

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. Any matters for discussion must pertain to the business placed before council at the meeting to be held the following day or on the same night (when the previous day is a public holiday). Any matters for discussion exclude business relating to minutes where a decision of Council is not required.
- 4.2 Public Forums in relation to ordinary meetings will occur the evening prior to the ordinary meeting, from 5 pm to 6.30 pm (or as close thereto as possible). Where the evening prior to the ordinary meeting is a public holiday, the public forum will be held prior to the council meeting commencing at 5 pm.
- 4.3 Public forums may be held by audio-visual link.
- 4.4 Public forums are to be chaired by the mayor or their nominee.
- 4.5 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 between 9.30am on the Friday preceding the meeting (or three (3) days before in the case of an extraordinary meeting) and 2 pm on the day prior to the day of the council meeting. When the evening prior to the ordinary meeting is a public holiday, public forum registration will close at 11 am on the day of the council meeting. Applicants must clearly identify the item of business on the agenda of the council meeting they wish to speak on, and whether they wish to speak 'for' or 'against' the recommendation.
- 4.6 A person may apply to speak on no more two (2) items of business on the agenda of the council 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 CEO or their delegate may refuse an application to speak at a public forum. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 4.9 No more than one time slot to speak 'for' and no more than one time slot to speak 'against' a recommendation for an item of business on the agenda is permitted. A maximum of 12 x 5 minute time slots will be granted for a public forum. A total period of up to 90 minutes is normally allocated for a public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any recommendation for an item of business, the CEO 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. If the speakers are not able to agree on whom to nominate to address the council, the CEO or their delegate is to determine who will address the council.
- 4.11 If more than the permitted number of speakers apply to speak 'for' or 'against' any recommendation, the CEO 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 fuller range of views on the relevant item of business.

- 4.12 Approved speakers at the public forum that have any written, visual or audio material to be presented in support of their address are to lodge such material and to identify any equipment needs by 2 pm on the day of the public forum. The CEO or their delegate may refuse to allow such material to be presented.

Note that when dealing with development applications, no new information is to be introduced during the public forum. Written material is not to be circulated at the meeting but will be circulated to all councillors if it is received by council before 2 pm on the day of the public forum, or when the public forum is to be part of the ordinary meeting, before 11 am on the day of the meeting.

- 4.13 The CEO or their delegate is to determine the order of speakers at the public forum.
- 4.14 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson. Note that in regard to the five (5) minute allocated time slot, it is permissible for the slot to be divided by two (2) parties if so mutually agreed.
- 4.15 Speakers at the public forum 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.
- 4.16 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at the public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.17 Speakers are under no obligation to answer a question put under clause 4.16. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.18 Speakers at the public forum cannot ask questions of the council, councillors or council staff.
- 4.19 The CEO or their nominee may, with the concurrence of the chairperson, address the council for up to one (1) minute in response to an address to the council at the public forum after the address and any subsequent questions and answers have been finalised.
- 4.20 Where an address made at the public forum raises matters that require further consideration by council staff, the CEO may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.21 When addressing the council, speakers at the public forum 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 a public forum in accordance with the provisions of Part 16 of this code.

4.24 Where a speaker engages in conduct of the type referred to in clause 4.21, the CEO or their delegate may refuse further applications from that person to speak at a public forum for such a period as the CEO or their delegate considers appropriate.

4.25 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 at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at a public forum 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.

4.26 Applications to speak at the Public Forum will not be accepted from current nominated candidates at federal, state or local government elections and serving councillors.

4.27 Addresses at a public forum will not be permitted on –

- (a) Procurement matters, such as formal tenders, quotations, expressions of interest, or calls for proposals.
- (b) Matters where legal action has been commenced involving Council or where Council is in receipt of, or has served: a Statement of Claim, a Summons or a Subpoena to attend Court or produce documents.
- (c) Staff related matters.