

Draft Community Consultation Policy: Stakeholder Feedback Report

Notice of the public consultation was provided to:

- The Advertiser and City Messenger
- The public via the Your Say page (<https://yoursay.cityofadelaide.com.au/community-consultation-policy>)
- circa 13,000 flyers included with rates notices
- 5475 current Your Say registrants via a Your Say Newsletter
- 7,285 unique views on social media
- 47 relevant staff in the Administration
- 11 precinct groups that form the Lord Mayor Precinct Group Forum
- 19 community groups
- The City's libraries, Community Centres and Customer Centre. All centres were provided with the consultation information for public display
- A social media campaign (Facebook, Instagram, Messenger). The campaign targeted all visitors (live, work, play) to Adelaide within a 2.5-mile radius, and/or who have visited the City of Adelaide website over the last 2 months (Table 1).

How was the consultation facilitated?

- Registrants of Your Say Adelaide could submit feedback via an online survey. The survey asked one question: ***Please provide your feedback on our Draft Community Consultation Policy.***
- Your Say Adelaide email. People could submit a response to the Your Say Adelaide email inbox
- Written feedback could also be provided by:
 - Direct email to the Community Engagement team, and or
 - completion of a hard copy submission form in the Consultation Pack.

Summary of Responses

- **Social Media**
 - 7,285 unique people viewed the ads (See Table 1).

Table 1: Social Media reach

| Ad | Reach (unique views) | Impressions (total views) | *Actions |
|--------------|----------------------|---------------------------|----------|
| 18-29 | 3,058 | 4,741 | 35 |
| 30-64+ | 4,227 | 6,237 | |
| TOTAL | 7,285 | 10,978 | |

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- **Your Say Page**
 - 440 people were 'Aware' participants i.e. visited at least one page.
 - 216 people were 'Informed' participants (and may have performed more than one action e.g. visiting more than one page).
 - 4 people 'Engaged' i.e. completed the Your Say Adelaide survey.
- **Your Say Email:** 6 responses received.

Verbatim Responses

Respondent One (1):

Current Policy:

The policy requires notices to be published in a newspaper circulating within the area of Council and a newspaper circulating state-wide.

Proposed Policy:

The Act does not stipulate publication of notices in a state-wide circulating newspaper. This requirement has been removed from the policy to align with the Act unless legislation (other than the Act) specifically states otherwise, or it is deemed best practice.

Rationale:

To align with amendments to the Act.

I believe that the above policy requirement should not be changed and remain as it currently is, that is, 'The policy requires notices to be published in a newspaper circulating within the area of Council and a newspaper circulating state-wide.'

The proposal indicates that the Act doesn't stipulate publication of notices in state-wide circulating newspapers and therefore the change would align with amendments to the Act.

Although this requirement is probably not necessary for most South Australian local Council's I believe that the Adelaide City Council is different in the fact that changes in the Adelaide council area have an impact on the broader South Australian community as many people use the city to work in, spend leisure time in and for shopping.

The Policy states that the Council's Commitment is to recognise the important relationship it has with its community, the need to communicate clearly about those matters which affect them and the need to consult in a meaningful way when decisions need to be informed by community input. The Council recognises that communication and consultation are an important part of the democratic process. Communication keeps the community and stakeholders informed about the Council's activity and process. Consultation enables the Council Members and staff to be confident that the views of the community and

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stakeholders are considered and those activities will meet their requirements, while also meeting technical constraints.

I believe the state-wide community should be considered part of the Adelaide City Council's broader community as while many members of this community may not actually live in the council area, the broader community utilise the facilities/amenities of the area on a regular basis, many on a daily basis (for work) and therefore the impact of any changes within the Council area has the potential to significantly impact on the broader SA community. It is very important that the views of the state-wide community as significant stakeholders are considered and those activities meet their requirements as well as the community that lives within the Adelaide City Council. To ensure this happens it is necessary to publish notices in a newspaper circulating within the area of the council and also a newspaper circulating state-wide.

