

BACKGROUND

This policy has been developed in order to complement public consultation and contribution to the decision making of Council to enhance the quality of Council's decisions. Public Access Forums are therefore encouraged and facilitated by this policy.

OBJECTIVE

The main objectives of this policy are to provide members of the community with the opportunity to address Councillors on matters falling within the jurisdiction and Charter of Council as outlined in the Local Government Act 1993, with the exception of development applications which are undetermined, or have been the subject of official consultation forums.

The Public Access Forum seeks to –

- improve communication between Council and its residents;
- assist Council in its decision making processes;
- provide an opportunity for members of the community to raise relevant issues with Council in a formal meeting environment; and
- assist in portraying Council as an open and accessible organisation.

POLICY STATEMENT

Requests to address Council and the conduct of public addresses are to be submitted to Council in accordance with the terms contained in the accompanying Statement of Procedures.

Public Access Forums are to be conducted with reference to Council's Codes of Conduct:

Code of Conduct – Staff

<http://www.wollongong.nsw.gov.au/council/governance/Policies/Code%20of%20Conduct%20-%20Staff.pdf>

Code of Conduct – Councillors

<http://www.wollongong.nsw.gov.au/council/governance/Policies/Code%20of%20Conduct%20-%20Councillors.pdf>

Code of Conduct – Delegates of Council and Members of Council Committees

<http://www.wollongong.nsw.gov.au/council/governance/Policies/Code%20of%20Conduct%20-%20Delegates%20of%20Council%20and%20Members%20of%20Council%20Committees.pdf>

STATEMENT OF PROCEDURES

Applications to address Council –

- Must be made in writing on the application form attached to this policy and forwarded to Council, no later than 12 noon on the working day prior to the day of the meeting.
- Wherever possible, a person or group who supports an opposite view to the applicant must be notified and given the opportunity to speak.
- Applications shall state the name and address of the applicant, contact telephone number and the issue to be raised.
- Any documentation to be provided to Councillors shall either accompany the application or be available for distribution to Councillors prior to the meeting – no written material is able to be circulated during the presentation.
- An application must relate to a matter that falls within the jurisdiction and Charter of Council as outlined in the Local Government Act, 1993 or a report which is currently before Council for determination.

However, **this policy excludes the following** –

- All issues relating to development applications which are in the process of being assessed and are undetermined, have been considered at an Independent Hearing and Assessment Panel meeting or are listed on the Council meeting agenda for determination. Further information in relation to forums for development applications can be accessed through the Development Assessment and Compliance Notification Policy and the Independent Hearing and Assessment Panel Policy.
- All matters where there have been opportunities, through Council run engagement activities, for community members to publicly address a formal Council or Agency hearing and have views recorded for public record. These opportunities would include but not be limited to public meetings, public hearings and meetings of the Independent Hearing and Assessment Panel.
- All Notices of Rescission and agenda and business paper items 'laid on the table'.
- All representations in respect of formal tenders and/or quotations.
- All matters where legal action has been commenced involving Council and where Council is in receipt of or has served:
 - a Statement of Claim;
 - a Summons for Information; or
 - a Subpoena to attend Court.
- All staff related matters.

The following **should also be noted** –

- Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:
 - *a resident or owner of land within the City of Wollongong Local Government Area;*
 - *a person or entity entitled to vote in the City of Wollongong under the Local Government Act, or where that voter is not a natural person, the nominee of the entity with its written authority;*
 - *the nominee of an entity owning land, conducting a business or providing a service in the Wollongong Local Government Area;*
 - *a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council (written authority must be provided);*
 - *any person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting, subject to the 30 minute/six speaker rule;*
 - *any representative of a State or Federal Government Agency with a matter before Council.*

- Addresses will be received at ordinary and extraordinary meetings of Council.
- Applications in respect of current meeting agenda items will be given priority.
- Applicants who have previously addressed Council on a particular issue, cannot address another meeting on the same matter.
- The General Manager will:
 - consider and determine all applications received;
 - have the discretion to approve additional applications in the event of there being more than the maximum number of applicants wishing to speak to current agenda and business paper items;
 - have the discretion to vary the maximum number of speakers on a particular agenda and business paper item should the item be addressing an issue of significant community interest.
- Councillors will be informed of those applications not included for presentation.
- A list of applicants speaking under the Public Access Forum, together with information on the subject of the briefing, is to be made available to Councillors at the meeting.

