



Policy 41 – Council Meeting Procedures

File Ref: DOC/21/10802

Adopted: 20 September 2021
Minute 158/21

Version: 1

Reviewed Date:

Council Minute No:

Statutory Authority: **Local Government (Meeting Procedures)
Regulations 2015 – Regulations 31 & 38
Local Government Act 1993 – Section 72B**

OBJECTIVE

To ensure members of the community are able to participate in Council Meetings and express their views and ask questions in a respectful and open manner.

POLICY

GENERAL PROCEDURES

The Chair retains the right to refuse a question or statement if it has already been made, is unclear, irrelevant, insulting, improper or relates to any matter normally discussed in the closed portion of a Council Meeting.

Where a member of the public asks a question or makes a statement that is inappropriate, defamatory, offensive or constitute bullying behaviour of Councillors or Council employees, the Chair may give the individual a warning that if they persist they will be asked to leave the Meeting. The Chair may then take reasonable steps to remove the person from the Meeting, including requesting the assistance of a Police Officer in removing the person.

If a member of the public –

- (a) hinders or disrupts a Meeting; or
- (b) tries to hinder or disrupt a Meeting; or
- (c) fails or refuses to leave a Closed Meeting; or
- (d) exhibits threatening behaviour -

the Chair may take reasonable steps to remove the person from the Meeting or closed Meeting, including requesting the assistance of a Police Officer in removing the person.

Members of the public are reminded that Council Meetings are open forums and unlike State and Commonwealth parliaments, these Meetings do not have protection from parliamentary privilege. This means any questions or statements made or documents produced are subject to the laws of defamation.

At Meetings, a member of the public is fully responsible to ensure that the question or statement made or document produced is not deliberately misleading and is not defamatory,

does not disclose any confidential or personal information and does not disclose any commercial-in-confidence information.

Should a question or statement made or document produced be defamatory, disclose confidential or personal information or disclose commercial-in-confidence information, then the member of the public asking the question or making the statement agrees that they will be fully responsible for any issues which follow from the question or statement.

ORDINARY COUNCIL MEETING

Public Question Time

Public question time provides an opportunity for members of the community to ask questions relating to Council's activities, not make statements. Anyone wishing to address Council and make a statement may do so under the Deputations section of the Council agenda.

Regulation 31 of the Local Government (Meeting Procedures) Regulations 2015 provides rules in relation to public question time. In accordance with Regulation 31 (7), Dorset Council has determined the following procedures will also apply to public question time:

- A person seeking to ask a question shall:
 - stand (if able to do so);
 - state their name;
 - state the area in which they live;
 - read the question; and
 - (if available) hand a copy of question to the Chair.
- If more than one person wishes to ask a question, the Chair is to determine the order in which those questions are asked.
- Priority will be given to questions on notice over questions without notice during public question time.
- Where a person proposes more than one question at a Meeting, and there are a number of persons wishing to lodge questions, the Chair may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
- Questions upon planning applications that are to be decided at that ordinary Meeting or a future ordinary Meeting will be taken on notice.
- Questions that relate to any business of Council, other than questions upon planning applications that are to be decided at that ordinary Meeting or a future ordinary Meeting, are to be discussed in the open part of the Meeting.
- Questions must be directed to the Chair who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is

known otherwise taken on notice and responded to in the next ordinary Meeting agenda and in writing to the member of the public who asked the question.

- Questions submitted on notice can be dropped off to the Council Office, 3 Ellenor Street, Scottsdale, posted to PO Box 21, Scottsdale 7260 or emailed to gm@dorset.tas.gov.au or dorset@dorset.tas.gov.au and clearly marked for the attention of the General Manager and must be received in the timeframe listed in Regulation 31(1) and subject to Regulation 31(8) of the Local Government (Meeting Procedures) Regulations 2015.

Deputations

Regulation 38(2) of the Local Government (Meeting Procedures) Regulations 2015 gives members of the public the opportunity to address a Council Meeting, with Dorset Council determining that the following procedures will apply:

- Council will allow a maximum of fifteen minutes for deputations at ordinary Council Meetings.
- A person(s) seeking to make a deputation shall:
 - stand (if able to do so)
 - state their name
 - state the area in which they live
 - read out their deputation
- A person(s) seeking to make a deputation to Council may speak for a period up to 3 minutes, but may be extended at the discretion of the Chair to a maximum of 5 minutes.
- The subject of any deputation can relate to a matter currently before, or at some future stage to come before the Council, or any other matter of general relevance to the interest of Dorset.
- Deputations in relation to planning applications that are to be decided at that ordinary meeting or a future ordinary meeting are:
 - not to exceed 5 minutes in duration;
 - only to be made by the applicant or a valid representor; and
 - limited to statements supporting the content of representations made during the statutory advertising period of the planning application and cannot introduce new information pertaining to the application.
 - A maximum of five deputations will be permitted on any one planning application. The Chair has the right to refuse or cease a deputation where the deputation is a repetition of a previous deputation.
- Any member of the public wishing to make a deputation at a Council Meeting shall indicate his/her desire and subject matter, in writing to the General Manager by 10am on the Friday prior to the ordinary meeting. Notification of the desire to make a deputations can be dropped off to the Council Office, 3 Ellenor Street, Scottsdale, posted to PO Box 21,

Scottsdale 7260 or emailed to gm@dorset.tas.gov.au or dorset@dorset.tas.gov.au The Mayor and General Manager may exercise discretion on this condition in exceptional circumstances.

- All deputations are to be provided in writing prior to the ordinary Meeting to allow for circulation to Councillors and inclusion in the minutes of the Meeting.
- A deputation is an address, statement or report to Council; it is not a question or discussion time with Councillors.
- Deputations by members of the public and questions asked by Councillors are not to be debated.
- Comments and statements are not to be defamatory, offensive or abusive, or be designed to embarrass any person, including Councillors or Officers.
- Deputations are not to be repetitive of statements or points already made. Several people repeating a common position should nominate a single speaker on their behalf.

ANNUAL GENERAL MEETING

Section 72B of the *Local Government Act 1993* provides rules relating to Council holding an Annual General Meeting each year. Dorset Council has determined that the following guidelines will apply:

1. The Annual General Meeting will be conducted as far as practicable in a manner similar to an ordinary Council Meeting and generally align with processes in the Local Government (Meeting Procedures) Regulations 2015.
2. The procedures which will apply to this meeting include:
 - i. All discussion will be addressed through the Mayor (or in their absence the Deputy Mayor) as the Chair of the meeting;
 - ii. For minute taking purposes, speakers are asked to identify themselves to the Meeting before speaking.
3. In relation to the moving of motions, the following procedures apply:
 - i. An elected member or, a member of the public who is an elector of the Dorset Council municipal area, may move or second a motion;
 - ii. All motions must be seconded before any debate can commence on that motion;
 - iii. Only one motion and one amendment may be before the Chair at any time;
 - iv. Elected members and electors of the Dorset Council municipal area may vote on motions and amendments;
 - v. Voting will be by show of hands;
 - vi. A resolution is passed by half plus one of the elected members and electors present voting in favour of a motion or amendment; and
 - vii. In speaking to a motion, individuals may speak only once and for a maximum of 3 minutes.
4. A motion passed at the Annual General Meeting will be considered at the next ordinary Council Meeting.
5. No person may:
 - i. Move more than a maximum of two motions;
 - ii. Make any personal reflection on any Councillors, Council Employee or any member of the public;
 - iii. Disrupt the meeting; or
 - iv. In the opinion of the Chair, use any offensive expression.