

Item 6: Notices of Motion or Rescission

6.1 Code of Meeting Practice - Public Forum

NOTICE OF RESCISSION LISTED BY CR RUSSELL HOLDEN, CR ESME MARTENS, CR PERCY THOMPSON AND CR ALEX KARAVAS
TO 11 DECEMBER 2019 ORDINARY MEETING
GOV400067, A0100035

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 20 November 2019 in relation to:

The decision that Council not amend the Code of Meeting Practice to reinstate the opportunity for community members to address the Council during the Public Forum on matters that are not listed in the Business Paper.

Be and is hereby rescinded.

In the event that this Rescission Motion is carried, we propose to move the following motion:

That Council amend the current Code of Meeting Practice to include the following points and place said amendments to the Code of Meeting Practice on 28 day exhibition:

1. Council allow speakers to address the Council at "Open Day" prior to the commencement of each and every council meeting regardless of whether the speakers nominated item is on the agenda for the meeting or not.
2. The number of speakers is not restricted on any one item.
3. Council restrict speakers to a maximum of 5 minutes – unless an extension is voted on and carried by the Council.
4. Speakers be required to register to speak no later than 2 ½ hours prior to the scheduled commencement time of any Council meeting.
5. Speakers are required to clearly articulate the nature of their address at the time of booking to speak.
6. Staff may, if the items the community members wishes to speak on, assess if the item can be addressed by way of a works request or any other normal operation of Council to assist with both fast tracking the community member's item and prevent unnecessary time addressing simple operational matters during open day. Notwithstanding the community member's right to address the Council if they still so wish.

Background

An attachment has been provided that includes suggested changes to the Draft of Meeting Practice that would be placed on public exhibition should the rescission motion and the proposed subsequent motion be carried.

The original Notice of Motion report from the November 2019 Council meeting is also attached.

CR RUSSELL HOLDEN

CR ESME MARTENS

CR PERCY THOMPSON

CR ALEX KARAVAS

- Attachments:*
1. Draft Amendment to Part 4 of the Code of Meeting Practice - November 2019.
 2. Report Council Meeting 20 November 2019 - 6.2 Notice of Motion - Code of Meeting Practice - Public Forum.

Part 4:
Public Forums

*Good
Government*

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.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 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 by 3 pm on the day ~~before the date~~ on which the public forum is to be held, 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~~.
- 4.4 (a) 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 3 pm on the day ~~before the date~~ on which the public forum is to be held. The general manager or their delegate may refuse to allow such material to be presented.
- 4.5 Staff may assess if the item that the community member(s) wish(es) to speak on can be addressed by way of a works request or any normal operation of Council, to assist with both fast tracking the community members item and prevent unnecessary time addressing simple operational matters during the public forum. Notwithstanding this, the community member(s) retain the right to address the Council if they still so wish.
- ~~4.4 — A person may apply to speak on no more than two items of business on the agenda of the council meeting.~~
- 4.6.4.5 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.
- ~~4.7 — No more than two (2) speakers are to be permitted to speak for or against each item of business on the agenda for the council meeting.~~
- ~~4.8 — If more than the permitted number of speakers apply to speak for or against any item of business, the general manager 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 general manager or their delegate is to determine who will address the council at the public forum.~~
- ~~4.9 — If more than the permitted number of speakers apply to speak for or against any item of business, the general manager 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.~~
- 4.8.4.10 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.9.4.11 Each speaker will be allowed 5 minutes to address the council. ~~The Mayor may provide an additional 1 minute.~~ An extension can be voted on and carried by the Council. The times are to be strictly enforced by the chairperson.
- 4.10.4.12 Speakers at public forums must not digress from the item ~~on the agenda of the council meeting~~ they have applied to address

Public Forums

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.

- 4.11 ~~4.13~~ 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.
- 4.12 ~~4.14~~ Speakers are under no obligation to answer a question put under clause 4.13. Answers by the speaker, to each question are to be limited two minutes. The Mayor may provide an additional 1 minute.
- 4.13 ~~4.15~~ Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.14 ~~4.16~~ The general manager or their nominee may with the concurrence of the chairperson, address the council for up to two 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. The Mayor may provide an additional 1 minute if required.
- 4.15 ~~4.17~~ Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.16 ~~4.18~~ When addressing the council, speakers at public forums 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.
- 4.17 ~~4.19~~ If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.18, 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.
- 4.18 ~~4.20~~ Clause 4.19 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 this code.
- 4.19 ~~4.21~~ Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.20 ~~4.22~~ 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.

6.2 Code of Meeting Practice - Public Forum

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 NOVEMBER 2019 ORDINARY MEETING
GOV400067,

MOTION

That Council amend the Code of Meeting Practice to reinstate the opportunity for community members to address the Council during the Public Forum on matters that are not listed in the Business Paper.

Background

Community members used to be able to address Council at the Village Forums that were held quarterly throughout the region. When the Village Forums were discontinued, community members still had an opportunity to address Council during the Public Forum held prior to the Council meeting each month. I am continually being contacted by members of the community who are unhappy that they are now unable to make a presentation to Councillors during the Public Forum since the Code of Meeting Practice changed, as the Code no longer allows presentations during Public Forum on matters that are not listed in the business paper. It is important that the community still has an opportunity to approach the Council.

Officer's comments

In developing its Code of Meeting Practice, Council has followed the recommendations of the Office of Local Government's Model Code of Meeting Practice.

However, the section on Public Forums is not mandatory and can be amended by Council.

The current adopted Code requires addresses to the Public Forum to relate to a particular item in the Agenda. The intent of this is to ensure that Council are dealing with strategic and governance issues of the organisation rather than operational issues and also ensuring that the same issues are not repeatedly presented to Council.

If a Councillor is approached by members of the public on a particular issue, then a Notice of Motion can be developed by that Councillor so that the matter can be addressed as part of the agenda.

Members of the public can also discuss concerns regarding operational issues with Council staff. This may lead to the production of a report to a Council meeting which would then allow the matter to be discussed at the Public Forum.

Alternatively, Council can determine a recommended change to the Code of Meeting Practice which would then need to be exhibited as part of a public consultation process.