

POLICY:-	
Policy Title:	Presentations to Council Policy
File Reference:	F13/618-013
Date Policy was adopted by Council initially:	23 June 2005
Resolution Number:	162/05
Other Review Dates:	16 July 2009, 19 May 2011, 17 April 2014 and 17 October 2019
Resolution Number:	271/09, 184/11, 100/14 and 291/19
Current Policy adopted by Council:	20 July 2023
Resolution Number:	136/23
Next Policy Review Date:	2026

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Chief Executive Officer
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Chief Executive Officer
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVES

To provide members of the community the opportunity to publicly express their views to Council or inform Council on a matter by means of a presentation to Council.

POLICY STATEMENT

In accordance with Chapter 4 of the Local Government Act 1993 and the Code of Meeting Practice, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council by means of a presentation to a Council or Committee Meeting.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month in the Crookwell Council Chambers. Notices of Ordinary Meetings of Council and Extraordinary Meetings of Council are advertised on the Council website in the week prior to the meeting in accordance with Part 3 of the Code of Meeting Practice.

Agendas and Business Papers

Ordinary Council Meeting agendas and business papers, with confidential items excluded, are made available to the public for perusal on the Friday preceding the Council Meeting on Council website and at Council's Administration offices.

Other Access Available to the Public at Council Meetings

All meetings of Council and Committees are, as a general rule, open to the public except where the Council or Committee resolves into Confidential Session.

The Mayor and Chief Executive Officer may be approached by a member of the public to make a presentation to Council at the Ordinary Meeting of Council in accordance with Part 8, Item 7, of the Code of Meeting Practice. If the request to address Council is accepted a copy of the presentation must be provided to Council for vetting three (3) business days before the Council Meeting.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local government. Some matters, however, are obviously of a sensitive nature and must be dealt with in Closed Session.

Whilst Section 10 (1) of the Local Government Act 1993 requires that Council and Committee meetings be held open to the press and public, the Council or

Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10A of the Act.

Section 10A (2) of the Local Government Act 1993 and Part 14 of the Code of Meeting Practice both specify the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. Items considered to be of a confidential nature include the following:-

- (a) Personnel matters concerning particular individuals (other than councillors);
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudice the maintenance of law;
- (f) Matters affecting the security of the council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- (i) Alleged contraventions of any code of conduct requirements applicable under section 440.

Any reports, correspondence or documentation relating to such matters will be withheld from access by the press and public. The Chief Executive Officer reports to the open Council meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting.

Contacting Residents Involved

Every endeavor is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council meeting and make a presentation to Council.

Addressing Council

Council provides access to the public to address Council, but must maintain the rules and conventions set down in the Local Government Act 1993, the Local Government Regulations and the Code of Meeting Practice. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairman of the Meeting) has control of the meeting and of public presentations. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public presentations to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the the Local Government Act or Local Government Regulations. Accusations or allegations of wrong doing against members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the Chief Executive Officer, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application, any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall **not** be eligible for a public presentation.

GUIDELINES FOR PUBLIC PRESENTATIONS

1. APPLICATIONS

- a) **Content of Application** - Individuals wishing to make a presentation to Council will apply in writing, a minimum of 10 days prior to the date of the meeting where the presentation is proposed, outlining the name of the person(s) addressing Council, the reason for addressing Council, and a full copy of the topic/issue they will cover in their address.
- b) **Methods of Applying** - Applicants can apply by email or by letter, to the attention of the Chief Executive Officer or the Mayor.

2. APPROVAL

The Chief Executive Officer or a delegate must approve all applications for public presentations except under exceptional circumstances, as noted in clause 3 of this guideline. The Chief Executive Officer, in consultation with the Mayor, has absolute discretion as to whether the presentation will be accepted. Councillors are to be informed of all applications to make a presentation to Council, and the reason for any refusal to accept a presentation.

3. REFUSAL OF AN APPLICATION

The Chief Executive Officer or a delegate can refuse an application if it does not meet the requirements of this policy. The Chief Executive Officer will advise both the applicant and the Councillors as to the reasons for the refusal.

4. RESPONSE TO APPLICATION

The Executive Assistant will advise all applicants of the outcome of their request for a public presentation.

