

Community Consultation Policy

Adopted

by Council 16 July 2019

legislative

Temporary revisions to the Community Consultation Policy in response to the declared COVID-19 public health emergency.

Following the declaration (on 22 March 2020) that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia, the Minister for Transport, Infrastructure and Local Government on 8 April 2020, issued a notice under 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 (the Act)* relating to council's public consultation requirements under the Act.

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 Act.

Alterations to Public Consultation Policy

As a result of Notice No 2 provisions relating to the City of Adelaide's public consultation requirements regarding any type of face-to-face contact (including inviting interested persons to attend a public meeting or meetings of the Council) have been suspended. The affected sections include section 123: Annual Business Plan; section 151: Rates and Charges: Changes to Basis of Rating Report and section 156 Rating: Differential Rates and are indicated in Table 1.

The Council will not hold a public meeting in relation to any matter for which the Act 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.

In lieu of face-to-face contact the City of Adelaide will instead publish a notice on its website and 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 Act to consult for a lesser period). The Council will then consider the submissions.

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 above provisions operate in their stead.

Notice No 2 has effect for the period specified in section 302B(2)(d)(ii) of the Act which provides that the operative period is the day the notice is published in the Government Gazette (being 8 April 2020) and ending 28 days after the cessation of all relevant declarations relating the emergency to which the notice relates.

PURPOSE

Section 50 of the *Local Government Act 1999 (SA)* (the Act) provides that the Council must prepare and adopt a public consultation policy that sets out the steps that Council intends to take to deliver effective public consultation, whilst fulfilling its requirements under the Act.

This Policy only applies to matters that require public consultation as per the Act. Public consultation prescribed under other legislation will be undertaken in accordance with the requirements of the said legislation, rather than this Policy.

This Policy outlines the minimum communication and consultation requirements under the Act that Council is required to comply with and should be read in conjunction with the Community Engagement Strategy and the Administration's online toolkit, to ensure consistent, meaningful and effective consultation is achieved.

STATEMENT

Council will undertake to:

- where the Act prescribes that public consultation is required, obtain and consider community contributions and relevant information to ensure that any decision made is in the best interests of the community. However, it is important to note that having considered the submissions received, any final decision rests with Council.

When engaging the community in a decision-making process (of which legislated public consultation is a part) Council will:

- seek out and encourage contributions from people who may be affected by or interested in a decision
- provide relevant, timely and balanced information so people can contribute in a meaningful way
- provide a variety of appropriate and accessible ways for people to have their say and to speak honestly
- actively listen so that people's ideas and input assist in making the final decision
- consider the needs and interests of all people in the decision-making process
- tell the community about the final decision, and how their input was considered
- collaborate with peak bodies and other levels of Government to achieve common goals for Council.

Scope

Council recognises:

- the importance of non-legislated engagement which is not covered by this Policy
- there are occasions where community engagement may be desirable, but there is no statutory requirement to undertake the same. Although the Council acknowledges the importance of these occasions, they are not covered by the requirements of this Policy
- it has a responsibility as a capital city council in seeking the views of all stakeholders impacted by our decisions and may elect to undertake community engagement above and beyond the minimum legislative requirements where deemed appropriate. This may include advertising in State-wide media as well as in a newspaper circulating within the area of Council for issues which may have impact beyond the city's local community.

Roles and responsibilities

This policy applies to Council Members, employees, contractors, volunteers, consultants and any other person(s) undertaking public consultation for the City of Adelaide. Specific responsibilities:

- **Council** is the elected body charged with responsibility for making decisions on behalf of the community. Under certain circumstances Council may delegate decision-making to Council officers

- **The Chief Executive Officer** supported by staff and/or external contractors, is responsible for implementing and reviewing this Policy, and reporting outcomes of consultations and review(s) of this Policy to Council
- **Associate Directors** are responsible for ensuring their staff comply with this Policy and make use of the support mechanisms and tools provided to guide implementation
- **The Community Engagement Team**, which is responsible for providing advice and assistance to the community and stakeholders internal and external to City of Adelaide and keeping this policy and tools up to date, visible and readily accessible.

