

Introduction

Quality consultation and engagement are building blocks for good governance.

Consultation is a critical part of fostering community involvement and community engagement and is the means by which local government is informed on community attitudes, opinions and needs.

These Guidelines outline the legal requirements imposed by section 223 of the *Local Government Act 1989* for Council to consult with the community. The Guidelines also promote accessible processes for community members to provide input to Council and raise community awareness of Council's public submission process.

Community engagement and Council decision-making

Council is required to consult with and consider the views of community members when making decisions that involve the exercise of certain powers.

The *Local Government Act 1989* and the *Local Government 2020* (the Acts) require Council to consult with the municipal community when it proposes to exercise certain prescribed powers. (See Attachment 1).

In addition, Council will be mindful of the following guiding principles when it engages with the community:.

Community engagement processes will have a clearly defined objective and scope and participants in community engagement will:

- have access to objective, relevant and timely information to inform their participation;
- be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- be provided with reasonable support to enable meaningful and informed engagement; and
- be informed of the ways in which the community engagement process will influence Council decision making.

Consultation strategy

Inclusive & Accessible

When consulting with the public, care will be taken to ensure that all affected parties are identified. Some interests may be less immediately obvious than others, but may be just as important. The extent of consultation needs to be considered in the light of the significance of the proposal.

The process should be inclusive and accessible for all including persons with special needs. Active steps should be taken to ensure that all interests are adequately represented, and that the diverse nature of the Whittlesea community is recognised and issues of language and culture are addressed.

W2040 Key Direction

Date of Adoption

Directorate Responsible

High Performing Organisation

21 December 2020

Governance

Submissions should be in writing and in English unless this unreasonably prevents or hinders a submitter from participating. If the submitter is unable to provide their submission in writing and/or in English, Council will discuss with the submitter if there are any reasonable adjustments that can be made to assist them to make a submission.

If the submitter does not speak English, we offer various language services to help them communicate with us including VITS and LanguageLinks. If they have a hearing or speech impairment they may use the National Relay Service or an Assisted Hearing Device.

Reference to reasonable adjustments will also be made in the public notice and on Council's webpage inviting public submissions.

Timing

The consultation will be timed to ensure that the results of the consultation are able to influence any decisions on the proposal. Accordingly, the consultation will take place early enough in the decision-making process to ensure that its outcomes are able to be considered prior to a decision being made by Council.

The Act requires that the public be given at least 28 days to make a submission. This means that a period of two months or more could elapse between the initial report to Council commencing the process and the final Council decision on the proposal.

Public Notice

As a minimum, Council will publish a notice of its intention to exercise a designated power. Public notice is defined as a notice published in a newspaper generally circulating in the municipality and chosen for the purpose by Council. The Act also requires that any public notice given by Council be published on Council's Internet website.

Notices may be placed in either or both the Northern Star Weekly and Whittlesea Review newspapers.

The public notice will:

1. Specify the matter in respect of which the right to make a submission applies;
2. Contain enough detail to allow members of the public to make a meaningful submission;
3. Specify the date by which submissions are to be submitted, being a date, which is not less than 28 days after the date on which the public notice is published;
4. State that a person making a submission is entitled to request to appear in person, or to be represented by a person specified in the submission, at the meeting to be heard in support of their submission; and

5. State that the name of the submitter and details of their submission will appear in a Council meeting agenda and in the minutes of that meeting. It will also note that Council minutes are published on Council's website.

Methods of Consultation

In addition to the statutory public notice, methods of consultation will be consistent with Council's Community Engagement Policy and will ensure that affected persons are given the opportunity to comment of the proposal.

Methods of consultation may include:

1. A personally addressed letter to all affected persons;
2. Letterbox drop of a non-addressed leaflet or flyer to affected properties;
3. An article in Council's community newsletter - "Local Scoop";
4. Posts on Council's Facebook page and other social media;
5. A media release;
6. Community meetings or forums; and
7. Focus groups and workshops.

