



GOLDEN PLAINS SHIRE

4.4 Public Participation in Council Meetings (DRAFT) **(Question Time, Presentations & Submissions, Petitions & Joint Letters)**

<i>Policy Title:</i>	<i>Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters)</i>
<i>Date Adopted:</i>	<i>30/6/94</i>
<i>Date Revised:</i>	<i>24/9/98; 19/12/02; 25/9/08; 24/9/13</i>
<i>Minute Book Reference:</i>	<i>Special Minutes 30/6/94 Item 5, page 28 (refer page 2 of Appendix) Council Minutes 24/9/98 Item 4.6.1 page 48 (refer Audit & Finance Committee minutes 16/9/98, item 5.4, pages 12, 39-40 & 74) 19/12/02 Item 4.2.1, page 8 25/9/08 Item 4.10.1(e), page 27 (refer Audit & Finance Committee minutes 11/9/08, item 4.6, page 14) 24/9/13 Item 4.10.5(b), page 34 (refer Governance Committee minutes 10/9/13, item 4.1.2, page 7-8) XX/XX/19 Item X.X</i>
<i>Next Revision Due:</i>	<i>May 2024</i>

PURPOSE

To establish a policy for public participation in meetings of the Council.

POLICY

This policy to be read in conjunction with:

- The Local Government Act 1989 'The Act';
- Local Law No. 1 of 2019, Council Meeting Procedures & Common Seal 'The Local Law'; and
- The definitions of words and phrases defined in The Local Law, unless inconsistent with the context.

1. Public Question Time

- 1.1 At an Ordinary 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.
- 1.2 At a Special Council Meeting, there will be no Public Question Time unless otherwise determined by the Chairperson.
- 1.3 Thirty minutes will be allocated for Public Question Time. Time may be extended longer than thirty minutes at the discretion of the Chairperson.
- 1.4 Questions to be asked at a meeting must be submitted and must be:
 - 1.4.1 in writing and generally be in a form approved by the Chief Executive Officer;
 - 1.4.2 state the name and address of the person submitting the question;
 - 1.4.3 lodged:
 - 1.4.3.1 by 10am on the day of the meeting; and
 - 1.4.3.2 in person at the Council offices; or
 - 1.4.3.3 electronically, by using an online form provided on Council's website, or by sending the question to the email address prescribed by Council.

- 1.5 Despite sub-clauses 1.4, a person can ask a question without prior notice at a meeting at the discretion of the Chairperson.
- 1.6 Questions lodged in accordance with sub-clauses 1.4, 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.
- 1.7 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.
- 1.8 No person may submit more than 2 questions at any meeting.
- 1.9 Each person asking a question will be allocated 3 minutes to speak to that question at the meeting.
- 1.10 The question and the name and suburb of the person who asked the question shall be read out and recorded in the minutes.
- 1.11 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.
- 1.12 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.
- 1.13 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.
- 1.14 A person who has submitted a question in accordance with sub-clauses 1.4, 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.
- 1.15 All questions must be as brief as possible and no discussion shall be allowed other than for the purposes of clarification.
- 1.16 A question may be disallowed by the Chief Executive Officer or Chairperson if it is considered to:
 - 1.16.1 Relate to a matter beyond the power or duties of Council;
 - 1.16.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 1.16.3 Be confidential in nature or of legal significance;
 - 1.16.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 1.16.5 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 1.16.6 Be directed to an individual or specific Councillor rather than to Council as a whole;
 - 1.16.7 Relate to personnel matters;
 - 1.16.8 Relate to the personal hardship of any resident or ratepayer;
 - 1.16.9 Relate to proposed developments or legal advice;
 - 1.16.10 Relate to matters affecting the security of Council property; or
 - 1.16.11 Relate to any other matter which Council considers would prejudice the Council or any person.

