



Public Participation in Council Meetings Policy

*(Question Time, Presentations & Submissions,
Petitions & Joint Letters)*

(Adopted by Council 25 August 2020)

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1. PURPOSE

- 1.1 The purpose of this policy is to establish a policy for public participation in meetings of the Council.

2. SCOPE

- 2.1 This policy applies to Golden Plains Shire Council Councillors, to all Council staff, (whether permanent, temporary, casual, part-time or contract) and to all members of the community and the public.

3. POLICY STATEMENT

- 3.1 This policy is to be read in conjunction with:
- Council's Governance Rules; and
 - The *Local Government Act 2020* 'The Act'.

4. PROCEDURES

5. Public Question Time

- 5.1 At a Council Meeting, Public Question Time will be provided at the start of the meeting to enable members of the public to submit questions to Council.
- 5.2 Thirty minutes will be allocated for Public Question Time. Time may be extended longer than thirty minutes at the discretion of the Chairperson.
- 5.3 Questions to be asked at a meeting must be submitted and must be:
- 5.3.1 in writing and generally be in a form approved by the Chief Executive Officer;
 - 5.3.2 state the name and address of the person submitting the question;
 - 5.3.3 lodged by 10am on the day of the meeting; either :
 - (a) in person at the Council offices; or
 - (b) electronically, by using an online form provided on Council's website; or
 - (c) by sending the question to the email address prescribed by Council.
- 5.4 Questions lodged in accordance with clause 5.3, will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the

Chief Executive Officer, before the meeting.

- 5.5 The Chief Executive Officer will use all reasonable endeavours to have a question submitted in a language other than English translated into English before the meeting. A question that cannot be translated prior to the commencement of the meeting will be translated prior to the next meeting and the submitter will be notified accordingly.
- 5.6 No person may submit more than 2 questions at any meeting.
- 5.7 Each person asking a question will be allocated 3 minutes to speak to that question at the meeting.
- 5.8 The question and the name and suburb of the person who asked the question shall be read out and recorded in the minutes.
- 5.9 Council will respond to a question asked at a meeting if the person, or their proxy, who asked the question is present at the meeting. The question asked and the answer given will be recorded in the Minutes of the meeting.
- 5.10 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.
- 5.11 Where the person who has asked the question is not present at the meeting, the question(s) will not be recorded in the Minutes of the meeting, however, the Chief Executive Officer will cause a written response to be provided to the person asking the question within 7 days of the meeting.
- 5.12 A person who has submitted a question in accordance with clause 5.3, may appear via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 5.13 All questions must be as brief as possible and no discussion shall be allowed other than for the purposes of clarification.
- 5.14 A question may be disallowed by the Chief Executive Officer or Chairperson if it is considered to:
 - 5.14.1 Relate to a matter beyond the power or duties of Council;
 - 5.14.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 5.14.3 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 5.14.4 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 5.14.5 Be directed to an individual or specific Councillor rather than to Council as a whole;
 - 5.14.6 Be confidential in nature, as in accordance with Section 3 of the *Local Government Act 2020*;
 - 5.14.6.1 Relate to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

- 5.14.6.2 Relate to security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- 5.14.6.3 Relate to land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- 5.14.6.4 Relate to law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- 5.14.6.5 Relate to legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- 5.14.6.7 Relate to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- 5.14.6.8 Relate to private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
 - (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
 - (i) internal arbitration information, being information specified in section 145;
 - (j) Councillor Conduct Panel confidential information, being information specified in section 169;
 - (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
 - (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.
- 5.15 Where a question has been disallowed, the Chief Executive Officer will provide a written response to the submitter as soon as practicable stating the reasons why.
- 5.16 A copy of any question which has been disallowed by the Chairperson must be made available to any other Councillor upon request.
- 5.17 Similar questions may be grouped together and a single answer provided by the Council.
- 5.18 The Chairperson may nominate a Councillor, Chief Executive Officer or other officer

to briefly answer a question.

