

## Public Forums

### Procedure for Registration and Rules for Participation

#### 4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

Public forums for ordinary council meetings will be held prior to the council meeting, on the same day from 4:45pm to 5:15pm.

- 4.2 Public forums may be held by audio-visual link at times when the Council Meeting is being held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **10:00 am** on the date on which the public forum is to be held and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may only apply to speak to an officer's report which is listed in the agenda as Item 10 on the business paper for the meeting for which the public forum is held. There is no public forum on any other items listed on the agenda.
- 4.6 People can apply to speak at a public forum on a maximum of three (3) items listed for consideration at the meeting.
- 4.7 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.
- 4.8 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.
- 4.9 Nominated candidates for election to Federal, State or Local Government are prohibited from addressing the council in a public forum. Serving Shellharbour City Councillors are also prohibited from addressing the council under this clause.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs before **10:00 am on the day** of the public forum. The chief executive officer or their delegate may refuse to allow such material to be presented.

- 4.11 The chief executive officer or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed four (4) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the 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.
- 4.14 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.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **two** (2) minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The chief executive officer or their nominee may, with the concurrence of the chairperson, address the council for up to **three** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 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.
- 4.19 In the circumstances set out in clause 4.18 the item of business is to be deferred to the next practicable meeting which will preferably be the next scheduled meeting with authority to determine the matter.
- 4.20 If, at the subsequent meeting, under clause 4.18 a further address is made, the council may, notwithstanding the provisions of this clause, proceed to determine the matter before it without further adjournment.
- 4.21 When addressing the council, speakers at public forums must comply with this Code 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.
- 4.22 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.21, 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.
- 4.23 Clause 4.22 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 this Code.

- 4.24 If the chairperson of a council meeting considers that a member of the public has made inappropriate comments when addressing a council meeting the chairperson may request the person to withdraw the inappropriate comments and unreservedly apologise for them. If the member of the public fails to withdraw the inappropriate comments and/or to unreservedly apologise for them the chairperson may immediately require the person to stop speaking and despite any other provision of this Code may prohibit that person from addressing the current and any future council meeting until such time as the inappropriate comments are withdrawn and an unreserved apology is made for them in writing to the council.
- 4.25 A councillor may, without notice, move to dissent from the ruling of the chairperson in relation to the period that a member of the public is prohibited from addressing any council meeting. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent. If a motion of dissent under this clause is carried a further motion proposing a different period of prohibition must be moved and seconded.
- 4.26 A councillor is unable to move dissent from a ruling if the chairperson has required a person making inappropriate comments to withdraw them and to unreservedly apologise for them prior to addressing the current or any future meeting.
- 4.27 Where a speaker engages in conduct of the type referred to in clause 4.21, 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.
- 4.28 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. The 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.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of council and committee meetings.**