



4/009 Significant Decision Making

Objective

The Town of Port Hedland ('the Town') has duties and commitments to the community of Port Hedland when making decisions that substantially affect the lives or future of residents. The purpose of this policy is to articulate the Town's intent to support public consultation in significant decision-making, for transparency and a holistic approach.

Note that section 3.73 of the *Local Government Act 1995* (The Act) applies during a 'caretaker' period. The Act overrides the provisions of this policy.

During a caretaker period, a local government must not do a 'significant act'.

'Caretaker' periods are defined in s1.4A and are mainly the period that:

- (a) begins at the close of nominations (as defined in section 4.49(a) of the Act) for council elections (and which include ordinary or special elections); and
- (b) ends on the day after the day on which the returning officer declares the result of an election under section 4.77.

'Significant act' is defined in s3.73 and means any of the following —

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking;
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances;
- (g) inviting tenders in prescribed circumstances;
- (h) deciding to do anything referred to in paragraphs (a) to (g);
- (i) an act done under a written law or otherwise that is a prescribed act.

'Prescribed acts' are listed in regulations 3A – 3C of the *Local Government (Functions and general) Regulations 1996* and include:

- a. Establishing a regional local government;
- b. Amending the establishment agreement for a regional local government;
- c. Winding up a regional local government, otherwise than at the direction of the minister;
- d. Withdrawing from a regional local government;
- e. Forming a regional subsidiary;
- f. Amending the charter for a regional subsidiary;



- g. Winding up, or withdrawing from, a regional subsidiary;
- h. Commencing the preparation of any of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Part 3 —
 - i. a local planning strategy;
 - ii. an amendment to a local planning strategy;
 - iii. a notice of revocation in respect of a local planning strategy;
 - iv. passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 19(1);
 - v. passing a resolution of the kind referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);
 - vi. commencing a review of a local planning scheme under the Planning and Development (Local Planning Schemes) Regulations 2015 regulation 65;
 - vii. commencing the preparation of an instrument of repeal in respect of a local planning scheme under the Planning and Development Act 2005 section 74(b);
 - viii. doing either of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government —
 - 1. Resolving to prepare or amend a local planning policy;
 - 2. Commencing the preparation of a notice of revocation in respect of a local planning policy;
 - i. Publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;
 - j. Deciding to do anything referred to in paragraphs (a) to (h) of the subregulation.

This policy should be read in conjunction with the principles outlined in the Town of Port Hedland – [Community Engagement Strategy](#).



Content

This Policy identifies how and when the community can expect to be engaged and consulted prior to a decision of a significant nature being made at a council meeting.

Significant Decision Making

The Town will consider the significance of every issue requiring a decision and the level of engagement on a case by case basis.

Significance means the importance of an issue, proposal, decision, or matter, as assessed by the Town, in terms of its likely impact on, and likely consequences for:

- a) The district of Port Hedland as a whole.
- b) The parties and communities who are likely to be particularly affected or interested in the issue, proposal, decision, or matter.
- c) The financial and non-financial costs and implications, or the capacity of the Town to perform its role/ functions.

Significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as the proposal develops.

The more significant a matter or decision the more likely the Town will need to consider:

1. The long-term implications of the decisions;
2. The impact on the Town's Strategic Community Plan and the Corporate Business Plan;
3. The consistency of the decision with existing strategies and plans; and.
4. Engagement and consultation with the community on their view.

Factors to be considered include the:

- a) Number of individuals, organisations, groups, and sectors within the community that are affected;
- b) Extent of the impact on affected individuals, organisations, groups, and sectors within the community;
- c) Level of public interest, or the potential for the issue to generate interest or controversy;
- d) Extent to which community opinion is divided on the matter; and.
- e) Impact of the decision on the Town's ability to deliver on actions that contribute to the Strategic Community Plan and Corporate Business Plan.

In determining the significance of a matter is an exercise of judgment, the Town must assess how a proposal, decision, issue, or matter may affect people, services, facilities and infrastructure within the district..



