

## **1. RATIONALE**

The purpose of this procedure is guide staff about how to fulfil the Council's statutory obligations under section 50 of the Local Government Act 1999 (the Act) in relation to public consultation (community engagement).

## **2. PROCEDURE SCOPE AND IMPLEMENTATION**

This policy will apply to public consultation processes required or undertaken under the Act and engagement with Aboriginal and Torres Strait Islander peoples under Council's Reconciliation Action Plan 2016-2019

## **3. LOCAL GOVERNMENT ACT 1999 REQUIREMENTS**

Chapter 2 of the Act outlines principles to be observed by a council, which include to provide open, responsive and accountable government.

More particularly, section 50 of the Act requires that a council must prepare and adopt a public consultation policy, which may be altered from time to time or substituted with a new policy.

Elsewhere, the Act makes reference to public consultation in various sections. In some cases, the Act prescribes that public consultation be undertaken in accordance with the minimum requirements of the Act. Refer Part 1 below.

In other cases, the Act prescribes that public consultation be undertaken in accordance with Council's public consultation policy. Refer Part 2 below.

In other cases, the Act does not require that public consultation be undertaken.

Part 1: Council decisions where the Act prescribes specific public consultation requirements

The matters listed below require Council to follow the public consultation steps prescribed in the relevant parts of the Act. Refer Table 1.

# Public Consultation Procedure



**Table 1: Matters requiring public consultation in accordance with the Act**

<b>Matter</b>	<b>Section reference</b>
<i>Representative Reviews</i>	<i>Section 12</i>
<i>Status of a Council/Change of Name</i>	<i>Section 13</i>
<i>Commercial Activities – Prudential Requirements</i>	<i>Section 48</i>
<i>Public Consultation Policy</i>	<i>Section 50</i>
<i>Strategic Management Plans</i>	<i>Section 122(6)*</i>
<i>Applying to Vary Certain Trusts</i>	<i>Section 141</i>
<i>Conversion of Private Road to Public Road</i>	<i>Section 210</i>
<i>Impounding of Certain Vehicles</i>	<i>Section 237</i>
<i>Passing of By-laws</i>	<i>Section 249</i>
<i>Policies on Orders</i>	<i>Section 259</i>
<i>Stormwater Management Plans</i>	<i>Schedule 1A, Clause 16(2)(c)^</i>

In these situations, or others where the Act expressly requires public consultation, the Council or Council delegate will undertake public consultation in accordance with Council's legislative obligations under the Act.

\*Council will adopt a specific consultation process with respect to any development or review of a strategic management plan under this Section.

^Council will undertake the consultation process specified by any Stormwater Management Authority Guidelines when acting under Division 3 of Schedule 1A of the Act.

## **Part 2: Council decisions where the Act requires that Council follow its Public Consultation Policy**

The matters listed below require Council to follow public consultation steps prescribed in the Council's Public Consultation Policy. Refer Table 2.

# Public Consultation Procedure



**Table 2: Matters requiring public consultation in accordance with Public Consultation Policy**

Matter	Section reference
Principal Office – Opening hours	Section 45(3)
Code of Practice – Access to meetings and documents	Section 92(5)(b)
Annual Business Plan	Section 123(3) and (4)
Changes to Basis of Rating	Section 151(5),(7) and (8)
Rating – Differential Rates	Section 156(14a) and (14d)
Community Land – Revocation of Classification	Section 194(2)(b)
Community Land – Adoption of Management Plans	Section 197(1)
Community Land – Amendment or Revocation of a Management Plan	Section 198 (2)
Community Land – Alienation by lease or licence	Section 202(2)
Roads – Permits restricting access or for use or activity requiring public consultation under regulations	Section 223
Trees – Planting trees and vegetation that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area	Section 232

In these situations, the Council or Council delegate will:

- Advise communities and stakeholder groups of the issues on which Council is consulting by:
  - publishing a notice in a newspaper circulating within the area of the Council and on Council's website;
  - describing the matter under consideration; and
  - inviting interested persons to make submissions within a period stated in the notice (being at least 21 days); and
  - in circumstances where Council is conducting a public consultation process to which Sections 123(4)(a), 151(7)(a) and (b), and 156(14d)(a) of the Act apply, inviting interested persons to attend a public meeting or meeting of Council held at least 21 days after publication of the notice regarding that meeting.
- Make a summary of the matter under consideration (or any specific document required by the Act) available for inspection and purchase at Council's principal office and for inspection on Council's website.
- Consider any submissions made in response to the invitation set out in the notice described above.
- Undertake any other such steps required by the Act.

## Part 3: Additional public consultation at the Council's discretion

For matters that fall under Part 1 or Part 2 of this Policy, and in relation to other Council decisions made in accordance with the Act where the Act does not require public consultation, Council may, on a case-by-case basis, determine in its absolute discretion to undertake consultation over and above the minimum requirements of the Act.

In these situations, it will be a matter for the Council to approve additional or discretionary consultation steps based on the internal engagement framework.

For the avoidance of doubt, there is no obligation on the Council or CEO to undertake, or to consider whether or not to undertake, any additional or discretionary consultation steps.

## 4. DEFINITIONS

Key terms and acronyms that are referred to in the policy are defined in Table 3.

**Table 3: Definitions**

Key Term – Acronym	Definition
Community	A general term for 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 the City of Marion. The community are often referred to as “stakeholders” in the affairs of Council. A community may be a 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).
Consultation	The process of obtaining feedback on a matter that can be understood and used to inform decision makers.
Council	Means the elected member body representing the City of Marion or Council staff operating under delegated authority to act on behalf of Council. It also includes contractors and consultants with the authority to act on behalf of Council with respect to the particular matter.
CEO	Refers to the Chief Executive Officer of the City of Marion.
Stakeholder	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.
The Act	Means the Local Government Act 1999, as amended from time to time.