



PUBLIC PARTICIPATION IN MEETINGS WITH COUNCIL POLICY

Policy Number	C65	Directorate	Corporate and Community Services
Council Meeting Agenda Item No.		Department	Innovation & Council Business
Council Meeting Adoption Date	May 2017	Primary Author	Corporate and Council Planning Coordinator
Revision Date	May 2021	Secondary Author	Council Business Officer

POLICY OBJECTIVE

This policy aims to provide a welcoming, respectful and safe environment for members of the community to present directly to Councillors on views and issues that are important to them.

It sets out guidelines for the Mayor, Councillors and community members on public participation in meetings.

It reinforces the value of diversity in thinking, while being respectful of differing views and the rights and reputation of others.

SCOPE

This Policy supports Local Law No.3, 2010 (Local Law), to facilitate public participation in meetings with Council and to regulate and control the procedures governing the conduct of meetings.

This Policy covers the following specific forums, along with any other general Council forums where public participation opportunities may in future be provided:

- Ordinary Meetings of Council (Public Question Time)
- Special / Emergency Meetings of Council
- Section 223 Hearings
- Strategic Briefing Sessions (Assembly of Councillors)
- Public Presentation Sessions (Assembly of Councillors)
- Other relevant Assemblies of Councillors

POLICY

The Public Participation in Meetings with Council Policy:

1. Sets the context for public participation to support informed decision making by Council;
2. Explains the behaviour expected and required of participants attending Council meetings where public participation is involved;
3. Clarifies inappropriate behaviour and outlines actions that may be taken in response; and
4. Explains the documents, props and devices that may/may not be brought into a meeting.



The Policy supports good governance practices and Council's Local Law, particularly clause 100, Engagement of Public and clause 101, Meetings:

*“Council may adopt policies, guidelines and procedures relating to public participation to ensure the smooth and efficient conduct of Council meetings and meetings of Special Committees in accordance with this Local Law.”
(clause 100)*

“Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chair whenever called upon to do so.” (clause 101)

The Local Law also outlines the penalty points (fines) that can be applied to people who breach the Local Law, including people who are called to order and fail to comply with the Chair's direction.

1. The context within which public participation is encouraged to support informed decision making by Council

1.1 South Gippsland Shire Council is responsible for implementing many diverse programs, policies and regulations set by State and Federal Government, as well as responding to local community needs and managing finances and other resources in the best interest of the Shire and its community. Community involvement is an important aspect in assisting Council to meet these responsibilities.

1.2 Council provides members of the public with many avenues through which to engage with Council. These include, but are not limited to, the following:

- Face to face contact through the Customer Service Centre;
- Phone calls through the Customer Call Centre and After Hours Service;
- Email to Council's corporate email address;
- Letters;
- Council's website;
- Social media;
- Individual meetings arranged with the Mayor, Councillors, CEO or Officers;
- Involvement in various network groups, Section 86 or Advisory Committees;
- Involvement in surveys, forums and workshops;
- CEO and Mayoral invitations to address Council;
- Public Presentation Sessions; and
- Public Question Time at Ordinary Council Meetings.



1.3 Council decisions are made in formally constituted Council Ordinary and Special Meetings and at Special Committees of Council. Public presentations and question times are provided for Councillors to hear community views. Decisions are not made at these sessions and they are not a forum for debate.

1.4 Council's meeting forums are designed to promote accountable and transparent decision making.

1.5 Public Presentation Sessions provide Council with the opportunity to hear directly from members of the community, ensuring that Councillors hear a range of views on key issues. Participation in these sessions is by appointment which can be requested by submitting an Expression of Interest. (Refer to Attachment 1)

1.6 Council is committed to considering and respecting human rights in its decision making, in accordance with its Human Rights Policy and the Human Rights Charter. All participants in a meeting have the right to freedom of expression under the Charter of Human Rights and Responsibilities Act, 2006. However speakers' rights are limited in order to *"respect the rights and reputation of other people, or for the protection of public safety and order"* (section 15 of the Charter).

