

Public Participation — Part 1: At a Council Meeting

Narration Script

Huon Valley Council | Candidate and Councillor Knowledge Series

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Slide 1 — Title — Public Participation — Part 1: At a Council Meeting

Welcome to Public Participation, part of the Huon Valley Council Candidate and Councillor Knowledge Series.

Council meetings are public, and the community has real avenues into them. This is Part 1 of two, and it covers what happens inside the chamber — attending, public question time, deputations, and the conduct expected of everyone in the room.

Part 2 covers the avenues that run outside a meeting: petitions, public meetings and elector polls.

Slide 2 — Before You Begin

The community has several formal ways into Council's decision making, and they do different jobs.

The Meeting Procedures Regulations set the framework — public question time and invitations to address a meeting are both dealt with there.

Council then fills in the detail. The Regulations expressly allow a council to determine its own procedures for public question time, and Council has done that in its Governance and Meeting Procedures Framework.

So this module is specific to Huon Valley Council. The statutory framework applies everywhere, but the time limits, the number of questions and the deputation process are ours.

Part 1 covers what happens at a Council meeting. Part 2 covers petitions, public meetings and elector polls.

Slide 3 — Attending and Observing

The simplest form of participation is turning up, and the Regulations protect that.

A meeting is to be open to the public unless part of it is a closed meeting. Closing part of a meeting takes an absolute majority and one of the specific reasons listed in the Regulations.

Some things cannot be closed at all — acting as a planning authority, considering a permit, or dealing with public land. Those are the decisions the community most wants to watch. It is not quite absolute though: even those may be closed where Council is considering actual or possible legal action.

The papers come first. The agenda and associated reports must be available at the public office and on the website at least four days before an ordinary meeting, free of charge.

And the recording comes after. The Regulations require at least an audio recording; Huon Valley Council makes an audio visual recording, published within five business days and kept online for at least twelve months.

Slide 4 — Public Question Time

Every ordinary Council meeting sets aside time for questions from members of the public, and it is a standing agenda item rather than a favour.

The Mayor must ensure that, if required, at least fifteen minutes of an ordinary meeting is made available for public questions. That is a floor, not a ceiling.

Questions are answered, not debated. The Regulations are explicit that a public question and its answer are not to be debated at the meeting. That frustrates people occasionally, but the alternative is a meeting that never reaches its agenda.

As for what a good question looks like, as far as practicable it should be concise, clear, not a statement, and have minimal preamble. And it must relate to the activities of the Council — a question about a matter belonging to the State cannot be answered simply because it was asked in the chamber.

Slide 5 — Two Ways to Ask

There are two ways for a member of the public to ask a question, and they behave differently.

A question without notice is asked at the meeting, on invitation by the Mayor, and must relate to the activities of Council. The Mayor may require it to be put on notice in writing and answered at a later meeting instead — usually because an accurate answer is not available on the spot.

A question on notice is given in writing to the Chief Executive Officer at least seven days before an ordinary meeting, and the Mayor may address it at that meeting.

Counting those seven days matters. The period includes weekends and statutory holidays, but excludes the day notice is given and the day of the meeting. In practice, a question to be asked at a Wednesday ordinary meeting must be received no later than the Tuesday of the preceding week.

Notice helps, and it is worth telling people so. A question on notice gets researched. One sprung without notice may be taken on notice anyway, delaying the answer by a month.

Slide 6 — How It Works at Huon Valley Council

Council's Framework sets the practical procedure, and it is worth knowing well enough to explain to a resident before they arrive.

A person seeking to ask a question must first stand and identify themselves.

No person may ask more than two questions. A second is only available after everyone else wishing to ask has asked one, and only if the fifteen minutes has not elapsed. That is what stops one person consuming the whole session.

Questions may also be submitted in writing to the nominated email address by twelve noon on the Monday before the meeting. Every endeavour is made to answer them, or they are taken on notice.

They are not read out in full. The Mayor refers to them generally at the start of public question time, and the answers go on the website and into the minutes.