Respondent Two (2):

Given The Messenger local paper is no longer (officially) home delivered in the CBD, a public notice in it can not realistically be considered acceptable notice.

YourSay should email all public notices to all YourSay subscribers, as otherwise YourSay is not fulfilling its function - how can we have a say, when we don't know that we are being asked?

If an email per consultation is regarded as 'too many' (I've gotten this response/excuse previously when I asked why it wasn't done), then a weekly/ fortnightly email could be sent, summarizing all open consultations.

Respondent Three (3):

The Draft Community Consultation Policy sounds good, as did its predecessor. However, in practice, the interpretation and implementation of such a policy often undermine the good intentions of the policy writers. One of the main criticisms of public consultations is that the community is 'engaged' after decisions and major commitments have already been made. I would suggest that the over-riding principle ahead of the other seven principles listed in the draft should be: 'To engage with the community in decision-making with integrity, transparency and sincerity'.

Three other aspects of public consultations need to be revisited in this draft. The first concerns the minimum requirements according to legislation. The Adelaide City Council should always do more than the minimum requirement of legislation. For example, the minimum requirement 4 in Table 1 says 'Notice published in a local newspaper circulating in the City of Adelaide'. This should be expanded to include '... published in a state-wide as well as a local newspaper ...'. The Council is not just a local council but the council for a capital city that is important to all South Australians. It is also puzzling as to why the following statement should be made: 'Council also recognises that there are occasions

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where public consultation on issues is needed but is not required by law. Although the importance of these occasions is acknowledged, they are not covered by the requirements of this policy.’ Why aren’t they covered by this policy? This document is the capital city of Adelaide’s policy about how it consults the community; it is not about ‘minimums’ but about how best to make decisions.

The second aspect concerns the design of online surveys that form part of community consultations. The surveys should include comment sections for each of the questions/topics and not just one comment section at the end of the survey. Rarely can an issue be distilled to just a binary response.

The third aspect concerns respondents in public consultations. On occasions, and particularly in online contributions, respondents use nom de plumes. This raises the question of whether the contribution comes from a bona fide respondent or, as could sometimes be the case, it is a multiple contribution from one person. The most stringent efforts should be made to ensure genuine responses, and the strategies and their intent should be documented in the policy.

Respondent Four (4):

ADELAIDE CITY COUNCIL

Community consultation about community consultation

7 February 2018

Review of Public Communication and Consultation Policy As described in Adelaide City Council agenda 30 January 2018, Item 12.9, pages 94–103.

The proposal seeks to cease advertising notices under the LG Act in The Advertiser, restricting advertising to Messenger newspapers, consistent with council’s recent decision to ‘align the policy within the Act’ which will ‘remove the need to publish notices in The Advertiser thereby significantly reducing advertising costs’ (page 95).

Response:

This agenda paper lists 20 matters that need to be consulted under statutory compliance with the LG Act 1999. A number of them have potential to be of significant relevance to communities across the state, not just within the City of Adelaide’s boundaries.

It is therefore important that these wider communities be in a position to know of matters of potential change, which would not occur should the matter only be advertised ‘in a local newspaper circulating in the City of Adelaide’. Council will almost certainly respond by noting its Yoursay consultation mechanism, a digital interface that knows no state borders within Australia. However, not all South Australians either know about it, seek it out, or have confidence in using it.

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The Advertiser gets statewide coverage and South Australians do not have to have digital facilities to access it. Advertising in it should be retained.

Key matters

The matrix on page 102 of the agenda item indicates at least 8 matters that could be of importance to communities beyond the City of Adelaide's borders. This may be because persons owning property within those boundaries do not live within those boundaries, or because persons may be preoccupied with other broad city matters but not live within the city's boundaries.

Matters include: Representation review, composition of wards; Commercial activities and restrictions: Prudential Requirements (s48).