The Local Law No 3, 2010 under clause 106 further elaborates on clause 101 stating that the Chair: *"must not accept any motion, question or statement which appears to the Chair to be derogatory or defamatory to any Councillors, member of staff, ratepayer or member of the public or any organisation (including Council); and must call to order any person who is disruptive or unruly during any meeting."*

1.7 Many matters of community interest raised with Council are outside its powers to resolve, however Council may still be able to advocate on behalf of the community. Members of the public are encouraged to understand and respect these limitations and seek appropriate actions from Council.

1.8 The community is welcome to observe Council's Ordinary and Special Council Meetings unless the meeting, or sections of it, have been closed to the public. Council may, from time to time, invite members of the public to attend and present to Council in a closed Assembly of Councillors.

1.9 Council will provide fair and equitable opportunities to public presenters where there are opposing or differing views on matters.

1.10 The Chief Executive Officer (CEO) has the discretion to arrange the order of speakers at meetings. The Mayor and CEO will consider the Expressions of Interest lodged by people interested in speaking and determine approval or not and an appropriate session for them to present to Council.

- a. The Mayor and CEO will consider the Expressions of Interest against the criteria in 2.2(f).
- b. The Council Business Team will advise submitters of the Mayor and CEO's decision. Where approval to present has been granted, arrangements will be made with the presenter regarding the time and date for their presentation.



Attachment 5.8 For topical matters, generally people opposing a matter will be asked to present first, followed by people speaking in support. The CEO can vary this on a case by case basis to ensure Council is provided with the best opportunity to be informed on matters of interest.

2. Requirements applicable to meetings with Council where public participation is involved.

2.1 All present at a Council meeting are required to behave in accordance with Council's Local Law No. 3, 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal). Penalty points (fines) may be applied to people who breach the Local Law by behaving inappropriately at Council meetings.

Council is committed to talking with and listening to our community. It encourages community members to use the full range of avenues available to them to communicate with Council and to use the most appropriate avenue. In general the following are to be used:

- a. An issue that concerns how Council operates or provides services to be guided through Customer Service via letter, phone, email or face to face, and/or customers advised where relevant information is available on Council's website;
- b. Informal interactions and information sharing on current newsworthy items to be guided through social media;
- c. Involvement in providing feedback on strategic plans and policy directions to be guided through community engagement activities including, but not limited to workshops, surveys, network groups.
- d. Communities of interest represented by special interest groups are to be encouraged to participate in relevant networks that Council regularly interacts with;
- e. Invitations to informally address Council at a closed Assembly of Councillors may be used at the discretion of the CEO and Mayor on matters:
 - Of a sensitive and/or commercial-in-confidence nature;
 - At an embryonic or early development stage requiring initial Council insight;
 - Of an innovative and futuristic nature that may lead to transformational changes of benefit to the community; or
 - That may not be adequately addressed through other avenues for public participation.
- f. Public Participation Sessions on the third Wednesday of the month are for community members or groups to present to Council on matters that:
 - Align with Council's strategic directions as outlined in the Council Plan or adopted strategies/plans;
 - Meet an identified need and community benefit;
 - Contribute to the community; or
 - Are listed on the current month's Ordinary Council Meeting Agenda.



Attachment 5.8.1 This is not a time for debate or decision making, Agenda for May 2017
Councillors to listen to the community and seek answers to questions to assist their understanding of the matter being presented.

- g. Public Participation Sessions on Ordinary Council Meeting Days (normally fourth Wednesday of the Month) are for community members or groups to present to Council on a specific Agenda item listed on the Ordinary Council Meeting Agenda for that day. This is not a time for debate or decision making, but a time for Councillors to listen to the community and seek answers to questions that may assist their understanding of the matter being presented.
- h. Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

2.3 Council provides opportunities for community members to make presentations in a manner that:

- a. Effectively encourages community participation;
- b. Is guided by Council's focus on good governance, transparency and accountability in the 2017-2021 Council Plan;
- c. Provides fair and equitable access to as many Councillors as possible at one time on matters of community interest;
- d. Is mindful of Council's occupational health and safety responsibilities;
- e. Meets Council's legislated obligations; and
- f. Is in line with Council's various policy statements.

