

12.7

Notice of Motion No 61/2011 Overturning of General Manager's Ban on Mr Jack Tilburn from Public Forum

Submitted by: Councillor Virginia Laugesen

Motion

That Council

A. Notes:

- i) Warringah Council General Manager Rik Hart's imposition of a ban on Mr Jack Tilburn from addressing councillors at public forum, effective from 27 September 2011
- ii) Receipt of no notice of concern or other legal proceedings underway or pending against Mr Jack Tilburn by Warringah Council or any of its officers
- iii) The NSW Defamation Act prohibits a Council from commencing defamation proceedings against an individual member of the community
- iv) That the Warringah Council Code of Meeting Practice refers specifically to the role of the general manager in public forum at 12.1 (iii), (iv) and (v) and issues no delegation to the general manager on determining which members of the public may or may not address councillors

B. Reinstates Mr Jack Tilburn's right to address Warringah Council meetings, effective immediately;

C. Requests the General Manager to writes to Mr Jack Tilburn, apologising for the erroneous ban, noting that it was not sanctioned by council resolution and advises Mr Tilburn of his reinstatement to public forum as a welcome member of the Warringah Community whose views and alerts are valued by the elected representatives.

BACKGROUND

1. Warringah Council Code of Meeting Practice

12.1 Public address at Council meetings

(iii) A member of the public may be granted permission to address Council during Public Forum where such a request is received by the General Manager (or his delegate) no later than 3.00pm on the day preceding the Council Meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council Meeting.

(iv) A list of all requests to speak at Public Forum will be made available to all Councillors at the commencement of the Council Meeting.

(v) All requests by persons to address the Council or Council Committee meetings are to be advised by the chairperson.

2. Page 63, Warringah Council Code of Meeting Practice:

Conduct of Speakers

Speakers should conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, ie not disrupt the conduct of the meeting and to treat all

people with respect, courtesy, compassion, and sensitivity and not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the Council, Councillors, staff or other members of the public. In the event that a speaker does not conduct themselves accordingly, the Chairperson may request the speaker to apologise, desist from the inappropriate behaviour, return to the public gallery and/ or otherwise enact provisions of Council's Code of Meeting Practice

