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Public Access provides a forum for community members to speak directly to the Mayor and Councillors about local or Council issues.

The Public Access Protocol is in place to inform the community about Public Access, including when the sessions are held, how to apply to address the Council and the requirements of the speakers.

The Protocol is:

- 1) The Council may hold a public access on the second Tuesday of each month (and the fourth Tuesday of the month at the discretion of the Mayor) for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public access may also be held prior to extraordinary Council meetings and meetings of committees of the Council.
- 2) Public Access may be held by audio-visual link.
- 3) Presentations to public access must be done in person and are not permitted to be written or video presentations unless the presenter is present to respond to questions per clause 16 below.
- 4) Public Access is to be chaired by the Mayor or their nominee.
- 5) To speak at a public access, a person must first make an application to the Council in the approved form. Applications to speak at the public access must be received by 12 noon on the Monday before the date on which the public access is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.
- 6) A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.
- 7) Legal representatives acting on behalf of others are not to be permitted to speak at a public access unless they identify their status as a legal representative when applying to speak at the public access.
- 8) The Mayor or their delegate may refuse an application to speak at a public access. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.
- 9) No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 10) If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.

- 11) If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 12) Approved speakers at the public access are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public access, and to identify any equipment needs by 2pm the day of the public access. The Mayor or their delegate may refuse to allow such material to be presented.
- 13) The Mayor or their delegate is to determine the order of speakers at the public access.
- 14) Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 15) Speakers at public access must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 16) A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public access. Questions put to a speaker must be direct, succinct and without argument.
- 17) Speakers are under no obligation to answer a question put under clause 16. Answers by the speaker, will be regulated by the chairperson.
- 18) Speakers at public access cannot ask questions of the Council, Councillors or Council staff.
- 19) The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public access after the address and any subsequent questions and answers have been finalised.
- 20) Where an address made at a public access raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 21) When addressing the Council, speakers at public access must comply with all relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 22) If the chairperson considers that a speaker at a public access has engaged in conduct of the type referred to in clause 21, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 23) Clause 22 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public access in accordance with the provisions of Part 15 of the Code of Meeting Practice.

- 24) Where a speaker engages in conduct of the type referred to in clause 21, the Mayor or their delegate may refuse further applications from that person to speak at public access for such a period as the Mayor or their delegate considers appropriate.
- 25) Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public access, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public access and how the conflict of interest was managed by the Councillor who made the declaration.
- 26) Public access is to be livestreamed and made available to the public under Part 4 of the Code of Meeting Practice.

**Note: Public access will not be held as part of a council or committee meeting. Council or committee meetings are reserved for decision-making by the council or committee of council.**

#### CONTROLLED DOCUMENT INFORMATION:

<p>This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .</p>			
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