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# Public Forum **Policy**

February 2022

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## Purpose

To set out the parameters for the hearing oral submissions, prior to each Ordinary Meeting of Council, Extraordinary Meeting of Council, or meeting of Committees of the Council, from members of the public on items of business to be considered at the meeting.

## Scope

1. This Policy covers any person who wishes to speak at a Public Forum held prior to an Ordinary Council Meeting, Extraordinary Council Meeting or meeting of Committees of the Council.

## General

2. Council may hold a Public Forum 30 minutes prior to each Ordinary Meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the Ordinary Council Meeting. Public forums may also be held prior to Extraordinary Council Meetings and meetings of Committees of the Council.
3. Only items on the relevant, current Agenda Paper can be discussed at the Public Forum.
4. Public Forums may be held by audio-visual link.
5. Public Forums will be recorded by means of an audio or audio-visual device and made publicly available on Council's website.
6. At the start of each Public Forum the Chairperson must inform the persons attending that:
  - (a) the Public Forum is being recorded and made publicly available on Council's website, and
  - (b) persons attending the Public Forum should refrain from making any defamatory statements.
7. Public Forums are to be chaired by the Mayor or their nominee, to be rotated on a 6-monthly basis.
8. To speak at a Public Forum, a person must first make an application to Council in the approved form, setting out the written submission. Applications to speak at the Public Forum must be received by 10 AM on the day of the Public Forum 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.
9. A person may apply to speak on no more than two items of business on the Agenda of the Council Meeting.

10. 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.
11. 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.
12. No more than eight speakers in total are to be permitted to speak at each Public Forum. Each speaker is limited to three minutes.
13. If more than eight speakers apply to speak at a Public Forum, the applications will be processed in order of receipt.
14. No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the Agenda for the Council Meeting.
15. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer 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 Chief Executive Officer or their delegate is to determine who will address the council at the Public Forum.
16. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer 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.
17. 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 by 10 AM on the day of the Public Forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
18. Speakers will address the Public Forum in the order of the Agenda for the Ordinary Council Meeting.
19. Each speaker will be allowed three minutes to address the Council. This time is to be strictly enforced by the Chairperson.
20. 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.

21. 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.
22. Speakers are under no obligation to answer a question put under Clause 21. Answers by the speaker, to each question, are to be limited to one minute.
23. Speakers at Public Forums cannot ask questions of the Council, Councillors or Council Staff.
24. 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.
25. 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.
26. When addressing the Council, speakers at Public Forums must comply with Council's [Code of Meeting Practice](#) 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.
27. If the Chairperson considers that a speaker at a Public Forum has engaged in conduct of the type referred to in Clause 26, 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.
28. Clause 27 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 the [Code of Meeting Practice](#).
29. Where a speaker engages in conduct of the type referred to in Clause 26, 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.
30. 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.

31. Serving Councillors, Members of Federal and State Parliament, as well as nominated candidates at Federal, State or Local Government elections are not permitted to speak at a Public Forum.

## Review

### Compliance, monitoring and review

32. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

### Records management

33. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Definitions

34. In this policy:

- Chairperson:**
- (a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the [Local Government Act 1993](#); and Clauses 6.1 and 6.2 of the Code of Meeting Practice; and
  - (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 20.11 of the Code of Meeting Practice.

- Chief Executive Officer (CEO):** is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the [Local Government Act 1993](#), or in the absence of that person, the Staff designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation.

<b>Code of Meeting Practice</b>	means Council's Code of Meeting Practice adopted by Council pursuant to the <a href="#">Local Government Act 1993</a> .
<b>Committee of the Council:</b>	means a Committee established by the Council in accordance with Clause 20.2 of the Code of Meeting Practice (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the Whole under Clause 12.1.
<b>Council Official:</b>	has the same meaning it has in Council's Code of Conduct.
<b>Day:</b>	means calendar day, unless otherwise stipulated by the Act, Regulations or this Code.

## Related resources

35. [Code of Meeting Practice](#)
36. [Code of Conduct](#)
37. [Local Government Act 1993 \(NSW\)](#)

## History of revisions

### Policy amendment history and version details

Amendment history	Details
<b>Original approval authority details</b>	Central Coast Council  22/02/2022 Resolution 27/22  <i>Public Forum provisions removed from Council's Code of Meeting Practice to create this stand-alone Public Forum Policy.</i>

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