The city's park lands are of state-wide importance and relevance. The following compliance topics therefore should be notified via Advertiser advertisements to ensure that communities can be made aware of them exclusive of digital consultation mechanisms and have a chance to respond:

Community land – exclusion from classification (s193); revocation of classification (s194); management plans (s197); Amendment or revocation of management plans (s198); Community land: alienation by lease or licence (s202). These matters have high potential to be of significance in the management of Adelaide's park lands, and of relevance to people across the state. It will be critical to retain the use of a state-wide press option for public notification towards seeking feedback from communities across SA.

Respondent Five (5):

I go to an Africa church and would like to find venues and events that they can perform at and be paid for

Respondent Six (6):

You provided no link regarding this topic, where am I suppose to read more info and leave feedback?

Respondent Seven (7):

Of course it would be nice if we heard the results of the public consultations.

It seems a bit futile adding comments and then not hearing back unless the council hears what it wants to hear.

A proper consultation would be followed by a response posted to all the people who were initially invited to comment.

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Far too many of these consultation questionnaires are being used selectively, defeating their purpose so far as the respondents are concerned, and just serving the purposes of the people conducting the consultations.

Cheers, Tim

Respondent Eight (8):

Your font is inappropriate for view on a mobile phone.

Respondent Nine (9):

Submission regarding Draft Community Consultation Policy (Draft Policy), due 5pm 7 March 2018

As we have indicated in many other prior submissions to the Adelaide City Council (ACC), South West City Community Association Inc (SWCCA) was formed in August 2012 to give a voice to the residents and community in the South West corner of the City of Adelaide. As this proposal will affect not only the South West City but also the whole of the City of Adelaide, we will address the overall proposal, with reference to the impact on the implications of this topic for the South West City community.

As SWCCA represents its residents and community members in the South West City, this submission should not be viewed as one, but as many submissions from the concerned people we represent. However, if ACC continues to view this as one submission, we at least propose that it to be counted as 5, being the number of the Committee of Management of SWCCA, who endorse this submission.

What is the purpose of community consultation? ACC is meant to provide sufficient information on a proposal to interested or affected people for them to offer advice and comments. ACC will then consider submissions before making a final decision on proposals that will impact on residents and community.

From our experience, as not enough detail is provided for the community to make educated submissions, we cannot see how the elected members can make informed decisions on these proposals.

For a 37-page policy document which recognizes "...the importance of the relationship of Council with its community..." to be replaced with the new 6-page document that only exists because it is required by the Local Government Act (Act) will contribute to further alienation of the community.

- In the existing Policy document on Page 3 the definition of consultation provides it "...is the provision of information by Council to its community and stakeholders..... that enables them to respond (expressing concerns and identifying issues) so these can be considered before a final decision is made."

In the Draft Policy, Page 3 Glossary ".....community consultation is a planned process of engagement where information is provided and community and stakeholders are formally invited, as per the relevant requirements in the Act, to comment about matters which Council will deliberate."

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The new document weakens the consultation process. There is no longer a requirement for Council to consider issues raised by the community/stakeholders before making their final decision.

- Page 4 of the existing Policy provides, to ensure confidence in the transparency and integrity of ACC's consultation processes to occur, there are 4 items included which relate to the handling and distribution of submissions. These do not appear in the Draft Policy.
- Page 7 (existing Policy), Section 8 (Performance Measures, Monitoring and Review) has been removed altogether in the Draft Policy. This is a key performance measure, being community satisfaction with the consultation process, and it has disappeared.
- The notification of a proposal in various manners, including a newspaper circulating State-wide, and a local newspaper in the existing Policy, has been altered to become notification in the local newspaper only in line with the Act, to save money. We raise this issue later in our submission.