2.4 People seeking to arrange a time to present to Council at a Public Presentation Session or by CEO/Mayoral invitation are to do so by submitting an Expression of Interest using the on-line form available on Council's website.

This should be completed as per the example template in Attachment 1 and addressing the criteria in item 2.2 (e) and (f) above. Indicate if the matter has a particular deadline and what is being sought of Council (request / question). Refer Attachment 3. The following arrangements will apply:

- a. Expressions of Interest for the Public Presentations Sessions on the third Wednesday of the month, must be submitted and received by the Council Business Team by close of business on the second Friday of the month (3 business days prior to the session);
- b. Expressions of Interest for the Public Presentations Sessions on Ordinary Council Meeting days, being the fourth Wednesday of the month, must be submitted and received by the Council Business Team by close of business on the third Friday of the month (3 business days prior to the session);



Attachment 5.8. It may not be possible for all Expressions of Interest to be granted a presentation time, as there are a limited number of slots ;

- d. Council will contact individuals and/or groups selected to present to Council and advise if this is to be at a Public Presentation Session or at a closed Assembly at the invitation of the CEO/Mayor.
 - e. If an Individual or Group is selected to present at a Public Presentation Session on the third Wednesday of the month, the presenter will have 10 minutes to make their presentation and it is up to the presenter if they want to allocate part of their time to receive questions from Councillors.
 - f. If an Individual or Group is selected to present at a Public Presentation Session on the Council Meeting Day (fourth Wednesday of the month) on a listed Agenda item, the presenter will have 10 minutes to make their presentation and it is up to the presenter if they want to allocate part of their time to receive questions from Councillors.
 - g. Where practical, individuals and/or groups speaking to the same matter at a Public Presentation Session will be aligned to follow each other. It may be necessary for several individuals and groups to be co-joined into one presentation slot if there are too many people seeking to speak to the same matter and sharing common views. This provides fair and equitable access for more community members to present on a range of matters to Council.
 - h. When an individual and/or Group has already presented on a specific topic, they may not be selected to present again on that, or a similar related topic, for a further three months. This also provides for fair and equitable access to a broader number of community members seeking to speak on the issues of interest to them.
 - i. Photo opportunities with Councillors and presenters following a presentation will be allowed at the discretion of the Mayor if time is available. If allowed, those Councillors wishing to be involved will have two minutes for the photos to be taken in the Chamber before resuming their seats and moving on to the next presenter.
 - j. As the nature of Public Presentation Sessions is for the community to present items of interest to Council, there will normally be no correspondence provided to presenters following the presentation, as the Mayor will acknowledge presenters on the day.
- 2.5 All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting (3 business days before the meeting, normally the third Friday of the month) to allow time for a response to be prepared, where possible, for the Council Meeting.
 - 2.6 The CEO will read out the questions during Public Question Time and either provide a response at the meeting or take the question(s) on notice.
 - 2.7 Points of clarification sought on decisions reached in a Council Meeting can be asked of the Mayor following the close of the Meeting.
 - 2.8 The following requirements apply to all questions submitted for consideration by Council at an Ordinary Council Meeting:



- b. The questions must be numbered and clearly defined as specific questions, separated from any supporting views, opinions or other text;
- c. The Council Meeting date and agenda item number are to be quoted in the question heading for all questions relating to an agenda item;
- d. Where a Community member has submitted a question, but is not in attendance at the Public Question Time, the question and response will not be read out, however they will be included in the Minutes of the Council Meeting;
- e. Individuals and/or groups repeatedly submitting more than two sets of questions on the same or similar topic, will be referred to the information previously provided. This may include previous letters, Council Minutes available on the website or other relevant locations;
- f. Various people seeking answers to similar questions on a topic may receive a single response to all recipients.
- g. A letter of response to 'questions taken on notice', will be sent to the individual and a summary of the question and response included in the next appropriate Agenda or Minute.
- h. Questions answered at the meeting will not be included in a letter, but will be included in summary with the response in the next appropriate Council Agenda and Minutes.
- i. Questions that are considered by the Mayor and CEO to be defamatory and/or objectionable in nature or intent, will not be read out or included in the Minutes.