- 1.17 A copy of any question which has been precluded by the Chairperson must be made available to any other Councillor upon request.
- 1.18 Similar questions may be grouped together and a single answer provided by the Council.
- 1.19 The Chairperson may nominate a Councillor, Chief Executive Officer or other officer to briefly answer a question.
- 1.20 The nominated Councillor, Chief Executive Officer or other officer may:
- 1.20.1 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
 - 1.20.2 Elect to submit a written answer to the person asking the question within 5 days; or
 - 1.20.3 Advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public, he or she 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.
- 1.21 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.
- 1.22 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.

2. Public Presentations and Submissions

- 2.1 Where a person is given a right to make a written submission or objection under:
- Section 223 of The Local Government Act 1989; or
 - The Planning and Environment Act 1987; or
 - other policy or legislation;
- Council will provide a specific opportunity for the submitter to appear in person (or have a nominated representative appear in person) to make a presentation to Council, if they wish to do so.
- 2.2 Pursuant to clause 2.1, time will be allocated at an Ordinary or Special Council Meeting fixed for a date and time prior to the meeting where the matter is included in the agenda for decision.
- 2.3 Where clause 2.1 does not apply, Council will receive written submissions on all other matters listed on the agenda and clause 2.5 applies. Time will not be allocated for the submitter, or a nominated representative, to appear in person to make a presentation to Council. Unless the Chairperson determines otherwise.
- 2.4 The presenter will be allocated a maximum of 5 minutes to present to the Council, unless granted an extension by the Chairperson.
- 2.5 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.
- 2.6 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.

- 2.7 Where a submitter is to be represented by a nominated person, then the following shall apply:
- 2.7.1 The representative assumes the opportunity to speak on behalf of, and in place of, the submitter.
 - 2.7.2 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.
 - 2.7.3 Despite clause 2.11, the representative cannot answer questions from the Council, or give or express opinions on behalf of the submitter.
- 2.8 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.
- 2.9 Supporting documentation may be tabled at the meeting.
- 2.10 A presenter's comments will not be recorded in the minutes of the meeting.
- 2.11 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 presenters responses to questions are to be brief and to the point.
- 2.12 Questions by Councillors and corresponding responses will not be recorded in the minutes of the meeting.
- 2.13 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.
- 2.14 Council reserves the right to deal with presentations as it sees fit. This may be at that point in time when the matter listed on the agenda is discussed, or at any other time during the meeting, at the discretion of the Chairperson.
- 2.15 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.
- 2.16 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.

3. Petitions and Joint Letters

- 3.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 3.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
- 3.2.1 The petition or joint letter contains at least five signatures;
 - 3.2.2 Each page of the petition or joint letter bears the whole of the wording of the petition or joint letter; and
 - 3.2.3 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.
- 3.3 The Council may, by resolution, resolve to receive a petition or joint letter which does not comply with clause and sub-clauses 3.2.
- 3.4 Online or electronic petitions may be admitted by resolution of Council, where these are addressed direct to Council.

- 3.5 If Council receives a petition or joint letter which does not comply with clause and sub-clauses 3.2 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
- 3.6 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.
- 3.7 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 Ordinary Meeting of Council.
- 3.8 The Chairperson may disallow any petition or joint letter which is considered to:
- 3.8.1 Relate to a matter beyond the power or duties of Council;
 - 3.8.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 3.8.3 Be confidential in nature or of legal significance;
 - 3.8.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 3.8.5 Be aimed or intended to embarrass the Mayor, a Councillor, Chief Executive Officer or other officer;
 - 3.8.6 Relate to personnel matters;
 - 3.8.7 Relate to the personal hardship of any resident or ratepayer;
 - 3.8.8 Relate to proposed developments or legal advice;
 - 3.8.9 Relate to matters affecting the security of Council property;
 - 3.8.10 Relate to a matter which has already been acted on;
 - 3.8.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
 - 3.8.12 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.
- 3.9 The Chief Executive Officer shall not be obliged to present a petition or joint letter that is derogatory or defamatory.
- 3.10 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.
- 3.11 An officer report pertaining to any petition or joint letter may be required at the next Ordinary Meeting of Council (if the petition or joint letter has not been dealt with in accordance with the provisions of clauses 3.6 and 3.7).
- 3.12 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.