ul style="list-style-type: none"> publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) consideration by the Council of submissions made in response. Section 50(6) requires the Council before it adopts, substitutes and/or alters a public consultation policy, to: <ul style="list-style-type: none"> prepare a document that sets out its proposal; and publish in a newspaper circulating throughout the State and a newspaper circulating within the area of Council a notice of the proposal inviting submissions within a minimum period of 1 month; and consider any submissions received, unless the alteration is of minor significance. Council's public consultation policy is to be made available for inspection without charge at the principal office during ordinary office hours, and for purchase on payment of a fixed fee by Council.



Code of Practice – Access to meetings and documents	s.92(5)	Before a Council adopts, alters or substitutes a code of practice under s.92 it must follow the relevant steps set out in its public consultation policy.
Strategic Management Plans	s.122(6)	Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.
Annual Business Plan	s.123(3)	<p>Before Council adopts an annual business plan it must follow the relevant steps set out in its public consultation policy which must provide for as a minimum:</p> <ul style="list-style-type: none"> • publication of a notice in a newspaper circulating in the area of Council informing the public of the draft annual business plan and inviting persons to; <ul style="list-style-type: none"> - attend a public meeting on the matter to be held at least 21 days after the publication of the notice; or - attend a meeting of Council to be held on a date stated in the notice at which members of the public may ask questions and make submissions for at least one hour; or - make written submissions within a minimum period of 21 days stated in the notice; and • Council to make arrangements for the public meeting or Council meeting and Council to consider written submissions or submissions made at public meeting or Council meeting; • draft annual business plan must be available at the public meeting or Council meeting above and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days prior to the meeting date/s.
Change to Basis of Rating Report	s.151(6)	<ul style="list-style-type: none"> • Before Council changes the basis of rating of any land or changes the basis on which land is valued for the purposes of rating or changes the imposition of rates on land it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> - publication of a notice in a newspaper circulating in the area of Council describing the proposed change and informing the public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to



		<p>make written submissions within a minimum period of 21 days; and</p> <ul style="list-style-type: none"> - Council to organise the public meeting and Council to consider submissions made at that meeting or in writing. • Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.
Rating – Differential Rates	s.156(14a)	<ul style="list-style-type: none"> • Before Council changes declaring differential rates on the basis of a differentiating factor under sections 156(1)(a), (b)(c) to another factor it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> - publication of a notice in a newspaper circulating in the area describing the proposed change and informing public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to make written submissions within a minimum period of 21 days; and - Council to organise the public meeting and Council to consider submissions made at that meeting or in writing. • Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.
<p>Community Land Classification All local government land (except a road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it becomes local government land to exclude it from classification.</p>	s.193(4)	<p>Council must give notice in the Gazette of a resolution to exclude land from classification as community land under s.193(4) of the Act</p>
<p>Revocation of classification of land as community land</p>	s.194(2)	<p>Council must</p> <ul style="list-style-type: none"> • follow the relevant steps set out in its public consultation policy before revoking the classification of land as community; land



		<ul style="list-style-type: none"> submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.
Management Plans – Public Consultation	s.197(1)	Before Council adopts a management plan for community land it must <ul style="list-style-type: none"> make copies of the proposed plan available for inspection or purchase at the Council's principle office follow the relevant steps set out in its public consultation policy give public notice of its adoption of a management plan.
Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.	s.198	Public consultation, as Council would be required to do for a new management plan, is to be carried out prior to adopting a proposal for amendment to, or revocation of, a management plan. Public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.
Alienation by lease or licence NB: Specific provisions relate to the Adelaide Park Lands – under the <i>Parklands Act 2005</i>	s.202	Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land. Exceptions apply in circumstances where: <ul style="list-style-type: none"> the grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or the regulations provide for an exemption from compliance with a public consultation policy.
Authorisations/Permits <ul style="list-style-type: none"> Where road would be fenced enclosed or portioned so as to impede passage of traffic to a material degree Use or activity for which public consultation required under regulations 	s.223	Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.
Roads – Trees	s.232	Before planting or authorising planting of vegetation that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, Council must follow the relevant steps set out in its public consultation policy.
Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply	s.249	At least 21 days before resolving to make a by-law, Council must: <ul style="list-style-type: none"> make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection



		<p>without charge during ordinary office hours at the principal office of the Council</p> <ul style="list-style-type: none"> inform the public of the proposed by-law and set out the terms of the by-law or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area give reasonable consideration to a written or other acceptable submission made on a proposed by-law Publish a notice of the making of a by-law in a newspaper circulating in the Council area.
<p>Power to Make Orders Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.</p>	<p>s.259(2)</p>	<p>Council must</p> <ul style="list-style-type: none"> Prepare a draft of a policy By notice in a newspaper circulating in the Council area, advise the place(s) where the draft is available for inspection (without charge) or purchase (on payment of a fee fixed by Council), and invite written representations on the draft with a period specified by the Council (at least four weeks) consider any submission made in response to the invitation. <p>The requirements of s.259(2) also apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</p>