2.9 Requirements of all participants in all Council meetings include, but are not limited to:

- a. Being quiet during proceedings;
- b. Ensuring that mobile phones and other devices are set to silent.
- c. Respecting and abiding by the protocols of the meeting;
- d. Providing an accurate summary of the matters to be presented and of what is sought from Council when submitting an Expression of Interest. Presenters are required to keep the presentation to only those matters. Additional time can be booked at future sessions if more topics are to be raised than can be managed in the allocated time;
- e. Public Presentation Sessions are held on the fourth Wednesday (normally from 10am on the morning of Ordinary Council Meetings) and presentations will be received on matters concerning the Council Meeting Agenda only.
- f. The Public Presentations Sessions held on the third Wednesday of the month from 2pm (and evening by exception) are open to hear matters



Attachment 5.8.1 that meet criteria listed in the Expression of Interest form and/or matters listed on the current Ordinary Council Meeting Agenda.

- g. Keeping the presentation/questions within the allocated time;
 - i) Public Presentation Days (third Wednesday of the month) provide 10 minutes for the presenter and it is up to the presenter if they want to allocate part of their time to receive questions from Councillors;
 - ii) Public Presentation Sessions on Council Meeting Days (fourth Wednesday of the month) provide 10 minutes for the presenter to present and it is up to the presenter if they want to allocate part of their time to receive questions from Councillors;
 - iii) Council Ordinary Meeting Public Question Time provides time for Council to hear questions that were submitted by close of business on the Friday preceding the meeting. The CEO will read out the questions and respond to them at the meeting, or take them on notice and provide a written response by the next appropriate Council Meeting;
 - iv) Section 223 Hearing Sessions will have time specified on a case by case arrangement, however as a guide the time allocation will be a maximum of 10 minutes to present. This time may be reduced depending on the number of submitters wishing to be heard and the complexity of the views being put forward.
- h. Being respectful of the decision of the Chair to amend or make changes to the proceedings of a meeting;
- i. Not entering into debate with the Council during the presentation;
- j. Being respectful and extending due courtesy when addressing Council by directing all comments through the Chair and taking direction from the Chair as advised;
- k. Being respectful of the decision made by Council; and
- l. Being respectful towards others present and respecting their right to their own views.

3 Inappropriate behaviour and action that may be taken in response

- 3.1 Council encourages constructive and open dialogue, with relevant supporting material, to assist in understanding issues important to members of the community. The following paragraphs are designed to ensure a safe, respectful environment is maintained and peaceful, orderly conduct is upheld.
- 3.2 The following points are provided to assist participants' understanding of inappropriate behaviours and actions. Other inappropriate behaviours and actions not specifically listed may also be subject to the restrictions particularly if there are repeated incidents by the same person(s). Participants in meetings with Council must not:



- b. Harass others attending the meeting including Councillors, staff, media and members of the gallery;
- c. Bring in any placards, posters, props or materials other than personal effects unless prior permission has been sought from the Mayor/ Chairperson or CEO through the Council Business team prior to the meeting;
- d. Bring in any props or material that could be deemed harmful, offensive or create an unsafe environment;
- e. Use physical violence or direct verbal abuse at anyone or anything;
- f. Act in a way that poses a threat to the safety of others; and/or
- g. Make an accusation or allegation of any type about a Councillor or member of staff, ratepayer or member of the public.

3.3 The CEO and/or Mayor retains the right to stop a presentation or refuse entry to anyone prior to, or during, a meeting whose behaviour or supporting material is likely to create an unsafe environment, cause offence to others, or disrupt the orderly conduct of the meeting.

3.4 The CEO and/or Mayor retains the right to not hear questions, or respond to questions, deemed irrelevant, vexatious, defamatory, vague or purporting to be a question but is not.