- 5.19 The nominated Councillor, Chief Executive Officer or other officer may:
- 5.19.1 Require a question to be put 'on notice' until the next Ordinary meeting of Council, at which time the question must be briefly answered by that person; or
 - 5.19.2 Elect to submit a written answer to the person asking the question within 5 days; or
 - 5.19.3 Advise Council that it is their opinion that the reply to a question should be given in a meeting closed to the public, they must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 5.20 Public Question Time is not a substitute for formal appeal and review systems, formal business procedures, formal Council decisions and any other legal processes required for the proper conduct of Council business.
- 5.21 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for question time in this policy are accessible to all members of the community.
- 5.21 The Mayor or Chief Executive Officer may suspend Question Time for any number of meetings, or otherwise implement alternate temporary procedures, where deemed absolutely necessary.

6. Public Presentations and Submissions

- 6.1 Where a person is given a right to make a written submission or objection under:
- 6.1.1 s.223 of the *Local Government Act 1989*; or
 - 6.1.2 the *Planning and Environment Act 1987*; or
 - 6.1.3 other legislation; or
 - 6.1.4 a Council policy -
- Council will provide a specific opportunity for the submitter, objector or applicant of a planning permit, to appear in person (or have a nominated representative appear in person) to make a presentation to Council, if they wish to do so.
- 6.2 Pursuant to clause 6.1 in regard to the *Planning and Environment Act 1987*, persons will only be able to make a presentation to Council at a Council Meeting on applications for planning permits that are before Council for determination at that meeting.
- 6.3 Pursuant to clause 6.1 time will be allocated at a Council Meeting prior to the meeting for determination.
- 6.4 Pursuant to clause 6.1, the person must register to speak at the meeting and the registration must:
- 6.4.1 state the name and address of the person and the matter they wish to

present to;

- 6.4.2 be lodged by 10am on the day of the meeting; either by
- (a) phoning Council offices; or
 - (b) electronically, by using an online form provided on Council's website; or
 - (c) by sending the details to the email address prescribed by Council.
- 6.5 Where clause 6.1 does not apply, Council will receive written submissions on all other matters listed on the agenda and clause 6.7 applies. Time will not be allocated for the submitter, or a nominated representative, to appear in person to make a presentation to Council.
- 6.6 The presenter will be allocated a maximum of 5 minutes to present to the Council, unless granted an extension by the Chairperson.
- 6.7 The written submission will be provided electronically to the Councillors by the Chief Executive Officer, or by a person authorised by the Chief Executive Officer, before the meeting.
- 6.8 The content of a presentation should not be simply a verbatim repetition of the written submission, but should instead seek to provide further supporting information and comment in a manner that expands upon issues raised in the submission or enables this to be conveyed in a more personalised manner.
- 6.9 Where a submitter is to be represented by a nominated person, then the following shall apply:
- 6.9.1 The representative assumes the opportunity to speak on behalf of, and in place of, the submitter.
 - 6.9.2 The representative must speak to the specific issues raised in the submission of the submitter who they represent and may read-out a written statement prepared by the submitter.
 - 6.9.3 Unless a lawyer appointed by the submitter or person empowered under a Power of Attorney, despite clause 6.13, the representative cannot answer questions from the Council, or give or express opinions on behalf of the submitter.
- 6.10 A PowerPoint presentation or other form of digital media presentation is permitted, if previously arranged with an officer, where arrangements are agreed at least 24 hours in advance of the meeting.
- 6.11 Supporting documentation may be tabled at the meeting.
- 6.12 A presenter's comments will not be recorded in the minutes of the meeting.
- 6.13 Councillors may ask questions of the presenter at the end of each presentation. Two minutes will be allocated for Councillors to ask questions of the presenter, unless granted an extension by the Chairperson. The presenter's responses to questions are to be brief and to the point.
- 6.14 Questions by Councillors and corresponding responses will not be recorded in the minutes of the meeting.
- 6.15 No presenter has a right of reply unless the Chairperson asks questions or

expressly invites further comment. Such answers or comments are to be brief and to the point.

- 6.16 Council reserves the right to deal with presentations as it sees fit. This may be at any time during the meeting, at the discretion of the Chairperson.
- 6.17 A presenter may 'appear' via teleconference or other digital media, where logistically possible and if previously arranged and agreed with an officer, at least 48 hours in advance of the meeting.
- 6.18 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for public presentations in this policy are accessible to all members of the community.
- 6.19 The Mayor or Chief Executive Officer may suspend Public Presentations and Submissions for any number of meetings, or otherwise implement alternate temporary procedures, where deemed absolutely necessary.