- a) If approved, the Executive Assistant will advise the applicant of the date, time, and location they are to attend the Committee or Council meeting.
- b) If refused, the Executive Assistant will advise both the applicant and the Councillors of the reasons for any refusal to accept a presentation.

5. URGENT ACCESS

- a) The Council or Committee may consider an application for an urgent public presentation without the approval of the Chief Executive Officer if they rule, by way of simple majority, that the

matter is of great urgency in accordance with Part 9.3 of the Code of Meeting Practice.

- b) The Council or Committee may authorise an urgent request for a public presentation for the current meeting or a subsequent meeting.

6. NUMBER OF SPEAKERS

- a) **Speakers per Issue** - The number of speakers at any one Council or Committee meeting is limited to one speaker for an issue and one speaker against an issue.
- b) **Speaking Once per Issue** - The Chief Executive Officer will not approve public access for the same person or their representative to address Council more than once on the same issue. An applicant may gain approval for a second public access address if it is deemed that the application/matter has changed significantly enough to warrant a further address.
- c) **Number of Speakers per Council Meeting** - A maximum of three speakers in total may address the monthly Council Meeting.
- d) **Number of Speakers per Committee Meeting** - A maximum of three speakers in total may address a Committee Meeting.
- e) **Priority Speakers** - Requests for public presentations relating to items listed on the Committee's agenda, have priority over topics not listed on the agenda and topics not included in the business paper.

7. TIME LIMITS

- a) **Regular Time Limit** - Each address is limited to five minutes. Council's Executive Assistant will signal at the end of the five minutes by gong or other device.
- b) **Extension of Time Limit** - After five minutes, the Council or Committee may give the speaker an additional three minutes. A simple majority is required to grant the extension. There can only be one extension per public presentation. Council's Executive Assistant will signal the end of the additional three minutes.
- c) **Additional Speakers** - The time limits apply to one speaker addressing Council. Speakers must advise Council before the meeting, if they intend to have more than one speaker address Council. The time limit of five minutes, with a possible three-minute extension, applies regardless of the number of speakers.

8. QUESTIONS

Councillors and Council Officers may ask questions of the speaker at the end of each address.

9. PRESENTATION - TERMS AND CONDITIONS

Council approves public presentation on the basis that:-

- a) The speaker's address is limited to five minutes (including all speakers);
- b) The speaker provides copies of any material they wish to distribute to Councillors and Officers before the meeting;
- c) All presentations to Council Meetings will be accompanied by a written, preferably typed, full copy of the presentation or electronic copy of the presentation able to be viewed on the Council projector and must be provided to the Chief Executive Officer, the Mayor or Chairman of the meeting prior to the commencement of the presentation;
- d) The speaker is prepared to answer questions from Councillors and Council Officers;
- e) The speaker agrees to comply with the general standards that apply in Council's Code of Conduct and Code of Meeting Practice and as such are applicable to any presentation made;
- f) The Council will keep a full copy of the presentation on record together with a copy of the official business papers of the Council meeting and will record a note of the presentation in the official minutes of Council;
- g) The speaker understands that the records of Council meetings are public documents and available to members of the community and the media;
- h) The speaker understands that anything said or published in their address, if defamatory, may result in legal proceedings against them;
- i) Council accepts no liability whatsoever in respect of the speaker's public presentation;
- j) The speaker's presentation to Council is not an opportunity to debate the issue, but is an opportunity to place their views before Council;
- k) The speaker retires to the public gallery at conclusion of their address and makes no further comment on the debate by Councillors.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2018;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Environmental Planning and Assessment (EPA) Act 1979;
- Independent Commission against Corruption Act 1988;
- Ombudsman Act 1974;
- Work Health and Safety Act 2011;
- Code of Conduct;
- Code of Conduct Procedures;
- Code of Meeting Practice;
- Code of Business Practice;
- Customer Service Charter;
- Disclosure of Interests at Meetings Procedure;
- Statement of Ethical Principles;
- Harassment Policy;
- Grievance Policy;
- Government Information (Public Access) Policy;
- Preparation of Meeting Agendas Policy;
- Privacy Policy;
- Privacy Management Plan;
- Interaction between Councillors and Staff Policy;
- Complaints Management Policy;
- Section 355 Committee Policy;
- Section 355 Committee Code of Meeting Practice;
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006.

VARIATION

Council reserves the right to vary or revoke this policy.