3.5 Restrictions may be placed on individuals or groups by the CEO who repeatedly (i.e. more than twice) seek to present to Council on the same or similar matter, particularly if the matter is outside Council's power to act, or the matter has already been determined by Council.

3.6 Restrictions may be placed on individuals or groups who purport to be addressing a particular matter in their Expression of Interest, but speak to a different matter or additional matters at the session. The session may be cancelled immediately and future Expressions of Interest may be refused for a period of three months.

3.7 The Local Law No 3 provides for penalties (fines) to be applied to any person who has been called to order and fails to comply with the Chair's reasonable direction.

3.8 The CEO or Council may place longer term restrictions on people whose behaviour in a meeting has been inappropriate, caused offence to others or has created an unsafe environment.

4 **The documents, props and devices that may be brought into a meeting**

4.1 Documents or information that may be used in supporting a presentation or question to Council should meet the following criteria:

- a. Documentation provided must be legible and preferably typed;



Attachment 5.8.1 Permission is to be sought from the Mayor/Chair or CEO to reproduce (i.e. photography, audio or film) the meeting proceedings;

- c. Permission is to be sought in the Expression of Interest for any supporting information to be used in the meeting or if any props, placards, fliers, audio, video or other supporting materials are intended to be used to support a presentation. Anything deemed unsafe or inappropriate by the CEO will not be allowed;
- d. Documents to be distributed to Councillors and/or PowerPoint presentations are to be provided with the Expression of Interest. Powerpoint presentations will be pre-loaded to help presenters make the best use of their time.
- e. Summary details in the Expression of Interest on 'what is sought from Council' need to relate to actions that are within Council's powers and authority (refer 1.7);
- f. Documentation provided must be respectful of others and not be defamatory or objectionable in language, nature or intent;
- g. Sufficient information is to be provided on the Expression of Interest to ensure the subject is clear. Vague or unclear information may result in a request being denied, or delayed until such time as clarity has been provided.

RISK ASSESSMENT

If meetings are not able to be managed in an orderly, structured and timely manner there is a risk that the opportunity for diverse views to be shared and considered by Council may be unduly limited. Failure to provide clear direction to community members on the most appropriate approaches by which to interact with Council can lead to unrealistic expectations and frustration.

Using the most appropriate avenue to communicate community interests to Council ensures Council can keep its focus on setting strategic direction and making informed decisions, while the organisation focuses on implementing these directions.

The most efficient and effective use of Council resources is achieved by guiding community members to use the appropriate avenue to align with this separation of responsibilities. Failure to separate these responsibilities may result in roles and responsibilities becoming unclear, potentially leading to breaches of the Act.

IMPLEMENTATION

This Policy will predominantly be implemented by the Mayor, CEO and the Council Business Team in the coordination and management of meetings involving Councillors, staff and members of the public.

This Policy supports and supplements areas not covered in detail within Council's Local Law No.3, 2010. Where incidents occur that are not specifically described in this Policy, the intent of this Policy and the Local Law will apply.

A copy of this Policy will be published on Council's website, along with the forms for 'Expressions of Interest to Present to Council' and 'Registering A Question'.



- Local Government Act, 1989
- Local Law No. 3, 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal)
- Guidelines for Making & Handling Protected Disclosures & Protected Disclosures Welfare Management Policy
- Charter of Human Rights and Responsibilities Act, 2006 (The Charter)
- Occupational Health and Safety Act, 2004
- Privacy and Data Protection Act, 2014
- Councillor Code of Conduct, 2017
- Human Rights Policy
- Other relevant Council Policies and guidelines associated with good governance.

REFERENCE MATERIALS

Joske's Law and Procedure at Meetings in Australia 10th Edition

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**DEFINITIONS**

Various terms used in this Policy are defined in Section 3 of the Local Government Act 1989.