The "Community Engagement Strategy" contains much more rhetoric that recognises the importance of a genuine connection between ACC and the community. For example, it includes statements taken from the Strategy listed below:-

- Page 3: "Our goal is to work in partnership with the community....."
- Page 3: "We believe involving the community in Council's decision-making process is crucial....."
- Page 4: "By working closer with the community and stakeholders, we foster a significant cultural shift to make decisions that are evidence-based and reflect the views and ideas of the people of Adelaide."
- Page 7: "When engaging the community in a decision making process, Council promises to:-..... Provide relevant, timely and balanced information so people can contribute in the meaningful way.....Actively listen so that people's ideas and input assist in making the final decision....."
- Page 8: "Community and stakeholder engagement fosters a sense of belonging and community ownership of project outcomes."
- Page 8: "Local Councillors are elected to oversee the everyday running of the Council. In order to help them do this, they ask for views of the community to help them, make sustainable decisions and better understand local issues and needs.'
- Page 8: "Stakeholder and community input improves the quality of policy – at the time it is being developed – ensuring the end result is relevant to the needs of the community."

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- Page 10: “While the final decision rests with the Adelaide City Council, open and responsible governance is based on a belief that those impacted by a decision have important contributions to make in the decision making process.”
- Page 11: (Empower) “Empower is Council’s promise is to ‘implement what you decide’.”

This document is not referenced in Part 5, Section 50 of the Act and therefore ACC is under no obligation to follow the Strategy. We believe this Strategy should form part of the Draft Policy.

From our reading of submissions in past, the majority of people submitting to the Your Say website have little information on a topic, and are quite often not directly impacted by their decision to vote for or against. They are just ticking a box. Very few make any comments at all supporting their decision. We believe ‘yes/no’ answers without supporting information should be given much less weight than a considered argument during the assessment of proposals.

ACC is Adelaide City’s council, and as such any decisions made for the State’s capital city can impact on others in outlying areas. By removing the notification of Public Notices from our State-wide newspaper (the Advertiser) “to save money” a large number of affected people may (rural councils) not find out about proposals that affect them. Also, since around April/May 2017 the City Messenger, the City’s local newspaper, has no longer been delivered to households. These days, if residents want a copy they have to seek it out. How can they be informed of ACC’s proposals if this is the only publication to carry these important notices?

The State Government has already excluded both the community and to a large extent ACC from their consultation process via catastrophic amendments to the planning legislation/regulations and ministerial decree/threats. We now find submissions to ACC are routinely ignored yet the community is stuck with ownership of the outcome which is often not what was wanted. A decent policy would require independent assessment of submissions, which at the moment seems biased.

Other points which have not been addressed in the Draft Policy are:-

- Decisions are routinely being made before the consultation process commences, and include announcements that are made in the media about projects that will occur (decision has been made). They still quite often go through the motions of consultation at a later stage. Just a few of these recent decisions include:-
 - 24.1.2018: “Councillors faced ‘gun to head’ in RCC deal” - Royal Croquet Club licence extension
 - 15.2.2018: “Oval booze plan faces control bid”
 - 19.2.2018: “Jay ramps up support for skater mates” – a new skate park in the West Park Lands.
 - 26.2.2018: “Parklands sport upgrade on start line” Park 21 West.

Other mooted projects include the new Art Gallery (old RAH site), Adelaide Crows Clubrooms, Tennis Centre upgrade and City Beach site – all of which are likely to further impact on the Park Lands.

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- The assessment of submissions must be done independently as, from where we stand, the current process is biased and manipulated to support decisions which have already been made, or to support known outcomes.
- On Page 4 of the existing Policy, each submission should include the name and residential address of the respondent. This and the other requirements in this section should be returned to the Draft Policy to ensure the integrity of the submission process. Any submissions not providing information should not be counted. No anonymous contributions should be considered, as they have in the past.
- There should be a restriction on where contributors are based. We have seen responses from interstate; they should not be commenting on South Australian proposals, skewing outcomes for locals.

The proposed Draft Policy is inadequate in content for purpose, unclear, and it undermines the existing rights of stakeholders and the community to make comment, to be heard, and to influence ACC on their decisions. As projects will be advertised in a limited way, it will enable an air of secrecy for new plans for the City and it weakens the overall consultation process. We strongly urge ACC to send this document back to the drawing board for major reconstruction.

Respondent Ten (10):

SECRA is strongly supportive of attempts to improve consultation with the community on issues of direct interest to it.

