



## Public Consultation Policy

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<b>Related Policies or Documents:</b>	N/A
<b>Associated Forms:</b>	N/A
<b>Responsible Manager:</b>	Director Community Development
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## Public Consultation Policy

### 1. Preamble

- 1.1 For the purposes of the *Local Government Act 1999*, Council must prepare and adopt a public consultation policy.
- 1.2 There are situations involving council decision-making where the Act or other Acts prescribe the steps to be undertaken in relation to public consultation.
- 1.3 The public consultation policy must set out steps that the council will follow in cases where the Act requires that a council must follow its public consultation policy.
- 1.4 The policy may set out steps that the council will follow in other cases involving council decision-making.

### 2. Purpose

- 2.1. This policy sets out the steps to be followed in cases where the Act requires that a council must follow its public consultation policy.
- 2.2. This policy further identifies the differences between the steps that the council will follow in cases where the Act requires that a council must follow its public consultation policy and:
  - 2.2.1. where public consultation steps are prescribed under the *Local Government Act 1999*,
  - 2.2.2. the public consultation steps that will be followed under any other legislation under which public consultation is required;
  - 2.2.3. other cases involving council decision-making, where the council will follow its public consultation policy.
- 2.3. Council aims to be open, accountable and responsive to the community that it serves, and consultation assists in the achievement of these objectives.
- 2.4. Community knowledge and expertise can assist Council to make decisions that are more informed, credible and acceptable to ratepayers, stakeholders and Council
- 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;
  - enable Council to act as a representative, informed and responsible decision-maker in the interest of its community
  - initiate action to resolve issues and problems.

### 3. Scope

This policy will apply to public consultation processes undertaken in accordance with the Act or otherwise as determined by Council.

#### 4. Definitions

- 4.1. **CEO** means the Chief Executive Officer of the Kangaroo Island Council and includes a person acting in the office of the Chief Executive Officer.
- 4.2. **Communication** means the imparting or exchange of information between the Council and the community to produce greater understanding.
- 4.3. **Community** means the people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of Kangaroo Island. The community are often referred to as “stakeholders” in the affairs of Council. A community may be a specific geographic location (community of place), a community of similar interest (community of interest), or a community of affiliation or identity (such as industry or sporting club).
- 4.4. **Community Consultation** refer to the definition of ‘Public Consultation’.
- 4.5. **Community Engagement Approach** means a document that articulates the community engagement approach and process for a specific matter, sometimes also referred to as a Community Engagement Plan.
- 4.6. **Council** means the elected member body representing the Kangaroo Island community (and includes a delegate).
- 4.7. **Emergency Management Direction** means a direction made under section 25 of the *Emergency Management Act 2004*.
- 4.8. **Engagement** means a generic term to describe the broad range of interactions between Council and the community. Engagement can include a variety of approaches, such as communication, and consultation.
- 4.9. **Kangaroo Island Council (KIC)** means the administration.
- 4.10. **Notice** means a notice published in the *South Australian Government Gazette* made pursuant to the Act or any other Act as it relates to a State Emergency, which varies or suspends the operation of specific provisions of the Act in relation to public consultation.
- 4.11. **Policy** means this Public Consultation Policy.
- 4.12. **Public** refer to the definition for “Community”.
- 4.13. **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.
- 4.14. **Responsible Manager** means the Director Community Development
- 4.15. **Stakeholder** means an individual, group of individuals or agency/organisation that has an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed.

4.16. **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.

4.17. **Website** means the Council's website <https://www.kangarooisland.sa.gov.au/>

## 5. Policy Statement and Roles & Responsibilities

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.

5.1. **Council** is the elected body charged with responsibility for making decisions under the Act on behalf of the community. Under specific circumstances Council may delegate decision making to Council officers; or Council may override a delegation and call a matter to come before Council as and when it sees fit.

5.2. **The Chief Executive Officer (CEO)** is responsible for causing the implementation and review of this Policy, approval of the proposed community engagement approach for a matter, and reporting outcomes of consultations and review(s) to Council.

5.3. **Directors and Managers** are responsible for ensuring their staff comply with this Policy.

5.4. **Managers and staff that have Community Engagement Responsibilities** are to provide advice and assistance, and keep the Policy visible and readily accessible.

## 6. Circumstances where this Policy will or will not be followed

6.1. Where public consultation steps are prescribed under the Act in relation to a particular matter, the steps in the Act will be followed, not the steps in this Policy. Matters where public consultation steps are prescribed include:

- 6.1.1. Section 12 Representative Reviews
- 6.1.2. Section 13 Status of a council/change of names
- 6.1.3. Section 48 Commercial Activities – Prudential Requirements
- 6.1.4. Section 50 Public Consultation Policy
- 6.1.5. Section 122(6) Strategic Management Plans
- 6.1.6. Section 249 Passing By-laws
- 6.1.7. Section 259 Policies on Orders
- 6.1.8. Schedule 1A, Clause 16(2)(c) Stormwater Management Plans

6.2. Where the Act requires that a council must either:

- a. consult in accordance with its public consultation policy, or
- b. follow the relevant steps set out in its public consultation policy,

then the steps as set out in the policy at Clause 8 below will be followed. Matters where the Act requires that a council must either consult in accordance with its public consultation policy or follow the relevant steps set out in its public consultation policy include:

- 6.2.2. Section 45(3) Principal Office – Opening hours
  - 6.2.3. Section 92(5)(b) Code of Practice – Access to meetings and documents
  - 6.2.4. Section 123(3) and (4) Annual Business Plan
  - 6.2.5. Section 151(5),(7) and (8) Changes to Basis of Rating
  - 6.2.6. Section 156(14a) and (14d) Rating – Differential Rates
  - 6.2.7. Section 193(2) Community Land – Exclusion of land from Classification
  - 6.2.8. Section 194(2)(b) Community Land – Revocation of Classification
  - 6.2.9. Section 197(1) Community Land – Adoption of a Management Plans
  - 6.2.10. Section 198 (2) Community Land – Amendment or Revocation of a Management Plan
  - 6.2.11. Section 202(2) Community Land – Alienation by lease or licence
  - 6.2.12. Section 223 Roads – Permits that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree or for use or activity requiring public consultation under regulations
  - 6.2.13. Section 232 Trees – Planting of vegetation if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area
- 6.3. Where public consultation steps are prescribed under another Act in relation to a particular matter, the steps in the relevant Act will be followed, not the steps in this Policy.
- 6.4. Where another Act requires that a council must either:
- a. consult in accordance with its public consultation policy, or
  - b. follow the relevant steps set out in its public consultation policy,
- then the steps as set out in the policy at Clause 8 below will be followed.
- 6.5. Where the Act does not expressly require public consultation, Council may conduct public consultation activities in relation to other Council decisions. In these cases, subject to Clause 6.6 below, the steps as set out in the policy at Clauses 8 below will be followed.

6.6. For the avoidance of doubt:

6.6.1. there is no obligation on the Council to undertake, or to consider whether or not to undertake public consultation in matters not covered by Clauses 6.1, 6.2, 6.3 or 6.4; and

6.6.2. any variation to or additional steps or activities adopted or carried out as part of any public consultations under Clause 6.5, are not steps that Council is following with respect to Council decision-making under section 50(2)(b) of the Act.

**7. Variation or Suspension of Public Consultation under declared State Emergencies conditions**

7.1. During a declared State Emergency, where a Notice has been issued pursuant to the Act, any provision in that Notice which varies or suspends the operation of specific provisions of the Act in relation to public consultation, will also be taken to have varied or suspended the steps in this policy to the extent that they would otherwise be incongruous with the variation or suspension of the specific provisions of the Act, or in contravention of any Emergency Management Direction.

**8. Steps to be followed under this Policy**

**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 policy.

**Step 2:**

Obtain approval of the proposed community engagement approach from the Council or CEO. At the discretion of the CEO 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. The following sub-steps must be followed in order to comply with this policy:

- I. The publication of a notice in in the '*Council Matters*' section of The Islander newspaper and on Council's website describing the matter under consideration and inviting interested persons to make submissions in relation to it within a period stated in the notice (which must be at least 21 calendar days)
- II. The issue on which community views are sought in relation to the matter must be clearly stated in the notice and the parameters of the consultation defined.
- III. Copies of the relevant documents (if any) are to be made available for inspection/downloading on the website and are also printed and made freely available for inspection or purchase for a fixed fee at the Civic Centre.

- IV. 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.
- V. Public responses and submissions are to be received in writing via email, letter or web-form within the specified period.
- VI. If addition, if approved in the community engagement approach, submissions and comments may be sought by using various other methods including, but not limited to: press advertisements; published notices; surveys (either online, telephone, postal, or face to face); public meetings; displays; social media; or other media.
- VII. Council may, on application and at its absolute discretion, also consider submissions received outside of the consultation period.
- VIII. In circumstances where Council is conducting a public consultation process in accordance with section 123(b)(a) of the Act, in addition to sub-steps I – V above, it will follow and comply with the additional steps outlined in sections 123(4)-123(5a) inclusive of the Act.
- IX. In circumstances where Council is conducting a public consultation process in accordance with section 151(5)(b) of the Act, in addition to sub-steps I – V above, it will follow and comply with the additional steps outlined in sections 151(7) -151(8a) inclusive of the Act.
- X. In circumstances where Council is conducting a public consultation process in accordance with section 156(14a)(e) of the Act, in addition to sub-steps I – V above, it will follow and comply with the additional steps outlined in sections 156(14d) - 156(14ea) inclusive of the Act.
- XI. In circumstances where Council is required to follow its public consultation policy in matters identified in Clauses 6.2 or 6.4 and the relevant section of the respective Act requires for the public consultation policy to provide for additional identified steps, then those steps will be followed and complied with as part of the consultation process.
- XII. 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.

#### **Step 4:**

Accountability and transparency of process are essential. Submissions must be acknowledged appropriately.

#### **Step 5:**

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

**Step 6:**

Responsible staff will then prepare a report which:

- Summarises the public consultation process, responses and outcomes;
- Includes all material received;
- Presents information in the broader context of the matter under consideration; and
- Makes recommendations for Council to consider when deciding on the matter

**Step 7:**

The CEO will review and endorse the report and recommendation(s) prior to submission to Council.

**Step 8:**

Council will consider the report and recommendation(s) and decide on the matter.

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 9:**

Following the decision, communicate the decision on the website.

In addition if approved in the community engagement approach, the decision may be publicised, by other means such as social media platforms, newspaper, radio or television or other media promotion or interview.

**9. 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](http://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.

**10. 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

Being a Policy adopted by the Mayor and Elected Council

Date: 14 July 2020

<b>History:</b>		
<b>Date Reviewed:</b>	<b>Version:</b>	<b>Reason for Amendment:</b>
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
August 14 2018	Version 4	Periodic Review. Ref# C266:2018
June 2020	Version 5	Periodic Review for consultation
July 2020	Version 6	Periodic Review Ref # C376:2020