# Public Consultation Policy

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| Applicable Legislation: | *Local Government Act 1999*  
Other legislation as appropriate to the matter |
| Related Policies or Documents: | NA |
| Associated Forms:     | NA            |
| Responsible Manager:  | Director Community Development |
| Approved by Council:  |               |
| Minutes Reference:    |               |
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Public Consultation Policy

1. Preamble

1.1 Council has legislative requirements to undertake public consultation.

1.2 Council aims to be open, accountable and responsive to the community that it serves, and consultation assists in the achievement of these objectives.

1.3 Community knowledge and expertise can assist Council to make decisions that are more informed, credible and acceptable to ratepayers, stakeholders and Council.

2. Purpose

2.1. This policy relates to the formal public consultation requirements of the *Local Government Act 1999* and any other legislation under which formal public consultation is required.

2.2. This policy may be used in circumstances not prescribed by legislation, when Council and/or management believe that formal public consultation is appropriate to the decision-making process.

2.3. The *Local Government Act 1999* sets out the minimum requirements for public consultation *(Appendix A)*.

2.4. The persons, groups and/or organisations to be consulted will be those who are identified as stakeholders according to the nature of the topic or proposal under consideration.

2.5. 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;
- initiate action to resolve issues and problems.

2.6. The policy does not replace or overrule the specific public consultation processes that are required and documented in legislation.

3. Scope

3.1. 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.

4. Definitions

4.1. CEO means the Chief Executive Officer of the Kangaroo Island Council.

4.2. 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.
4.3. **Council** means the Elected Body.

4.4. **Kangaroo Island Council (KIC)** means the administration.

4.5. **Management** means the project officer or leader of the project requiring consultation.


4.7. **Public Consultation** means a planned process of formally seeking comment from the community to enable Council to make an informed decision on matters under consideration, but does not include instances where the administration seeks feedback from the community.

4.8. **State Emergency** means a major emergency declaration, identified major incident declaration, disaster declaration, public health emergency or any other emergency as so declared under the relevant Act.

5. **Policy Statement**

5.1. **Strategy overview**

5.1.1. The issue on which community views are sought must be clearly stated and the parameters of the consultation defined.

5.1.2. If the matter(s) for consultation are considered to be significant (e.g. financial, reputational, Island wide consequences, etc.) the proposed consultation strategy may be presented to Council for endorsement.

5.1.3. The final decision on all matters under discussion will be made by Council.

5.2. **Process outline**

5.2.1. The consultation process should be appropriate to the nature of the topic and to the stakeholders involved, and should follow the steps as outlined in Appendix 2 where required by legislation.

5.2.2. Submissions and comments may be sought by using various methods as appropriate or as required by legislation, including, but not limited to:

- press advertisements;
- published notices;
- surveys (either on line, telephone, postal, or face to face);
- public meetings;
- displays;
- council’s website;
- social media; or
- other media as may be approved by Council.

5.3. **Presentation of consultation material:**

5.3.1. Printed consultation materials must comply with the Kangaroo Island Council corporate style. The use of jargon should be avoided and technical terminology kept to a minimum.
5.3.2. If consultation is to take the form of a public meeting or display, care must be taken to ensure that the venue(s) is suitable for the stakeholders and to the topic under consideration.

5.4. Accountability and transparency

5.4.1. Accountability and transparency of process are essential. Submissions must be acknowledged appropriately and all material received must be presented to the decision-making body.

5.4.2. Council may also consider submissions received outside of the consultation period.

5.4.3. The outcome of the process must be conveyed to the stakeholders and/or to the community generally, as appropriate.

5.5. Consultation Period:

5.5.1. Council will comply with legislative requirements when determining the length of a consultation period.

5.5.2. If a matter has no relevant legislative consultation period requirements, a minimum of 21 days will be required.

5.6. Roles and Responsibilities

5.6.1. The Chief Executive Officer, the consultation team or another appropriate delegate, is responsible for:

- Implementing the communication and consultation initiatives.
- Ensuring the consultation initiatives are planned with sufficient time to analyse submissions received.
- Reporting to Council on the outcomes of these initiatives where required.
- Reporting on the review and evaluation of the policy.
- Determining instances where consultation should be taken over and above the minimum requirements as outlined in Appendix 2.