Engagement

It is essential that the Town has a consistent approach to community engagement and that it uses effective engagement practices. Any engagement undertaken by the Town needs to be conducted in a meaningful way so that it encourages community members to increase their trust in the Town and maintain their involvement in future engagement activities.

Engagement provides an opportunity for the public to debate and discuss their views on a decision or proposal being considered by the Town that is deemed a significant issue. The community views expressed through an engagement process will be considered along with other information when decisions are being made.

Engagement may not necessarily result in consensus. However, engagement should allow for an exchange and examination of information and points of view between affected and interested people and decision-makers before a decision is made. Engagement ensures that decisions are informed and improved by the community's involvement.

Before council makes a significant decision, the Town's administration will consult the public. In doing so, the Town will:

- Identify people who will be affected by, or have an interest in the decision;
- Provide them with reasonable access to relevant information in an appropriate format on the process and scope of the decision;
- Encourage people to give their views;
- Give people a reasonable opportunity to give their views in an appropriate way;
- Listen to, and consider those views, with an open mind; and
- After the decision, provide access to the decision and any other relevant material.

Thresholds

Subject to the **Act** and Regulations, when undertaking a process to determine which issue, proposal, decision, or other matter is significant, the following thresholds will apply, and the matter will be significant.

1. If the cost of a proposal or decision is estimated at 5% or more of the operating income by the Town as shown in the annual financial statements for the most recently completed financial year.
2. If the proposal or decision will incur unbudgeted capital expenditure exceeding 5% of the total value of the Town's assets, or where spent on a strategic asset, exceed 5% of that assets value.
3. Entry into partnership with the private sector to carry out a significant activity.



When any issue, proposal, decision, or other matter that doesn't meet any of the specific thresholds listed above, its significance should be evaluated using the general criteria outlined elsewhere in this policy.

Criteria

The more tangible the impact or consequence of the issue, proposal, decision, or other matter is, the higher the likelihood of significance. If an issue, proposal, decision, or other matter satisfies one or more of the following criteria, the matter is likely to be significant.

1. Any transfer of ownership or control or the constructions, replacement, or abandonment of a strategic asset;
2. A decision that will significantly affect the capacity of the Town to carry out any activity identified in the strategic plan;
3. A decision that will significantly affect the cost to the Town to carry out any activity identified in the strategic plan;
4. Any issue, proposal, decision, or other matter that will substantially affect a wide range of people who reside in the district;
5. The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans;
6. The degree to which a decision or issues are difficult to reverse;
7. The matter will have significant implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland. *Exceptions*

There are times when it is not necessary, appropriate, or possible to engage the community on a proposal or decision. The Town may also choose not to engage on a proposal or decision, but will only decide this in accordance with at least one of the criteria below:

- a) The proposal or decision is not of a nature or significance that requires engagement;
- b) The Town already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision;
- c) There is a need for confidentiality or commercial sensitivity;
- d) The costs of engagement outweigh the benefits of it;
- e) The proposal or decision has already been addressed by strategies, policies, or plans, which have recently been consulted on;
- f) Failure to make a decision urgently would result in unreasonable or significant damage to property or an unacceptable risk to community health and safety; or.
- g) Any physical alterations to strategic assets that are required to:
 - Prevent an immediate hazardous situation arising; and/or
 - Repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.



Whenever the Town does not formally engage, community views will still be considered before a decision is made and as much information will be provided to the public as possible.

Procedures

In achieving this policy, the following procedures will be as follows:

1. Every report to council on any issue, proposal, decision or other matter will include a statement indicating that any relevant issue of significance has been considered.
2. Where the issue, proposal, decision, or other matter triggers the thresholds or criteria of this policy and is therefore likely to be significant, the report to council will also include a statement relating to recommended level of consultation.
3. In receiving the report, council may accept the report writer’s assessment of significance made in the report and the recommended level of consultation. Where council does not accept the report writer’s assessment and recommendation, a separate resolution will be made to that effect.

Relevant legislation	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i>
Delegated authority	N/A
Business unit	Governance
Directorate	Corporate Services

<i>Governance to complete this section</i>			
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