And a request for clarification must be put as a question at the next meeting, which keeps everything on the public record.

Slide 7 — When a Question May Be Refused

Questions can be refused, and answers can be declined. Both powers are limited, and both must be explained.

A question may be refused on five grounds: defamatory, offensive language, unlawful, does not relate to the activities of Council, or does not meet the requirement to be concise, clear and not a statement.

Who decides depends on the question. For one without notice, the Mayor. For one on notice, the Chief Executive Officer. Either way, reasons must be given.

Separately, Council's Framework identifies two questions Council will not answer, to protect its own decision making — one relating to a planning authority item on that agenda, and one relating to a matter that would normally be dealt with in closed Council. That is protection, not evasion. Answering a question about a live planning application could compromise the decision Council is about to make.

And a refusal still goes on the record. The minutes record that a question was refused, the reason, the name of the person who asked, and the date — though not the question itself.

Slide 8 — Deputations

A deputation is a group invited to address the meeting directly, and it is the most substantial form of participation available inside the chamber.

The power comes from regulation 46. The Mayor may invite a person to address a meeting, including a closed meeting, and to make statements or deliver reports, subject to any condition Council imposes.

To request one, a person writes to the Mayor setting out the likely members, the purpose, and the nature of the matter to be placed before Council. The Mayor decides whether it is received.

If the Mayor declines, there is an appeal. Any intended member may appeal in writing to the Chief Executive Officer, who must list it on the next ordinary meeting agenda, and Council may uphold the appeal by absolute majority.

A deputation is not to exceed three persons and is not to continue for longer than fifteen minutes.

And unless Council decides otherwise, the matter placed before it is not considered until the deputation has withdrawn. That gives councillors room to discuss it frankly.

Slide 9 — Conduct at Meetings

Participation depends on mutual respect and good faith, and the Regulations back that up with real consequences.

Every meeting opens with a reminder. The Mayor states that an audio visual recording is being made, that everyone attending is to be respectful and considerate, and that offensive, defamatory or threatening language and conduct is not acceptable.

Disruption is an offence. A member of the public must not hinder or disrupt a meeting, and must leave a closed meeting unless invited to remain — each carrying a fine of up to ten penalty units. The Mayor may take reasonable steps to remove a person, including requesting police assistance.

In practice it escalates slowly. Most interjections are brief and the advice is to behave with dignity and move on. If it continues the person is asked to stop; if it persists, the Mayor adjourns, the Chief Executive Officer speaks with them, and a warning follows on resuming.

Two things for councillors. Do not interact with interjectors during an adjournment — that is the Mayor's and the Chief Executive Officer's job. And note it is the Chief Executive Officer, not the Mayor, who has control of the building.

Slide 10 — The Public Record

Participation at a meeting leaves a permanent trace, and that is the point of it.

Each public question asked that was not refused, and the answer given or a summary of it, is recorded in the minutes. So is a summary of each address, statement or report made by a deputation.

Minutes are then published. Once confirmed at the next ordinary meeting, they must be available on Council's website and at the public office within seven days, free of charge for inspection.

And so is the recording — the audio visual recording sits online for at least twelve months and is retained by Council for at least two years as a State record.

This is worth explaining to anyone who wonders whether asking a question achieves anything. They are not just getting an answer on the night — they are putting the question, the answer and the date onto a permanent public record.

Slide 11 — Five Things to Remember

Five things to take away from Part 1.

One. Meetings are open and the papers are public. The agenda is available four days ahead free of charge, and the audio visual recording goes online within five business days.

Two. Fifteen minutes of public question time, and two questions each. Questions are answered rather than debated, and must relate to the activities of Council.

Three. Notice gets a better answer — seven days in writing, or by noon on the Monday before the meeting.

Four. A deputation is up to three people for up to fifteen minutes, requested in writing to the Mayor, with an appeal to the Chief Executive Officer if declined.

Five. It all goes on the record. Questions, answers, refusals and deputation summaries are minuted and published.

Part 2 picks up petitions, public meetings and elector polls.