



Public Consultation Policy (Covid19) 2020

Responsible Officer	Chief Executive Officer
Relevant Delegations	Director Corporate Services
Legislation and References	Local Government Act 1999

Green print indicates measures put in place as part of the Public Health Emergency.

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*.

1 Introduction

The council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community.

In carrying out its consultation process, Council applies the following principles:

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- Members of the community have a right to be informed about issues affecting their area and their lives and to influence Council's decisions about these
- Community interest will vary depending on an issue and the number of people affected, and Council's level of consultation will reflect this
- Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

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.

2 Scope

This policy applies to Council Members sitting as the elected body, Council Employees, contractors, and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level and reporting outcomes of the consultations to the Council.

3 Policy Statement

The preparation and adoption of this policy fulfils Council's obligations under section 50(1) of the *Local Government Act 1999*. Section 50 provides that:

- Council must set out the steps that Council will follow in cases where the Local Government Act requires consultation on a matter, and
- Council may set out the steps that council will follow in other cases involving the Council's decision-making.

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A. 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.

In addition, under the Local Government Act Council has the following obligations where it is required by law to follow its Public Consultation Policy.

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on the council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed, the Council must submit the proposal to a public consultation process.

Other sections of the Local Government Act also refer to consultation requirements, and in some instances set out what a Council must do.

4. Specified Consultation Requirements

Other Legislation where this Policy may apply, but not limited, are the:

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- Development Act 1993 and the Planning, Development and Infrastructure Act 2016
- Roads (Opening and Closing) 1991 Act
- Land Acquisition Act 1969
- South Australian Public Health Act 2011
- Burial and Cremation Act 2013

Where there are legislative requirements for consultation under other legislation then these specific processes take precedence over the Public Consultation Policy, should there be any inconsistency.

Under the Local Government Act, Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- Status of Council / Change of Council name (section 13)
- Development and review of Strategic Management Plans, Asset Management Plan, Long Term Financial Plan (section 122)
- Adopting annual business plans and budgets (section 123)
- Carrying out representation reviews (section 12(5))
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Carrying out commercial activities - Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)
- Changing the basis of rating of any land (section 151)

For details of the specific requirements under these sections, refer to the specified sections of the Local Government Act.

Other consultation and engagement methods may include:

- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups

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- Peak Body Forums / Meetings, Community forums and stakeholder meetings
- Direct consultation with community representative groups
- Active and passive use of Council's website , "talk to us" interactive website and social media
- Use of community email database and regular electronic newsletter
- Customer Surveys
- Fixed displays, e.g. community notice boards
- Community group representations to Council workshops / Council meetings

B. 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.

C. 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 C operate in their stead.

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5. Review & Availability

This policy will be reviewed every four years, or as required.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council

The policy is also available on Council's website www.claregilbertvalleys.sa.gov.au

6 References

Local Government Act 1999

Development Act 1993 and the Planning, Development and Infrastructure Act 2016

Roads (Opening and Closing) 1991 Act

Land Acquisition Act 1969

South Australian Public Health Act 2011

Burial and Cremation Act 2013

7. Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	15/09/2003	Adopted by Council MB 53/03
CGVC	16/11/2015	Reviewed by Council
CGVC	16/09/2019	Reviewed by Council
CGVC	18/05/2020	Reviewed by Council including Public Health Emergency provisions

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