Unless decision-making processes are equally inclusive and transparent and reflect the balance within the consultation process then the consultation process itself, and those engaged in the process, cannot be viewed as having any real power or influence.

In addition, there needs to be trust that consensus once reached, stands.

The Planning system within South Australia is a good example of how consultation has been misused. This has led to a direct disengagement of the community from all facets of the process including willingness to participate in what is increasingly being viewed as token consultation. In addition, many are discouraged from giving their personal details when expressing their views as there has been potential for bullying.

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See below our comments (in bold) on the *Statement* in the Draft policy. *The Community Engagement Strategy establishes Council's commitment to the following principles when engaging the community in a decision-making process (of which legislated consultation is a part) as follows:*

☒ *To seek out and encourage contributions from people who may be affected by or interested in a decision. **Some consultation should be limited to, or have more weight given to, those who are directly affected by the proposed issue eg reducing speed limits in residential streets. The safety of people living in these streets is more important than the possible inconvenience to those driving through those streets.***

☒ *Provide relevant, timely and balanced information so people can contribute in a meaningful way. **It has become a 'motherhood' statement that consultation is 'good' per se and SECRA is of the view that unless consultation is timely, inclusive (with stakeholders given equal weight where they are equally effected), and transparent, then it cannot be viewed as being legitimate but rather as a means of legitimising a final /foregone decision.***

☒ *Provide a variety of appropriate and accessible ways for people to have their say and to speak honestly. **To give the same weight to a simple yes/no answer as to a considered argument is to "disrespect" those who have gone to the trouble of developing such an argument. Furthermore, yes/no answers can facilitate corruption of the consultation process by making it easier for "votes" to be bought.***

SECRA encourages its members to make their own submissions. If they do not wish to, we would prefer that they do not answer yes/no but state that they support the SECRA submission. This achieves transparency.

Some people are reluctant to have their names and addresses published online given identity theft issues, fears for personal security and possibilities of bullying. Addresses should be removed in the public document.

☒ *Actively listen so that people's ideas and input assist in making the final decision. **See above comments. Active listening involves deciding how genuinely engaged people are with arriving at achievable outcomes. Ideas are easy.***

☒ *Consider the needs and interests of all people in the decision-making process. **See comments above. An organisation, such as SECRA, which speaks for a number of individuals should not be given the same weighting as an individual.***

It has been observed also that some Councillors dismiss the views of those responding to public consultations as not reflecting the majority who do not respond. How can Councillors know what "the majority" think if they do not respond?

☒ *Tell the community about the final decision, and how their input was considered. **Just as participants should give a reasoned argument for their opinion so should the Council explain in detail why a certain decision was taken. Council Minutes do not perform this task. This information should be emailed or posted to those who made submissions.***

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☒ *Collaborate with peak bodies and other levels of Government to achieve common goals for the City of Adelaide. The Council needs to disagree with peak bodies and other levels of Government where they are not acting in the best interests of the City of Adelaide.*

Other Respondents (7):

Key point summary of Other Council and internal respondents:

- The draft policy is much easier to read. a lot less prescriptive, and more flexible in terms of how Administration can consult than the previous policy
- Draft Policy lacks information about conducting a consultation
- The draft policy needs to incorporate the Council's Community Consultation Strategy and the administrative tools
- Public Consultation/community engagement policies should be stripped back to the statutory minimum. The draft Policy should only contain the legislative requirements needed to comply with the Act. References to additional procedural documents such as the Community Engagement Strategy should be removed. It should be noted that for decision making not covered under the Act councils are not obliged to undertake public consultation or community engagement.
- Items that have been removed or amended in the transition from the current policy to the draft Policy were commented on e.g. closing times for consultations; fees for consultation information. Any items in the current policy that are not required by the Act have been removed from the draft Policy being put forward for approval by Council.
- Feedback relating to meeting the requirements of Section 223 *Control of work on roads: Public Consultation (for granting of authorisations/permits'* was received. This is currently being addressed by the Administration.