Public Address

- The public forum shall be limited to a period of thirty (30) minutes, unless extended by Council.
- Each address shall be limited to five (5) minutes, ie maximum of six (6) addresses per meeting. The Chairperson will notify speakers when there is 30 seconds remaining.
- Due to time constraints, speakers cannot use technology, however, can distribute hard copies of information prior to the commencement of the meeting. The Minute Clerk can assist with the distribution of such information.
- There shall be a maximum of two (2) speakers in favour and two (2) speakers against a particular issue and groups are required to nominate a representative to speak on their behalf.
- Speakers must only speak in relation to the subject stated on their application.
- Speakers shall not debate the issue with Councillors and staff.
- Councillors are able to ask questions of the speaker on a point of clarification.
- All speakers are advised that they do not enjoy any special protection from defamation arising from comments made during the presentation before Council and should therefore refrain from voicing defamatory remarks or personal defamatory statements against any individual.
- The Chairperson can order a person to cease speaking if he/she considers that the speaker is making inappropriate or offensive comments, is abusive, is making comments that are considered not in the public interest or is not complying with the rules of meeting procedure as outlined in Council's Code of Meeting Practice.
- If a speaker wilfully ignores the direction from the Chairperson, the speaker shall not be entitled to speak at a Public Access Forum for a period of six months, or a further period as determined by the Chairperson in consultation with the Councillors.
- NOTE: As a guide for applicants, most people speak at a rate of approximately 125 to 150 words per minute.

Minutes

- Minutes must include a brief synopsis of the presentation/s.
- Wherever possible, speakers should provide the Minute Clerk with a written summary of their presentation, prior to commencement of the meeting.

Response

- If the address relates to an agenda item the issue raised by the speaker shall be dealt with when the particular agenda item is considered by Council.
- No formal response will be provided to the applicant.

Webcasting

- All Council meetings, including the Public Access Forum, are broadcast live via the internet. By attending a meeting, speakers and other persons consent to the possibility that their image may also be broadcast to the public.
- Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

PUBLIC ACCESS FORUM – APPLICATION FORM

(Applicants must [meet one of the following Eligibility Criteria](#) and read the Public Access Forum Policy prior to completing this form)

Note: Applications must be received by Council by 12 noon on the working day prior to the Council meeting

ELIGIBILITY CRITERIA

<input type="checkbox"/>	A resident or owner of land within the City of Wollongong Local Government Area.
<input type="checkbox"/>	A person or entity entitled to vote in the City of Wollongong under the Local Government Act, or where that voter is not a natural person, the nominee of the entity with its written authority.
<input type="checkbox"/>	The nominee of an entity owning land, conducting a business or providing a service in the Wollongong Local Government Area.
<input type="checkbox"/>	A duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before council (written authority must be provided).
<input type="checkbox"/>	Any person or nominee of an organisation invited to speak by a Councillor and approved by the General Manager where that person has demonstrated expertise on an issue being considered by Council at that meeting.
<input type="checkbox"/>	Any representative of a State or Federal Government Agency with a matter before Council.

In submitting this application, I understand and agree to abide by the conditions of the Public Access Forum Policy of Wollongong City Council. I also note that Council meetings are broadcast live via the internet and I consent to my image and address being broadcast to the public and any personal or health information I disclose during my address will be broadcast as part of the Council Meeting, with the broadcast stored and made available to the public for later viewing.

Council Meeting Date _____

Name of Applicant _____

Address _____

Telephone Number _____

Email _____

Name of Speaker _____

Today's Date _____

Organisation (if applicable) _____

CHOOSE FROM 1 OR 2 BELOW –

1 Address of a general nature (not a Business Paper Agenda Item): (Please specify) _____

OR

2 Business Paper Item to be addressed: Council Agenda Item No: _____ Subject: _____

I am for the recommendation in the report

I am against the recommendation in the report

This form can be lodged -

1 Via email to publicaccessforum@wollongong.nsw.gov.au

2 Faxed to 4227 7277, or

3 Dropped off at the Information Desk, Ground Floor, Administration Building, 41 Burelli Street, Wollongong.

If you are not lodging your application via email, you will need to sign the form (below) before faxing or lodging it with Council's Information Desk on the Ground Floor, Administration Building, 41 Burelli Street, Wollongong. You can also post the form to Locked Bag 8821, Wollongong DC NSW 2500. If posting, you need to allow sufficient time for your application to be received by Council, before the close off time of 12 noon on the working day prior to the Council meeting.

Signature of Applicant

Signature not required when emailing document

Privacy Notification (Privacy and Personal Information Protection Act 1998 – Section 10)

The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 ('the Act'). The intended recipients of the personal information are officers within the Council and any person wishing to inspect the application in accordance with the Local Government Act 1993. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 4227 7111.

SUMMARY SHEET

Responsible Division	Governance and Information
Date adopted by Council	24 August 2015
Date of previous adoptions	11 November 2013, 26 March 2012, 24 May 2011, 28 October 2008
Date of next review (Review schedule same as Code of Meeting Practice)	September 2017
Prepared by	General Counsel
Authorised by	Manager Governance and Information