

PUBLIC FORUM POLICY

February 2021

PREPARED BY:

GOVERNANCE, RISK AND COMPLIANCE UNIT



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SUTHERLANDSHIRE

1. PURPOSE

The purpose of this policy is to provide members of the community with the relevant process and procedures for addressing Council on items to be considered at Ordinary Council meetings, as outlined in Council's Code of Meeting Practice.

2. APPLICATION

This policy applies to applicants seeking to address Council. Applicants must meet one of the following eligibility criteria:

- a resident or owner of land within the Sutherland Shire Council area; or
- a person entitled to vote in the Sutherland Shire Council area under the Local Government Act; or
- the nominee of an entity owning land, conducting a business or providing a service in the Sutherland Shire Council area.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 The Public Forum process seeks to:

- increase transparency and assist Council in its decision making process;
- provide an opportunity for members of the community to address Council on items of business under consideration; and
- improve communication between Council and the local community by providing enhanced access to Council.

4. PROCEDURES

Public Forums will be conducted in accordance with the following procedures:

- 4.1 A maximum of 30 minutes is permitted for each public forum.
- 4.2 Public forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a Public Forum a person must first make an application to the Council on the approved form. Applications to speak must be made via the Public Forum Application Form available on Council's website, and must be received by 5pm on the Thursday before the public forum is to be held. The applicant must identify the item of business on the agenda of the Ordinary Council meeting they wish to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than one item of business on the agenda of the Ordinary Council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Ordinary Council meeting.

- 4.8** If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business.
- 4.9** If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a broader range of views on the relevant item of business.
- 4.10** If during the public forum the 30 minute time limit is reached and there are speakers remaining to address the public forum, the Mayor or the Mayor's nominated chairperson, may increase the time limit to allow the remaining speakers to address the public forum.
- 4.11** Approved speakers at the public forum are to register with the Council any written material or photographs to be presented in support of their address to the Council at the public forum. This material must be provided by 12 noon on the day the public forum is to be held. No videos will be permitted. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
- 4.12** The Mayor, in consultation with the Chief Executive Officer or their delegate, is to determine the order of speakers at the public forum.
- 4.13** Each speaker will be allowed three minutes to address the Council. Any extension of time granted by the chairperson should not exceed two minutes.
- 4.14** Speakers at public forums must not digress from the item on the agenda of the Ordinary Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15** A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16** Speakers are under no obligation to answer a question put through the chairperson. Answers by the speaker, to each question are to be limited to one minute.
- 4.17** Speakers at public forums cannot ask questions of the Council, Councillors or Council staff
- 4.18** The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19** Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20** When addressing the Council, speakers at public forums must comply with this policy and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.21** If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in 4.20 above, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22** Point 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of the Code of Meeting Practice.
- 4.23** Where a speaker engages in conduct of the type referred to in point 4.20, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Chief Executive Officer or their delegate considers appropriate.

- 4.24** All meetings of the Council are to be webcast on the Council’s website. By attending a meeting, speakers and other persons consent to an audio recording of their address being included in the webcast of the meeting, as per section 5 of the Code of Meeting Practice.

5. RESPONSIBILITIES

5.1 Responsible Officer

The Manager Governance, Risk and Compliance is responsible for the implementation of this policy

5.2 Chief Executive Officer

The Chief Executive Officer has the authority to exercise the functions of the Council that are delegated by the Council to the Chief Executive Officer, and to exercise the responsibilities detailed in this policy.

5.3 Staff

Staff must adhere to the requirements of this policy.

6. MONITORING

The Manager Governance, Risk and Compliance will monitor and review the effectiveness of this policy.

7. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Enterprise Content Management Policy and Privacy Policy.

8. BREACHES OF POLICY

Breaches of this policy will be dealt with in accordance with the procedures outlined above (refer 4.20-4.23) and Council’s Code of Meeting Practice.

9. RELATED DOCUMENTS

- Public Forum – Application Form
- Code of Meeting Practice
- Code of Conduct – Councillors
- Code of Conduct – Council Staff
- Code of Conduct – Council Committee Members, Delegates of Council and Council Advisers

10. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- *Local Government Act 1993 (NSW).*
- *State Records Act 1998 (NSW).*
- *Privacy and Personal Information Protection Act 1998 (NSW).*
- *Local Government (General) Regulation 2005.*
- *Government Information (Public Access) Act 2009 (NSW).*

11. DEFINITION OF TERMS

Term	Meaning
Chairperson	the person presiding at the meeting as provided by section 369 of the <i>Local Government Act 1993 (NSW)</i> and clauses 6.1 and 6.2 of the Code of Meeting Practice
Day	means calendar day
Item of Business	reports and motions listed in the Council Meeting Order of Business
Webcast	an audio broadcast of a meeting transmitted across the internet.

End of Document

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