7. Petitions and Joint Letters

- 7.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 7.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
 - 7.2.1 The petition or joint letter contains at least five signatures;
 - 7.2.2 Each page of the petition or joint letter bears the whole of the wording of the petition or joint letter; and
 - 7.2.3 In addition to the signature(s) of the petitioners the name(s) and physical address(es) of all persons who signed the petition are detailed in the petition, letter or document.
- 7.3 If Council receives a petition or joint letter which does not comply with clause 7.2 and the origin of the petition or joint letter is not disclosed, then the Chief Executive Officer shall examine the petition or joint letter and determine whether or not it is appropriate to present the petition to Council as soon as practicable.
- 7.4 Pursuant to clause 7.3, the Council may, by resolution, resolve to receive the petition or joint letter which does not comply with clause and clause 7.2.
- 7.5 Online or electronic petitions may be admitted by resolution of Council, where these are addressed direct to Council.
- 7.6 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the petition or joint letter is to be considered by Council as part of its deliberations on such item.
- 7.7 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter

until the next Meeting of Council.

- 7.8 The Chairperson may disallow any petition or joint letter which is considered to:
- 7.8.1 Relate to a matter beyond the power or duties of Council;
 - 7.8.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 7.8.3 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 7.8.4 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 7.8.5 Be directed to an individual or specific Councillor rather than to Council as a whole;
 - 7.8.6 Relate to a matter which has already been acted on;
 - 7.8.7 Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process;
 - 7.8.8 Be confidential in nature, as in accordance with Section 3 of the *Local Government Act 2020*;
 - 7.8.8.1 Relate to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
 - 7.8.8.2 Relate to security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
 - 7.8.8.3 Relate to land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
 - 7.8.8.4 Relate to law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
 - 7.8.8.5 Relate to legal privileged information, being information to which legal professional privilege or client legal privilege applies;
 - 7.8.8.7 Relate to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
 - 7.8.8.8 Relate to private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

- (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- (i) internal arbitration information, being information specified in section 145;
- (j) Councillor Conduct Panel confidential information, being information specified in section 169;
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

- 7.9 The Chief Executive Officer shall not be obliged to present a petition or joint letter that is derogatory or defamatory.
- 7.10 In the case of a petition or joint letter lodged on behalf of a large number of people, Council shall notify in writing the first person who signed the petition, letter or document of Council's decision and the reasons for its decision.
- 7.11 An officer report pertaining to any petition or joint letter may be required at the next Meeting of Council (if the petition or joint letter has not been dealt with in accordance with the provisions of clauses 7.6 and 7.7).
- 7.12 The Chief Executive Officer will take reasonable steps to ensure that the processes and procedures provided for petitions and joint letters in this policy are accessible to all members of the community.

8. RESPONSIBILITIES

8.1 Compliance, monitoring and review

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current.)

8.2 Reporting

The policy owner is responsible for reporting, where required by the policy.

8.3 Records Management

Council must maintain all records relevant to administering this policy in accordance with the *Public Records Act 1973*.

9. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

- 9.1 The definitions of words and phrases are as defined in Council's Governance Rules, unless inconsistent with the context.

10. RELATED LEGISLATION AND DOCUMENTS**10.1 Legislation**

Local Government Act 2020

10.2 Strategic Documents, Policies or Procedures

Governance Rules

11. HUMAN RIGHTS STATEMENT OF COMPATABILITY

- 11.1 It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

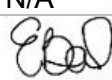
12. POLICY OWNER

- 12.1 The Coordinator Governance & Risk is the policy owner.
- 12.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

13. FEEDBACK

- 13.1 You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au

14. DOCUMENT INFORMATION

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	Draft
DOCUMENT OWNER POSITION:	Coordinator Governance & Risk
APPROVED BY:	Council
DATE ADOPTED:	25 August 2020
VERSION NUMBER:	7
REVIEW DATE:	25 August 2024
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	INT20/48441F96

NOTES:

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:
<https://www.goldenplains.vic.gov.au/identifiers/my-council/about-council/council-policies>