

## **PUBLIC QUESTION TIME – STANDARD PROCEDURES**

The following procedures have been prepared by the Town of Claremont in order to explain the principles by which public question time operates at formal Council and Committee meetings. These procedures have been based upon the operational guidelines prepared by the Department of Local Government relating to the management of public question time.

Public question time is provided as a means by which the public can obtain responses from the Council about issues affecting the local government.

### **Guiding Principles**

These procedures have been prepared in order to provide:

- Fair opportunity to all which wish to ask questions
- Effective time management of meetings
- Guidance to members of the public toward asking questions or making statements at Council and Committee meetings as applicable.
- The restriction of repetitive questions.
- That appropriate questions are asked in the spirit of the Local Government Act.
- That individual members or the public do not preclude others by asking a large number of questions.
- It is the intention of the Town to respond to all questions and provide an answer wherever possible. Although the Town will respond to questions, it is not the intent of Local Government Administrative Regulations 1996 Clause 7(4) to respond to questions on the following basis:
  - A Council is not required to answer a question which does not relate to a matter affecting the local government;
  - A Council, at a special meeting, is restricted to answer questions that relate to the purpose of the meeting; or
  - A Committee to answer questions that relate to a function of the Committee.

### **Presiding Member**

Nothing within these procedures is intended to restrict the flexibility of the Presiding Member in making determinations in situations where some degree of discretion is needed. In exercising such discretion, clause 7.11 of the Town of Claremont Standing Orders Local Law 2009 is to apply.

### **Procedures are to be Available**

These procedures are to be available to the public at all Council and Committee meetings where an opportunity is provided for members of the public to raise questions.

### **Who Can Ask Questions**

- Question time provides from members of the public to ask questions and does not limit the public to those who reside in the district or are electors.
- Elected members are considered members of the public but raising of questions by Councillors should be restricted to other opportunities on the agenda, given that members of the public do not have such opportunities.
- In some cases a question will not be able to be answered and therefore be taken on notice.
- Questions asked at a special meeting must relate to the purpose of the meeting itself.

### **Managing Repetitive Questions and Statements**

The Presiding Member may refer an answer to a question on a prior occasion if a question posed by the same individual is repetitive in nature. The Presiding Member may request a member of the public phrase their statement in a form of a question. Opening statements made before questions should be as brief as the question to which it relates.

### **Questions that Require Considerable Research**

At the discretion of the Presiding Member, it will be determined whether or not a question asked requires extensive research and a substantial commitment of resources. In such cases, the Presiding member will invite the question be refined, or direct the question to the CEO for action following the meeting.

### **Inappropriate Questions**

Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members. The Presiding Member should encourage the members of the public to direct their question to an issue, rather than individuals.

If it is determined by the Presiding member that the question is inappropriate and is not in good faith, the Presiding Member may call the question inappropriate and no response will be provided.

## **COUNCIL MEETINGS**

### **Public Question Time – Order of Business**

In accordance with requirements of legislation public question time of 15 minutes in duration will be provided at the start of the meeting. The public question time may be extended beyond 15 minutes if required and the Presiding Member will give regard to the members of the public who may wish to be present for a decision on an item before Council.

As a legal requirement, Public Question Time precedes any other business as set out in Councils Standing Orders. Members of the public may further participate in the meetings through Public Submissions and Petitions.

### **Prior to the Meeting**

To allow efficient and accurate processing of public questions, questions should be submitted in writing to the Chief Executive Officer no later than 5.00pm the day prior to the Council meeting to which the question(s) relate to enable a researched response to be provided to the question(s) at the meeting.

A Council officer will be present for a minimum of 15 minutes immediately before every meeting at which public question time is provided to enable members of the public to prepare questions. Questions shall be numbered in the order received and will be addressed in the same order.

### **During the Meeting**

The Presiding member will draw the attention of the public to the statement in the Agenda dealing with the procedure to be followed for Public Question Time. The statement will include;

- 15 minutes is provided for public question time should there be any questions. This period can be extended by resolution of the Meeting.
- A copy of these procedures is available.
- If time permits, any person who has not stated their question in writing will be given the opportunity to ask their question after those who have provided a written question.
- Members of the public are respectfully requested to ensure that their questions are succinct and do not restrict the opportunity for other members of the public to ask questions or have answers given to questions submitted.
- Following the completion of all questions, if time permits, any person who has previously asked a question may be able to request an answer to a further question.
- Public question time is declared closed when all questions have been asked or, if the allocated time period does not allow for any further questions.
- As members of the public come forward to ask questions in order, they are to state their name and read out their question.
- The Presiding Member will determine who is to respond to the question and, if a question cannot be answered immediately, it will be taken on notice and responded to within 14 days.
- The Presiding Member may allow members of the public to ask further questions if no person who has not

## **Public Question Time – Standard Procedures**

asked a question wishes to ask a question.

- A summary of each question asked and the response given is to be included in the minutes. The questions taken on notice and the subsequent responses to questions that were taken on notice are to be provided in writing and included in the agenda and minutes of the next meeting.

## **Relevant Statutory Powers**

### ***Town of Claremont Standing Orders Local Law 2009***

#### **3.1 Public question time**

- (1) Public question time at meetings is dealt with in the Act and Administration Regulations.
- (2) A member of the public wanting to ask a question during public question time must first state their name and address.
- (3) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.

### ***Local Government Act 1995***

#### **5.24. Question time for the public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

### ***Local Government (Administration) Regulations 1996***

#### **5. Question time for the public at certain meetings — s. 5.24(1)(b)**

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

#### **6. Minimum question time for the public — s. 5.24(2)**

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

**7. Procedures for question time for the public — s. 5.24(2)**

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
  - (a) by the person presiding at the meeting; or
  - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,  
  
having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
  - (a) a council to answer a question that does not relate to a matter affecting the local government;
  - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
  - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.

*[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]*