The Advisory Committee and Consideration of Public Submissions

The following process will be followed when formally consulting the municipal community under section 223 of the *Local Government Act 1989*.

- A Council resolution will be sought seeking authority to commence the public submission process. A Council report will be prepared outlining the proposal and seeking authority to appoint an Advisory Committee of Council ('Committee') to hear and consider any submissions received on the proposal.
- By default, the report will appoint two Administrators to the Committee with one Administrator nominated as Chairperson. Council may choose to accept the recommendation of two Administrators, or include a third Administrator as they deem appropriate. Committee members are legally obliged by the conflict of interest provisions in the Act to declare any conflict of interest in relation to the proposal or in relation to any of the submissions. Declarations of interest must be made at the meeting and are recorded in the minutes of the meeting.
- Public notice of Council's intention to exercise a designated power must be given by publishing a notice in the Northern Star Weekly and Whittlesea Review newspapers. The Whittlesea Leader newspaper is no longer publishing in paper copy.
- Public notice will also be given on Council's Internet website
- Information on the proposal will be made available for public inspection at the Council Offices, 25 Ferres Boulevard, South Morang;
- Depending on the nature of the proposal, information on the proposal may also be made available for public inspection at any of the following locations:

- Westfield Plenty Valley Shopping Centre, Mill Park
 - Council libraries (Mill Park, Thomastown, Lalor and Whittlesea);
 - Edge Youth Services, Shop MM1, Westfield Shopping Centre, Mill Park
- If submissions are received, a time is scheduled for the Committee to meet. If submitters have requested to be heard in support of their submission, the submitters are sent a written invitation to attend the meeting with details of the day, time and place of the meeting. Submitters will be asked whether they require any special adjustments or accommodations to enable them to be heard in support of their submission.
 - The role of the Committee is to hear and to consider all submissions before making recommendations to Council.
 - Submission are uploaded to a register. The register is used to record submissions received and to manage the processing of submissions. Any submissions recorded on the register must be made available for public inspection for a period of 12 months after they are received.
 - Submitters will be given five (5) minutes to be heard in support of their submission. The Chairperson has the discretion to extend presentation times.
 - Once all submitters have been heard in support of their submission, the meeting is closed to members of the public. The Committee then deliberates in closed session and makes its recommendations on the issues raised. Minutes of the Committee's deliberations must be kept and reasons for the Committee making its recommendation on each submission must be recorded in the minutes.
 - The Committee then reports back to the next available Council Meeting with recommendations on whether the proposal should proceed. The Committee's report to Council must include a copy of the minutes of the Committee meeting.
 - If no submissions are received the Committee is not required to meet. In this instance, the officers resubmit the matter to Council advising that no submissions were received and recommending that the proposal proceed. The Committee is advised by memorandum that they are not required to meet.
 - If submissions are made, and no submitter requests to be heard, the Committee will not meet, and the matter dealt with at the next Council Meeting, as above.
 - When Council has made its decision, submitters are advised in writing of the decision and the reasons for the decision. Each person who has made a separate submission and, in the case of a submission made on behalf of a number of persons, one of those persons is notified of the decision and the reasons for that decision.

Further assistance and support

Standard Council reports, public notices and other templates are available to assist report authors.

If you have any queries or require further information regarding this process, please contact the Governance Team.

Attachment 1

Statutory powers that require a formal public submission process

Description of power	Section
Make or amend a local law	s.119
Make or amend a Council Plan (Community Plan)	s.125(3)
Adopt a Council Budget or Revised Budget	s.146
Sell land	s.189
Lease land	s.190
Use Council land for another purpose	s.192
Drainage of land	s.200
Declare a road a public highway or open to the public	s.204
Fix or alter the level of roads, deviate a road, discontinue a road, close a road on seasonal basis or narrow or widen a road	Schedule 10 Clauses 1(b), 2, 3, 7 and 8(1)(a);
Place permanent or temporary barrier on a road, declare a road to be a mall and restrict the entry of vehicles or restrict use of road by vehicles of certain size	Schedule 11 Clauses 9, 10(1)(c), 11 and 12;