

PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS

Policy Type: Council Policy

Policy Owner: Chief Executive Officer

Policy No. CP- 014

Last Review Date: 11 December 2018

POLICY OBJECTIVES

The Council is committed to understanding the community's needs and aspirations in its decision making process wherever possible. The ability for community members to equitably and effectively participate in the local government process by asking questions during Public Question Time is an important part of our community engagement processes. This allows the Council and City to better identify the issues of importance in the community, and assists the public in being better informed on the governing of the district.

POLICY SCOPE

The purpose of this policy is to provide guidance and direction on the management of legislated Public Question Time and to ensure the effective and equitable use of the time allocated for this purpose.

This policy applies to Ordinary and Special Meetings of the Council, Agenda Briefing Forums and Committee Meetings with delegated powers or duties in accordance with section 5.24 of the *Local Government Act 1995* and Regulation 6(1) of the *Local Government (Administration) Regulations 1996*.

POLICY STATEMENT

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* requires that a minimum of 15 minutes be allocated at every Council meeting, and other meetings as prescribed, for the public to ask questions of the Council, and have them responded to, and that each person wishing to ask a question be given equal and fair opportunity to ask the question and receive a response.

Allocation of Time

To give equal and fair opportunity to each member of the public that wishes to ask questions, each questioner will be limited to two (2) questions at a time. Questions with multiple parts will be considered as separate questions.

Public question time:

- will be limited to a maximum of 30 minutes at each meeting as defined in this Policy;
- may then be extended by a simple majority resolution of the Council, if required, in five (5) minute increments.

Presenting a Question

Questions are to be addressed to the Presiding Member and should be submitted, in writing, to the Chief Executive Officer.

Questions submitted to the Agenda Briefing Forum must relate to matters on the agenda.

Questions submitted to an Ordinary Meeting of Council must be regarding issues related to or affecting the City. Complex questions or those related to matters on the agenda and requiring a response at the meeting should be submitted by 2:00pm on the Wednesday prior to the meeting, or three clear business days prior to the meeting. These will be considered 'questions with notice'. Questions submitted after this time will be considered as 'questions without notice', and will only be responded to if the information is readily available, otherwise they will be taken on notice and responded to in writing, with a response included in the minutes of the next Ordinary Meeting of the Council.

Preambles to provide context to a question should be concise and relevant to the question. Preambles may be summarised by the City for the purpose of public question time, to ensure as many questions as possible can be addressed in the allotted time.

Assessment of Questions

Public question time is not to be used as a mechanism to obtain information that would not normally be made available if it was sought from the City's records under section 5.94 of the *Local Government Act* or the *Freedom of Information Act 1992*.

The following will not be responded to:

- questions relating to personnel matters, opinions, information or perceptions not relating directly to City business;
- matters considered confidential under section 5.23 of the Act;
- questions relating to matters that do not affect the City;
- with regard to Special Meetings, questions that do not relate to the purpose of the Special Meeting;
- questions that relate to the personal affairs or actions of elected members, employees or members of their immediate family;
- questions that relate to the personal affairs, not related to the City, of a member of the general public;
- questions that relate to legal advice, legal proceedings or legal processes;
- questions that have been responded to, or are similar to questions previously responded to by Council and/or the City to or to questions at a previous meeting, where the answers to those questions have not changed.

Where questions contain language that is offensive, defamatory, bullying or questions the competence of Elected Members or staff, the question will not be accepted and the questioner will be requested to amend the wording and resubmit the question.

Where the same or similar questions on a particular topic are received prior to the meeting, the Chief Executive Officer may consolidate these, with a single response being provided.

All questions that meet the guidelines outlined in this policy will be presented to the Council meeting for response. No distinction will be made between questions on the basis of whether they relate to 'operational' or 'strategic' matters.

Responses to Questions

Questions will be considered in the following priority order:

1. Questions with notice relating to matters within the meeting's agenda;
2. Question with notice relating to other matters affecting the City;
3. Questions without notice relating to matters within the meeting's agenda;
4. Questions without notice relating to other matters affecting the City.

Questions on notice will be provided to Elected Members in written form by email before the start of the meeting so they have the opportunity to read through and follow the questions whilst they are being read out during Question Time.

Responses will be provided in sufficient detail to answer the question, however in order to permit as many questions as possible, responses will be concise and to the point. Should greater detail be required, this should be requested, in writing to the CEO after the meeting. The Council and the City will not debate the matter. Discussion or debate directly with an elected member or a City officer or within the public gallery is not permitted and will be deemed a breach of the *City of Melville Meeting Procedures Local Law 2017 (section 7.17)*.

A summary of the question and the response will be recorded in the minutes of the meeting at which the question was asked.

If a question raised requires considerable research then the Presiding Member may advise the questioner that a response would require a substantial commitment of the City's resources and may invite the person to provide further clarity on their request or refer the matter to the CEO for action following the meeting.

Questions should be submitted prior to the meeting for a response to be prepared. Where a question is submitted at the meeting, the Presiding Member will determine if the question is to be answered at the meeting and who will respond. The Presiding Member may:

- respond to the question;
- refer the question to another elected member for response;
- refer the question to the CEO, who may respond or direct it to an employee
- choose to take the question on notice;
- choose not to accept the question.

If the question relates to a matter to which a relevant person (elected member or employee) has an interest, he or she will:

- declare that he or she has an interest in the matter; and
- allow another person to respond.

Questions that Do Not Comply with this Policy

Questions from members of the public that do not comply with this policy, the *City of Melville Meeting Procedure Local Law 2017* or the *Local Government Act 1995* and Regulations may be ruled out of order and the question will not be recorded in the minutes.”

DEFINITIONS

Immediate Family someone’s spouse, parents and grandparents, children and grandchildren, brother and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law and adopted, half and step members.

Public Question Time Under section 5.24 of the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) time must be made at every Council meeting (whether ordinary or special) and every meeting of a committee with delegated powers or duties, for members of the public to ask questions and have them responded to.

Question A question is a sentence worded or expressed so as to elicit information, it is not a Statement.

Other References Applicable to this Policy

Legislative

Local Government Act 1995
Local Government (Administration) Regulations 1996
Freedom of Information Act 1992
Meeting Procedure Local Law 2017

Delegated Authority No:

ORIGIN/AUTHORITY

ITEM NO.

REVIEWS

Community & Technical Services Committee	04/07/2006	C06/5020
Ordinary Meeting of Council	15/12/2009	C09/5097
Ordinary Meeting of Council	15/11/2011	C11/5199
Ordinary Meeting of Council	10/12/2013	C13/5341
Ordinary Meeting of Council	8/12/2015	M15/5458
Ordinary Meeting of Council	18/10/2016	17.1
Ordinary Meeting of Council	11/12/2018	M18/5657