

 warrumbungle SHIRE COUNCIL	<b>Public Forum Policy</b>
	<b>STRATEGIC</b>

### **1. Purpose**

The purpose of this policy is to provide members of the public with guidelines and application form for addressing a public forum. The public forum does not form part of a Council meeting.

### **2. Background**

Council may hold a public forum before each Council meeting. A public forum provides members of the community with the opportunity to address Councillors on any issue having relevance to the responsibilities and jurisdiction of the Council. Preference will be given to items of business to be considered at the meeting. Ordinary Council meetings are held alternately at the Coonabarabran and Coolah Council Chambers, generally on the third Thursday of the month at 5:00pm as per the meeting schedule available on Council's website. Public forums may also be held before extraordinary Council meetings and meetings of committees of Council.

The public forum seeks to:

- improve communication between Council and residents;
- assist Council in its decision making processes;
- provide an opportunity for members of the community to raise relevant issues with Council in a formal environment; and
- assist Council in meeting its Vision, Mission and Values by facilitating and encouraging an open and accessible organisation.

This policy has been developed in order to enhance public consultation and contribution to the decision making of Council. The policy aligns with Part 4 of Council's *Code of Meeting Practice* (December 2020).

### **3. Policy Scope**

This policy applies to members of the community of the Warrumbungle local government area who wish to address Council at a monthly public forum on issues pertaining to the responsibilities and jurisdiction of Council.

This policy does not preclude Council inviting special guest speakers to present Council a matter of particular interest or issues.

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#### 4. Legislation and Associated Documents

<b>ASSOCIATED POLICIES</b>	<ul style="list-style-type: none"> <li>• Code of Meeting Practice</li> <li>• Code of Conduct</li> <li>• Vision, Mission and Values</li> </ul>
<b>ASSOCIATED LEGISLATION</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993 (NSW)</i></li> <li>• <i>Local Government (General) Regulation 2005 (NSW)</i></li> </ul>
<b>ASSOCIATED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>• Public Forum Speak Agreement Form (must be completed)</li> </ul>

#### 5. Definitions

<b>Term</b>	<b>Definition</b>
Chairperson	The Mayor or their nominee
Council	Warrumbungle Shire Council
Jurisdiction	The practical authority granted to a legal body to administer justice. Jurisdiction refers only to the granted authority, not to a geographical area; for the purpose of this policy, the term refers to the powers of the executive and legislative branches of government to allocate resources to best serve the needs of society.

#### 6. Policy Statement

Members of the public may apply to address Council at a public forum on any issue having relevance to the responsibilities and jurisdiction of Council.

Members of the public who wish to address the meeting are invited to register by phone or in person with Council by midday two (2) business days before the date on which the public forum is to be held. The speaker must identify the issue they wish to speak on. If applying to speak about an item of business on the agenda of the Council meeting, the speaker must indicate whether they wish to speak 'for' or 'against' the item. Speakers at a public forum must not digress from the issue they have applied to speak on. If a speaker digresses to irrelevant matters, the Chairperson will 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.

Legal representatives acting on behalf of others must identify their status as a legal representative when applying to speak at the public forum.

Members of the public wishing to address a Council meeting must complete an Agreement Form. This may be completed and returned to Council before the public forum or on site at the Council Chambers before the public forum begins.



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Nominated candidates at federal, state, or local government elections are not permitted to speak at public forums.

Approved speakers are to register with Council any written, visual or audio material to be presented in support of their address to the public forum, and to identify any equipment needs no later than midday two (2) business days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.

A person may apply to speak to no more than three (3) issues.

The General Manager or their delegate may refuse an application to speak at a public forum. Reasons must be given in writing for any such refusal.

No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting. If more than two speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address Council. If the speakers cannot reach agreement on who to nominate, the General Manager or their delegate is to determine who will address Council at the public forum. The General Manager or their delegate, in consultation with the Mayor or the Mayor's nominated Chairperson, may increase the number of permitted speakers on a particular item where they are satisfied that it is necessary to do so to allow Council to hear a fuller range of views on the item.

The General Manager or their delegate will determine the order of speakers at the public forum.

Speakers at a public forum must direct their presentation through the Chairperson. The Chairperson should be addressed as Mr Mayor, Madam Mayor, Mr Chairperson or Madam Chairperson, as the case may be.

Speakers are required to state their name and address, organisation (if applicable) and interest in the issue before speaking.

Each speaker will be allowed four (4) minutes to address Council. This time limit will be enforced by the Chairperson.

Speakers cannot ask questions of the Council, Councillors or Council staff.

A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at the public forum. Speakers are

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under no obligation to answer such a question. Answers by the speaker to each question are limited to one (1) minute.

The General Manager or their nominee may, with agreement of the Chairperson, address the Council in response to an address at the public forum after the address and any subsequent questions and answers have been finalised.

Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that Council defer consideration of the matter pending the preparation of a further report.

Speakers at a public forum must comply with Council's *Code of Conduct* and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the *Code of Conduct* or making potentially defamatory statements. Speakers at public forums do not have absolute privilege (parliamentary privilege) in respect of anything said or any material presented to the forum. Speakers do not enjoy any special protection from defamation arising from comments made during the presentation before Council.

If a Chairperson considers that a speaker has engaged in conduct that does not comply with that set out 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. Where a speaker engages in conduct of the type set out above, the General Manager or their delegate may refuse further applications from the person to speak at public forums for such period of time as the General Manager or their delegate considers appropriate.

Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum in the same way that they are required to do so at a Council or committee meeting. Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

## **7. Responsibilities**

The General Manager and the Chairperson are responsible for the application and enforcement of this policy during public forums.

Council:

- Shall review the Policy from time to time to ensure it complies with the legislation and is achieving the Council's intent.

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General Manager:

- Shall ensure the development of Guidelines and Procedures that conforms to Council's Policy.
- Shall monitor the effectiveness of the Guidelines and Procedures in operation and authorise changes to improve the procedures to conform to Council's Policy.
- Shall report to Council any issues that arise out of the Policy.

Staff:

- Shall implement and carry out the actions listed in the Policy, Guidelines and Procedures.
- Shall report regularly to the General Manager on the effectiveness of the Guidelines and Procedures.

### 8. Getting Help

The staff member/s who can assist with enquiries about the policy:

Position: Manager Corporate Services

Department: Corporate and Community Services

### 9. Version Control

Review Date: September 2020

Staff Member Responsible for Review: Manager Corporate Services

Policy Name	Version No.	Resolution No.	Date
Council Meeting Public Forum Policy	1	159/1415	20 November 2014
Public Forum Policy	2	49/1920	15 August 2019
Public Forum Policy	3	233/2021	18 February 2021