Local Government Act 1999 (SA) requirements

- Section 8 of the Act (Principles to be observed by a council) outlines, amongst other things, Council's responsibilities to provide open, responsive and accountable government
- Section 50 requires Council to prepare and adopt a public consultation policy that sets out the steps that the Council must follow in cases where the Act requires that a council must follow its public consultation policy, to ensure it effectively consults with stakeholders and the community
- Section 122 requires that Council adopts a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development of; review and amendment of; and adoption of new strategic management plans. When Council's strategic management plan requires review, amendment or adoption Council will follow consultation steps 1 to 8 and 16 of Table 1
- The Act prescribes the requirement for public consultation in numerous provisions of the Act. Table 1 of this Policy lists the sections that specify when public consultation is required under this Act, and the consultation steps that need to be taken relevant to each section;¹
- Where the Act specifies that Council needs 'to follow the relevant steps set out in its public consultation policy', Council will follow the steps indicated in the relevant column of Table 1
- Where deemed appropriate by the Administration, or requested by Council, further public consultation may be undertaken that exceeds the requirements prescribed by the Act.

Policy availability

- Copies of this Policy are available for inspection at no cost at the Customer Centre, 25 Pirie Street, Adelaide and at Council's Libraries and Community Centres during normal business hours
- Council reserves the right to charge a prescribed fee for printing copies of this policy
- This Policy may also be downloaded free of charge from Council's website.

OTHER USEFUL DOCUMENTS

Related documents

- Community Engagement Strategy;
- The City of Adelaide City Works Guidelines;
- The City of Adelaide Strategic Plan;
- The City of Adelaide Privacy Policy;
- The City of Adelaide CEO Sub-Delegations Register.

¹ There are two aspects of Section 12 that require consultation; see Table 1: Column 1 and 1a

Relevant legislation

- *Local Government Act 1999 (SA)*;
- *City of Adelaide Act 1998*.

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

- **The Act** is the *Local Government Act 1999 (SA)*
- **Community** (as defined by the *City of Adelaide Act 1998*) 'includes all people who live, work, study or conduct business in, or who visit, use or enjoy the services, facilities and public places of, the City of Adelaide'. These people may be identified as residents and voters, ratepayers, business owners, council customers, contractors and suppliers, community interest groups, agencies and hard to reach groups who have an interest in Council's decision-making and who are affected by Council decisions
- **Stakeholders** are recognised as individuals and organised groups who use the capital city; who have an interest in Council's decision-making and who are affected by Council's decisions. Business owners, retail outlets, State and Federal Governments, community groups, Local Government and not for profit organisations are all considered stakeholders. Stakeholders may also be individuals, groups or organisations who have a role to play in policy development and program or service delivery
- **Engagement** describes varying levels of participation in public consultation processes
- **Public Consultation** is a planned process of engagement where information is provided, and community and stakeholders are formally invited, as per the relevant requirements in the *Local Government Act 1999 (SA)*, to comment about matters on which Council will deliberate.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

In accordance with Council's Strategic Planning and Policy Framework, it is recommended that the policy be reviewed by Council every two years, unless there are legislative or operational changes. The next review will be undertaken in May 2021.

If the Policy requires an amendment and the proposed changes are considered significant, the Policy will be subject to public consultation as per the requirements of section 50 (5) and (6) of the Act. If an amendment is required to the Policy that is considered by Council to be of 'minor significance that would attract little (or no) community interest', Council reserves the right not to go out to public consultation as per section 50 (7) of the Act.

