

These Guidelines are published as Appendix A of Council’s Governance Rules, adopted on 21 March 2023. Compliance is a condition of attendance at any meeting of the Pyrenees Shire Council.

Public participation at Ordinary Council Meetings is subject to the discretion of the Chairperson, available if you wish to ask a question or make a statement relating to Council’s role, functions or business.

As a result of COVID-19, public participation may not be available in-person at all Council meetings. Council will be guided by government direction and where in-person participation is unavailable, opportunity will be provided to participate online.

The Mayor will invite members of the public to address the Council at the start of question time. It is Council’s intention to allow 30 minutes for public participation. In accordance with sub-Rule 4.8 of the Pyrenees Shire Council Governance Rules and these Guidelines, this is at the discretion and under the direction of the Chairperson.

The following Guidelines are prepared to provide the public with a means of participating in Council meetings in addition to the ability to submit written public questions to Council.

The Public Participation process provides the community with an informal forum to ask brief questions or make statements relating to Council’s role, functions or business.

If the question or statement you are asking is not suitable for this format, please contact Council by telephone or email. Alternatively, you are invited to submit a written public question in accordance with sub-Rule 4.8 of the Governance Rules.

Process to participate in an Ordinary Council Meeting

- (a) If intending to participate online, participants should register by 12pm on the day of the Ordinary Council meeting. A link will be sent to you by 5.00pm.
- (b) If intending to participate in person, participants may register by 12pm on the day of the Ordinary Council meeting or may register before entering the Council Chamber by completing the form provided and submitting the form upon entry to the Council Chamber.
- (c) Speakers will normally be taken in order of registration (first come, first served), subject to the Chairperson’s discretion to alter the order in which speakers will be taken.
- (d) There will be a limit of one speaker per registration.
- (e) The Chairperson or Chief Executive Officer shall read all proposed questions / statements in advance to ensure they are not inappropriate. A proposed question / statement is deemed inappropriate if it falls within any of the criteria set out under paragraph 15.2(e) below.

- (f) Where a proposed question or statement is deemed inappropriate by the Chairperson or Chief Executive Officer then the Chairperson or Chief Executive Officer may read to the meeting only the name and township of the person asking the proposed question or making the proposed statement and the ground under paragraph 15.2(e) upon which the question or statement was deemed inappropriate.

Public Participation Process

- (a) The Chairperson will manage the public participation process at his or her discretion and in accordance with these Governance Rules and Guidelines.
- (b) At a convenient point in the Ordinary Council Meeting, the Chairperson may announce the commencement of public participation under the Governance Rules.
- (c) Following the commencement of public participation, the Chairperson may invite participants to speak in the order detailed in paragraph 15.1(c).
- (d) Conduct at an Ordinary Council Meeting must be professional and courteous at all times. Relevant provisions of the Governance Rules continue to apply to improper or disorderly conduct during an Ordinary Council Meeting.
- (e) A question may be deemed inappropriate on the ground or grounds that it:
- relates to matters that are outside the role, functions or business of Council, or
 - does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity, or
 - is considered to be defamatory, indecent, inappropriate or may constitute discrimination vilification, harassment, or may place Council or the participant at risk of legal action, or
 - if answered could constitute a breach of the *Privacy and Data Protection Act 2014 (Vic)*, confidentiality provisions or any other provision of the *Local Government Act 1989 (Vic)*, or any other relevant legislation, or
 - relates to an electoral matter during an election period.
- (f) The Chairperson may direct a participant not to speak on nor continue to speak on any topic which the Chairperson considers is set out in paragraph 15.2(e) above.
- (g) Participants must comply with a direction of the Chairperson.
- (h) The Chairperson may request participants to ask two (2) questions or make two (2) statements, if time permits, and at the discretion of the Chairperson. If any questions or statements remain outstanding at the conclusion of the allotted time for public participation, at the discretion of the Chairperson this time may be extended in accordance with sub-Rule 4.8(g) of the Governance Rules, or a response may be provided at a later date by telephone or email.
- (i) The Chairperson may:
- refer each question to the most appropriate person to respond – responses may be provided by the Mayor, a Councillor, the Chief Executive Officer, or a member of Council staff, or
 - advise that the question will be taken on notice and a response to the question may be provided at a later time.
- (j) Members of the public addressing the Ordinary Council Meeting are permitted to speak for a maximum of five (5) minutes (unless granted an extension of time by the Chairperson).

