

# Submissions Policy

Adopted: 9 March 2016

## Background

The Far North District Council consults with residents, organisations, and other stakeholders prior to making decisions, particularly decisions with a higher degree of significance.

Usually any consultation has some form of documentation and/or a statement of proposal (especially those with a high degree of significance) which is made available to engage any affected communities on the proposed changes.

The intention of carrying out consultation is to give communities the information and options that give context to the issue and to provide the opportunity to express their views and opinions.

## Purpose and Scope

To provide clarity about how submissions will be treated and responded to by the Council for consultation conducted under the Local Government Act (LGA) 2002, including submissions received on consultations conducted using the Special Consultative Procedure (see Appendix B).

This policy applies to:

- out of scope submissions
- late submissions
- offensive / inappropriate submissions
- form submissions

This policy does not apply to processes regulated by other legislation that set out specific consultation and submission processing requirements (e.g. Resource Management Act 1991, etc.)

## Legislative Context

The policy responds to changes introduced by the Local Government Act 2002 Amendment Act 2014 that aim to:

- make consultation requirements more flexible;
- provide for a new Significance and Engagement Policy;
- enable more efficient and focused consultation on long term plans and annual plans;
- remove unnecessary duplication and re-litigation of issues between long term plans and annual plans.

These 2014 amendments removed:

- the requirement to consult on an Annual Plan unless there are significant or material differences from the Long Term Plan
- the requirement to use the Special Consultative Procedure (SCP) for most consultations.

## Policies

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The following policy statements set out Council's approach to submissions that are out of scope, offensive, inappropriate, late, or form (petition type):

### Out of Scope Submissions

Submissions are received on a wide range of issues; some are unrelated to the subject, the proposal, or the decision that is being consulted on. Some relate to previous Council decisions. Therefore Council, where not constrained by any legal requirement, can decide to consider any submission that is received during the process of consultation on any plan, proposal or decision.

If submissions do not relate to the decision or matter being consulted on, they will be classified as 'out of scope'. This means that they will not be considered in the formal decision making process.

Out of scope submission may be referred on to a relevant process (e.g. Council's request for service system (RFS), the development of a future plan or strategy, another Council, a Government Agency or to Council Contractors).

The submitter will be advised of any action undertaken in writing.

### Offensive of Inappropriate Submissions

Submissions received that are deemed to be offensive or inappropriate shall be considered inadmissible (i.e. not considered). These include:

- Offensive language may make a submission inadmissible (or it may be blanked out).
- Offensive content may make a submission inadmissible. For example, defamatory or demonstrably false statements of fact designed to mislead.
- Personal criticism of an individual, either by name or title.

The submitter will be advised why the submission is inadmissible (if they have provided contact details for mail or email) and the submitter can be invited to resubmit using appropriate language and content at the discretion of the Council officer responsible for the submission process.

### Late Submissions

The consultation process usually includes a period for interested parties to provide written feedback to the Council. A period for written submissions is a finite timeframe within a longer decision-making process. Submissions received after the closing date can present challenges to the fairness and timeliness of decision-making.

However, late submissions can also present information or opinions that can add value to decision-making.

- A submission will be considered late if it is received three working days after the close of the written submissions period.
- A late submission will be accepted if it does not adversely impact on the administration of the consultation process.
- A late submission which would otherwise be declined may be accepted if prior arrangement has been agreed before the closing of the submissions period.

Where a submission is declined by a Council Officer, the CEO may reverse this decision.

Where a late submission is refused, the submitter will be advised of this in writing. A letter outlining the decisions made as a result of the consultation process will also be sent once deliberations are complete.

### **Form Submissions**

Where a set of submissions is substantially the same (akin to a petition), they will be treated as one submission supported by a number of persons.

Any individual comments that are dissimilar or additional will be noted.

## Appendix A – Definition of Terms

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<b>Consultation</b>	Part of the process of engagement, i.e. how communities provide feedback on Council proposals. Consultation involves two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.
<b>Deliberations</b>	The discussion and consideration by Council of the submissions and all available evidence on a proposal or consultation document to reach a decision.
<b>Hearing</b>	Formal meetings run in accordance with Local Government Official Information and Meetings Act 1987 and schedule 7 of the LGA, and any applicable regulations (e.g. for appeals on decisions for development contributions).
<b>Opportunity to be heard</b>	Any formal or informal process in which the public make their views known to Council. Engagement tools are determined in accordance with the Significance and Engagement Policy.
<b>Proposal</b>	Options that have been proposed by the Council in a written statement.
<b>Significance and Significant</b>	The importance of a proposal or decision as defined in Section 5 of the Local Government Act 2002. The degree of significance is assessed under the Council's Significance and Engagement Policy.
<b>Submission</b>	Feedback provided to Council as part of a consultation process.
<b>Submitter</b>	A person who gives feedback to Council in a consultation process (which may be on behalf of a group or organisation).

## Appendix B – Special Consultative Procedure (SCP)

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Under a SCP, a statement of proposal and summary of information must be adopted and publically notified, the consultation must last for at least one month and hearings must be held (i.e. in accordance with Schedule 7 of the LGA 2002). The exception to this is for a Long Term Plan or an amendment to a Long Term Plan, which must be developed using the SCP but instead of a statement of proposal a consultation document is to be used.

Examples of consultation under the SCP include consultation on a Local Alcohol Policy or a Bylaw.