Privacy policy

In accordance with the City of Adelaide Privacy Policy Council reserves the right to request names and addresses of respondents making submissions to any public consultation. To enable transparency in consultation processes to occur, all public consultation submissions received by Council will become public documents and may be included in a report to Council which is also available to the public.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2020/58461	Council	XX/05/2020	Updated to reflect requirements of the Public Access and Public Consultation Notice (No 2) 2020
ACC2019/63611	Council	19/07/2019	Definition of 'community' updated (page 3); relevant legislation and related documents updated; compliance requirements of section 122 updated; privacy provisions updated; table 1 consultation steps 3 and 16 updated;
ACC2019/63611	Council		Compliance requirements for Section 122: Strategic Management Plans added to Table 1;
ACC2019/63611	Council		'Administrative' section (page 3) updated to align with City of Adelaide Privacy Policy;
ACC2019/63611	Council		Consultation Step 3 updated to remove duplication with Step 16. Step 16 removed;
ACC2019/63611			Table 1: Column 16, Section 232: Trees has been amended to 'Submissions to be considered in decision-making under delegation (Step 13) replacing the need for 'Submissions to be considered by Council in decision-making' (Step 7)
ACC2019/63611	Council		Table 1: Column 18 (step 5) of Section 259: Councils to Develop Policies (power to make orders) is amended to indicate the minimum of period of consultation for this section is four (4) weeks.
ACC2018/99497	Council	08/05/2018	Major Review of this policy

Contact:

For further information contact the Marketing & Communications Program:

City of Adelaide
 25 Pirie Street, Adelaide,
 GPO Box 2252
 ADELAIDE SA 5001
 +61 8 8203 7203
city@cityofadelaide.com.au

Table 1: Statutory Compliance with *Local Government Act 1999* (SA)²

Legend:

1. Representation Review: Composition and Wards – Options Paper (Sec.12).
- 1a. Representation Review: Composition and Wards – Representation Review Paper (Sec. 12).
2. Status of Council/Change of Various Names (Sec.13).
3. Council Office: Opening Hours (Sec. 45).
4. Public Consultation Policies (Sec. 50).
5. Code of Practice: Access to Meetings and Documents (Sec. 92).
6. Strategic Management Plans (Sec. 122)
7. Annual Business Plan (Sec. 123) - consultation requirements amended – Column 7
8. Rates and Charges: Change to Basis of Rating Report (Sec. 151) - consultation requirements amended – Column 8
9. Rating: Differential Rates (Sec 156) consultation requirements amended – Column 9
10. Community Land: Exclusion from Classification (Sec. 193).
11. Community Land: Revocation of Classification (Sec. 194).
12. Community Land: Management Plans (Sec. 197).
13. Amendment or Revocation of Management Plans (Sec.198)³
14. Community Land Alienation by Lease or Licence (Sec 202)⁴
15. Control of Work on Roads: Public Consultation (for granting of authorisations/permits) (Sec. 223)
16. Trees (Sec. 232)⁵
17. Passing By-laws (Sec 249).
18. Councils to Develop Policies (power to make orders) (Sc. 259).

² The items listed require public consultation in accordance with the Act. You must refer to the relevant section of the legislation to determine the specific requirements to be met

³ Public consultation is not required under Section 198(3) if the amendment has no impact or no significant impact on the community

⁴ Public consultation is not required under Section 202 if the grant of a lease or licence is authorised in an approved management plan for the land and the term is five (5) years or less; or the regulations provide for an exemption from compliance with the public consultation policy.

⁵ Public consultation is only required (232) if the council considers that the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area.

	Consultation steps	1	1a	2	3	4	5
1	Council will provide public notice of the options for consideration.	✓		✓	✓	✓	✓
2	Information provided on a City of Adelaide corporate website.	✓	✓		✓	✓	✓
3	Council to ensure that any documents that are legislatively required to be freely available for inspection are on public display and print versions are available to purchase for a fixed fee in the customer centre; and freely available for view and/or purchase for a fixed fee in the City's libraries and community centres as required.	✓	✓		✓	✓	✓
4	Notice published in a local newspaper circulating in the City of Adelaide.	✓	✓	✓	✓	✓	✓
5	Provide a minimum of 21 days for people to make submissions to Council (unless stated).	✓ Min 6 weeks	✓ Min 3 weeks	✓ Min 6 weeks	✓	✓ Min 1 month	✓
6	Receipt of submissions by City of Adelaide.	✓	✓	✓	✓	✓	✓
7	Submissions to be considered by Council in decision-making.	✓	✓	✓	✓	✓	✓
8	Inform public of outcome (as per relevant section).	✓	✓		✓	✓	✓
9	Public meeting (as determined by relevant section).						
10	Provide opportunity for people who may be affected to be involved.		✓	✓			
11	Provide opportunity for people to attend Council meeting or Council Committee meeting.		✓	✓			
12	Submit report and proposal/other to Minister or Government department as required.						
13	Submissions to be considered in decision-making under delegation.						
14	Council may require the applicant to carry out certain consultation(s) to notify any potentially effected community and/or stakeholders of the proposal						
15	Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer.						