Minutes of the Council Meeting

- (k) Council meetings may be recorded (audio and/or visual recording) and the recording made available publicly and otherwise managed in accordance with Council policies. Participants in Ordinary Council Meetings under these Guidelines will be included in such recordings.
- (l) A record of the public participation under these Guidelines will be included in the Minutes of the Council Meeting.

Excerpt on public participation from the Governance Rules 2023:

PART 4 – MEETING PROCEDURE FOR COUNCIL MEETINGS

Transparency and public participation

- (a) A Council meeting is a meeting of the Council at which all Councillors are entitled to attend and vote, and a decision to do an act, matter or thing is made by a resolution of the Council.
- (b) Council is committed to transparency and Council meetings must be open to the public unless otherwise specified as confidential or closed matters. Members of the community are encouraged to participate in Council’s engagement forums including Council meetings.
- (c) Meetings will only be closed to members of the public if:
 - i. there are clear reasons for matters to remain confidential,
 - ii. a meeting is required to be closed for security reasons, or
 - iii. it is necessary to enable the meeting to proceed in an orderly manner.
- (d) If the meeting is being live-streamed and is closed to the public for the reasons outlined in sub-Rules 2-3 in (c) above the meeting will continue to be live-streamed.

4.8 Division 8 – Public participation

- a) Community members may only participate in Council meetings in accordance with these Governance Rules Division 8 that include addressing how the community can participate if the meeting is electronic, or a ‘hybrid’ or ‘parallel’ style meeting.
- b) Council will ensure opportunities exist for community input, beyond formal consultation processes.
- c) Public participation comprises of public question time, public submissions, petitions, and joint letters.
- d) Public participation is allowed for at an early point in a Council meeting, in accordance with the agenda and before the main business of Council.
- e) Unless otherwise directed by the Chairperson, an address under this section must be in accordance with the guidelines titled “Public Participation at Council Meetings”, included within these Governance Rules as Appendix A.
- f) Time allowed for public participation will not exceed 30 minutes in total duration.
- g) Extensions of time allowed for public participation should be in block periods of 15 minutes following a majority vote of Councillors. After the 15-minute extension, public participation must not continue unless a majority of Councillors present vote in favour of a further extension.

4.8.1 Public question time

- a) There must be a public question time at every Ordinary Council meeting to enable members of the public to submit questions to Council.
- b) Sub-Rule 4.8.1(a) does not apply during any period when a meeting is closed to members of the public in accordance with s.66(2) of the Act.
- c) The Chair will allocate a maximum of five (5) minutes to each person who wishes to address Council.
- d) Questions submitted to Council may be submitted in writing prior to a meeting or provided verbally as part of public question time during a Council meeting.

- e) Questions submitted in advance of a Council meeting must be:
- i. In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council, and
 - ii. Placed in the receptacle designated for the purpose at the place of the meeting prior to 5.00 pm on the day of the council meeting, or
 - iii. Be lodged electronically at the prescribed email address prior to 12.00 noon on the day of the Council meeting.
- f) No person may submit more than two questions at any one meeting.
- g) If a person has submitted two questions to a meeting, the second question:
- i. May, at the discretion of the Chair, be deferred until all other persons have had their questions asked and answered, or
 - ii. May not be asked if the time allotted for public question time has expired.
- h) The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- i) Notwithstanding sub-Rule 4.8.1(h), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- j) A question may be disallowed by the Chair if it is determined that it:
- Relates to a matter outside the duties, functions, and power of Council,
 - Is defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance,
 - Deals with a matter already answered,
 - Is aimed at embarrassing a Councillor or a member of Council staff,
 - Relates to personnel matters,
 - Relates to the personal hardship of any resident or ratepayer,
 - Relates to industrial matters,
 - Relates to proposed developments,
 - Relates to legal advice,
 - Relates to matters affecting the security of Council property, or
 - Relates to any other matter which Council considers would prejudice Council or any person.
- k) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- l) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- m) Like questions may be grouped together and a single answer provided.
- n) The Chair may nominate a Councillor, the Chief Executive Officer or a member of Council staff to respond to a question.
- o) A Councillor, the Chief Executive Officer or a member of Council staff may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