5.6.2. Persons representing community groups should establish their bona fides prior to having input into the process.

5.7. Public Consultation in State Emergencies

5.7.1. During a declared State Emergency, where a Notice has been issued pursuant to section 302B of the Act, any provision in that Notice which amends Council’s public consultation requirements will take precedence over this policy, and this clause 5.7 amends any other provisions within this policy.

5.7.2. To the extent that any 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 during the period of a State Emergency.
5.7.3. 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 Act for which public consultation is required under the Act.

5.7.4. 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.

5.7.5. 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 Act for which public consultation is required under the Act. The Council will consider the submissions at a meeting of the Council.

5.7.6. 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.

5.7.7. 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.

5.7.8. 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 Act to consult for a lesser period). The Council will consider the submissions.

5.7.9. 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.

5.7.10. 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.
6. 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.

7. GRIEVANCES

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Kangaroo Island Council, PO Box 121, Kingscote SA 5223.

SIGNED: ........................................................................................................
Chief Executive Officer

Date:

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Being a Policy adopted by the Mayor and Elected Council
APPENDIX A - Schedule of the public consultation requirements in the Local Government Act 1999

Individual Acts should be read in their entirety so that the consultation requirements are fully understood. Legislation can be found on the State Parliament of South Australia website - https://www.legislation.sa.gov.au/LZ/C/A/LOCAL%20GOVERNMENT%20ACT%201999.asp

| Section 12 | Powers of councils and representation reviews - composition and wards |
| Section 13 | Status of a council or change of various names |
| Section 45 | Principal office – opening hours |
| Section 48 | Prudential requirements for certain activities |
| Section 50 | Public consultation policies |
| Section 92 | Access to meetings and documents - code of practice |
| Section 122 | Strategic management plans |
| Section 123 | Annual business plans and budget |
| Section 151 | Basis of rating of land |
| Section 156 | Basis of differential rates |
| Section 193 | Community land - classification |
| Section 194 | Revocation of classification of land as community land |
| Section 197 | Public consultation on proposed management plan |
| Section 198 | Amendment or revocation of management plans |
| Section 202 | Alienation of community land by lease or licence |
| Section 223 | Public consultation - permits |
| Section 232 | Trees |
| Section 249 | Passing by-laws |
| Section 259 | Councils to develop policies |
Appendix B - Steps to be followed when undertaking Public Consultation

Step 1: Prepare a document that outlines the proposed community engagement approach in relation to the matter having regard to the requirements of the Act and Public Consultation Council policy.

Step 2: Obtain approval of the proposed community engagement approach from the relevant Director / Manager. At the discretion of the Chief Executive Officer the approval of the community engagement approach may be elevated to Council or the Council may request the community engagement approach be brought before it.

Step 3: Conduct (plan, deliver and manage) consultation activities in accordance with the approved community engagement approach. As a minimum, the following steps must be followed in order to comply with this policy

- Implementation of any public consultation requirements (if any) prescribed in the relevant parts of the Act and other relevant legislation.
- Provide public notice of the matter for consideration on the Kangaroo Island Council’s website (and other sites as may be determined such as social media platforms) describing the matter under consideration and inviting interested persons to make submissions in relation within a period stated (which must be at least 21 calendar days).
- Ensure documents that are legislatively required to be freely available for inspection are available on the Kangaroo Island Council website and on display with print versions available to purchase for a fixed fee in the Civic Centre.
- Provide a minimum of 21 days from the start of the consultation period for people to make submissions to Council (unless stated otherwise).
- Allow for public submissions in writing via email, letter, survey or equivalent.
- Inform public of outcome where appropriate.

Step 4: At the conclusion of the public consultation activities, responsible staff will collate and analyse community contributions and responses to the extent necessary in the circumstances.

Step 5: Responsible staff will then prepare a report which:

- summarises the public consultation process and outcomes
- presents information in the broader context of the matter under consideration
- make recommendations for Council to consider when deciding on the matter.

Step 6: Council will consider the report and recommendation(s) and decide on the matter when required by the Local Government Act. The right of a member of the community to address Council by way of deputation in support of any submission may be granted at the discretion of the Presiding Member as per the applicable meeting procedure, unless otherwise prescribed in the relevant legislation.

Step 7: Following the decision making process, communicate the decision on the Kangaroo Island Council’s website and other determined sites (such as social media platforms) when required.