Key: ✓ Consultation steps required

Community Consultation Policy

	Consultation steps	6	7	8	9	10	11
1	Council will provide public notice of the options for consideration.	✓	✓	✓	✓	✓	✓
2	Information provided on a City of Adelaide corporate website.	✓	✓	✓	✓	✓	✓
3	Council to ensure that any documents that are legislatively required to be freely available for inspection are on public display and print versions are available to purchase for a fixed fee in the customer centre; and freely available for view and/or purchase for a fixed fee in the City's libraries and community centres as required.	✓	✓	✓	✓	✓	✓
4	Notice published in a local newspaper circulating in the City of Adelaide.	✓	✓	✓	✓	✓	✓
5	Provide a minimum of 21 days for people to make submissions to Council (unless stated).	✓ Min 6 weeks	✓	✓	✓	✓	✓
6	Receipt of submissions by City of Adelaide.	✓	✓	✓	✓	✓	✓
7	Submissions to be considered by Council in decision-making.	✓	✓	✓	✓	✓	✓
8	Inform public of outcome (as per relevant section).	✓	✓	✓	✓	✓	✓
9	Public meeting (as determined by relevant section).		TS	TS	TS		
10	Provide opportunity for people who may be affected to be involved.			✓	✓		
11	Provide opportunity for people to attend Council meeting or Council Committee meeting.						
12	Submit report and proposal/other to Minister or Government department as required.						✓
13	Submissions to be considered in decision-making under delegation.						
14	Council may require the applicant to carry out certain consultation(s) to notify any potentially effected community and/or stakeholders of the proposal						
15	Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer.						

Key: ✓ Consultation steps required

TS – This consultation step is temporarily suspended as a result of the public health declaration (Notice No 2) made by the Minister for Transport, Infrastructure and Local Government in relation to the transmission of COVID-19 on 8 April 2020.

	Consultation steps	12	13	14	15	16	17	18
1	Council will provide public notice of the options for consideration.	✓	✓	✓	✓	✓	✓	✓
2	Information provided on a City of Adelaide corporate website.	✓	✓	✓	✓	✓	✓	✓
3	Council to ensure that any documents that are legislatively required to be freely available for inspection are on public display and print versions are available to purchase for a fixed fee in the customer centre; and freely available for view and/or purchase for a fixed fee in the City's libraries and community centres as required.	✓	✓	✓	✓	✓	✓	✓
4	Notice published in a local newspaper circulating in the City of Adelaide.	✓	✓	✓	✓	✓	✓	✓
5	Provide a minimum of 21 days for people to make submissions to Council (unless stated).	✓	✓	✓	✓	✓	✓	✓ Min 4 weeks
6	Receipt of submissions by City of Adelaide.	✓	✓	✓	✓	✓	✓	✓
7	Submissions to be considered by Council in decision-making.	✓	✓	✓			✓	✓
8	Inform public of outcome (as per relevant section).	✓	✓	✓	✓	✓	✓	✓
9	Public meeting (as determined by relevant section).							
10	Provide opportunity for people who may be affected to be involved.							
11	Provide opportunity for people to attend Council meeting or Council Committee meeting.							
12	Submit report and proposal/other to Minister or Government department as required.							
13	Submissions to be considered in decision-making under delegation.				✓	✓		
14	Council may require the applicant to carry out certain consultation(s) to notify any potentially effected community and/or stakeholders of the proposal				✓			
15	Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer.				✓			

Key: ✓ Consultation steps required