- p) Where a question is received on notice, Council officers will respond acknowledging the question and providing procedural advice and / or the response within 10 working days of the Council meeting.
- q) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must briefly state the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

4.8.2 Public submissions

- a) Members of the public may present a submission to Council in the period immediately following public question time.
- b) Public submissions may include presentation of petitions or joint letters.
- c) Sub-Rule 4.8.3(a) does not apply during any period when a meeting is closed to members of the public in accordance with s.66(2) of the Act.
- d) Submissions may be on any matter except if it:
 - i. is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance,
 - ii. relates to confidential information as defined under the Act,
 - iii. relates to the personal hardship of any resident or ratepayer, or
 - iv. relates to any other matter which the Council considers would prejudice the Council or any other person.
- e) Where a group or association wishes to present a submission, a spokesperson may be nominated to address Council.
- f) Any person addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- g) The Chair will allocate a maximum of five (5) minutes to each person who wishes to address Council.
- h) There will be no discussion or debate with the public attendees however Councillors may ask questions or clarification of the attendee.

4.8.3 Petitions and Joint letters

- a) Unless Council determines to consider it as an item of urgent business, no motion may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented (except where it meets sub-Rule 4.8.3(b)) except for:
 - i. That the petition be received, and
 - ii. That the petition be referred to the Chief Executive Officer or relevant Director for consideration and response, or
 - iii. That the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council meeting.
- b) Notwithstanding sub-Rule 4.8.3(a), if a petition relates to an item listed on the Agenda for the meeting at which it is submitted, the petition may be dealt with in conjunction with the item.

- c) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letters, and to ascertain that it does not contain language disrespectful to Council.
- d) Every person presenting a petition or joint letter to Council must:
 - i. Write or otherwise record his or her name at the beginning of the petition or joint letter, and
 - ii. Confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the test of the prayer or request.
- e) Every petition or joint letter presented to Council must be:
 - i. In legible and permanent writing, typing, or printing,
 - ii. Clear and on each page the matter and action sought from Council is stated,
 - iii. Not be derogatory, defamatory, or objectionable in language or nature,
 - iv. Not relate to matters outside the powers of Council, and
 - v. Contain the request of the petitioners or signatories and be signed by at least 12 people.
- f) Where a petition has been signed by less than 12 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- g) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no-one else and the address of every petitioner or signatory must be clearly stated.
- h) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.
- i) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned, or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- j) If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- k) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council meeting.
- l) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

4.8.4 Public behaviour

- a) Members of the public may be requested to sign an attendance register prior to entering the area in which a Council meeting is to be, or is being, held.
- b) Council may, on some or all occasions, conduct bag searches of some or all people attending Council meetings. This is done for security and safety reasons and to ensure that all who attend Council meetings are able to attend and to participate in a safe environment.
- c) Members of the public cannot directly distribute any item to a Council. Any item must firstly be given to a Council officer who will then determine if it is appropriate to distribute the item to some or all of the Councillors.
- d) Members of the public are permitted silent use of their mobile devices but are not permitted to use mobile devices for recording, talking or any usage that generates noise, unless permission is granted by the Chairperson of the meeting.

4.8.5 Removal from meeting

- a) Members of the public present at a Council meeting must not interject during the Council meeting.
- b) If a person, other than a Councillors, interjects or gesticulates offensively during the Council meeting, the Mayor may direct:
 - i. The person to stop interjecting or gesticulating offensively, and
 - ii. If the person continues to interject or gesticulate offensively, the removal of the person.
- c) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- d) In causing a person's removal or the removal of an object or material under this section, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.
- e) It is intended that this power to remove a member of the public be exercisable by the Chairperson without the need for any Council resolution. The Chairperson may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens the Chairperson's authority in chairing the meeting.