Public	Means community members, representatives of community groups, consultants acting on behalf of Council or community members and media representatives.
Ordinary Meeting	Has the same meaning as defined in Section 83 of the Local Government Act, 1989: “ordinary meetings at which general business of the Council may be transacted”;
Special Meeting	Has the same meaning as defined in Section 83 of the Local Government Act, 1989: “special meetings at which the business specified in the notice calling the meeting may be transacted.”
Assembly of Council	Has the same meaning as defined in Section 3 of the Local Government Act 1989: “means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be — (a) the subject of a decision of the Council; or (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee — but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.”
Chair	A person elected or given the responsibility to preside over the meeting, conduct proceedings in accordance with an Agenda, determine the sense of the meeting, preserve order, adjourn the meeting if necessary, control the voting process, control the time allocation of various aspects of the meeting, declare a meeting open or closed and sign the minutes. Refer Clause 5 in Local Law No.3 2010.
Participants in a meeting	Includes Councillors, Council Staff, members of the Media, public presenters and people observing in the gallery.



ATTACHMENT 1

EXPRESSION OF INTEREST TO PRESENT TO COUNCIL

First Name * _____

Last Name* _____

Address* _____

City* _____

State* _____ Postcode* _____

Contact Number* _____

Email* _____

Subject Matter* (Please enter the subject matter)

Council Agenda Date and Item Number (Include meeting date and agenda item number, if presentation relates to an agenda item)

Meeting Date _____ Agenda Item _____

Summary of Presentation* (Please enter a short summary of the presentation including what you are seeking from Council)

Detail and Background* (Please enter a summary of the detail and background to the presentation)

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Availability to Present* (Please indicate if you have a preference to present at an Afternoon or Evening Session on the Third week of the Month or for Agenda items only on the Morning of Ordinary Council Meeting days)

Afternoon (3rd week)

Evening (3rd week): Available 5-6pm or 6-7pm

Either Morning or Afternoon (3rd week)

Or
Morning – Agenda Item Only (4th week)

Attachment

(Title of attachment – file to be uploaded to Council Business)

Applicable Deadlines (Please indicate if there is a deadline that may increase the urgency for the matter to be considered by Council, eg the matter relates to a current Agenda item)

Criteria (The proposed presentation must meet the following criteria)

- a. Align with Council’s strategic directions as outlined in the Council Plan or adopted strategies/plans;
- b. Meet an identified need and community benefit; and
- c. Contributes to the community; or
- d. Relates to a matter listed on the released current month’s Council Meeting Agenda.

I have considered and addressed the criteria and accept that Councillors may not be able to meet with all individuals and groups requesting a hearing*

I accept

Submit Form



ATTACHMENT 2

REGISTER YOUR QUESTION

Note: only three questions (including part questions) are allowed. Any personal views, opinions or background must be separated from the question(s). Questions must be submitted in accordance with the Public Participation in Meetings with Council Policy.

First Name * _____

Last Name* _____

Address* _____

City* _____

State* _____ Postcode* _____

Contact Number* _____

Email* _____

Subject Matter* (Please enter the subject matter)

Council Agenda Date and Item Number (Include meeting date and agenda item number, if presentation relates to an agenda item)

Meeting Date _____ Agenda Item _____

Question 1* _____

Question 2 (if required) _____

Question 3 (if required) _____

Comment _____

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**ATTACHMENT 3****TIMELINES FOR REGISTERING EXPRESSIONS OF INTEREST AND QUESTIONS FOR ORDINARY COUNCIL MEETINGS.**

Type	Lodgement Date and Time	Comments
Expressions of Interest – for Public Presentation Session - third Wednesday of month 2pm and evening (by exception)	By 5pm second Friday of the month	Completed Expression of Interest forms to be provided in hard copy to Customer Service or emailed to: council@southgippsland.vic.gov.au
Expressions of Interest – for Public Presentation Session - fourth Wednesday of month – Current Council Agenda items only 10am	By 5pm third Friday of the month	Completed Expression of Interest forms to be provided in hard copy to Customer Service or emailed to council@southgippsland.vic.gov.au
Register Questions for the Council Meeting	By 5pm third Friday of the month	Completed Register of Questions forms to be provided in hard copy to Customer Service or emailed to council@southgippsland.vic.gov.au

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