

## Shire of Mundaring

# POLICY

### PUBLIC QUESTION TIME

<b>Policy Ref:</b>	<b>OR-03</b>		
<b>Committee Rec:</b>	OSC3.10.06	<b>Date:</b>	9 October 2006
<b>Adopted by:</b>	C4.10.06	<b>Date:</b>	24 October 2006
<b>Amended by:</b>	C3.06.08	<b>Date:</b>	24 Jun 2008
<b>Reviewed:</b>	Once per Electoral Cycle	<b>Date:</b>	24 Jun 2008
<b>Procedure Ref:</b>		<b>Delegation Ref:</b>	
<b>Statute Ref:</b>	S 5.24 Local Government Act 1995		
<b>Local Law Ref:</b>			

#### PURPOSE

To detail the procedures for presiding persons who conduct Public Question Time.

#### BACKGROUND

Public Question Time is a means by which members of the public can seek responses from the Council or one of its committees about issues affecting the Shire of Mundaring that are of concern to them. It assists the public to be better informed about the governing of their district and it provides the local government with a mechanism to identify issues of importance in the community.

Local Government (Administration) Regulation 6 provides that the minimum length of time for asking of and responding to questions for ordinary council meetings is 15 minutes. The Shire of Mundaring Standing Orders Local Law provides that time for asking of and responding to questions is included at every council and committee meeting.

Local Government (Administration) Regulation 7 provides that the procedures for the asking of and responding to questions raised by members of the public at a meeting of Council or one of its committees are to be determined by the person presiding at the meeting or by a majority of members of the council or committee present at the meeting if they disagree with the person presiding.

The implementation procedures detailed in this policy have been prepared in accordance with the applicable Regulations.

## POLICY

1. A minimum of 15 minutes is to be set aside at the beginning of a meeting of Council or one of its committees for Public Question Time, prior to any discussion requiring a decision by Council or the committee.
2. Public Question Time is to be conducted in accordance with the following implementation procedures.

### Implementation Procedures

#### 1. Time Frame

Council or one of its committees may close public question time prior to the expiry of 15 minutes if there are insufficient questions to occupy that time.

The extension of question time beyond the minimum time is at the discretion of the Presiding Person.

#### 2. Prior to the Meeting

Members of the public shall be requested to register their intention to ask a question on the form provided in the Council Chambers (for Council meetings) or the relevant Committee Room (for Committee Meetings).

#### 3. During the Meeting

(a) The Presiding Person will open public question time with a brief statement of the procedures including:

- the period of time set aside for question time;
- the requirement to address all questions to the Presiding Person;
- the request to provide in writing a person's name, address and details of question(s) generally in the form specified in Parts 1 and 2 attached;
- the availability of the written procedures in the Council Chambers or committee room;
- people will be called to ask their question in the order they have registered;
- any person who has not registered will be given an opportunity to ask a question after those who have registered;
- each person is initially allowed to ask no more than two questions or four minutes total time to ensure an equal and fair opportunity is provided to all persons wishing to address Council or the committee;
- the right of each person, if they have further questions, to return to the end of the queue.

- (b) The Presiding Person will then request people to come forward in the order they registered. At this time a person is required to:
- state their name and address; and
  - present their question.
- (c) If a person has several questions, or has a question that is lengthy or complex, and has not provided such in writing on the form specified in Parts 1 and 2 attached, he or she will be requested to write any question(s) down and hand them to the Chief Executive Officer or his nominee to ensure an accurate summary of the question(s) can be included in the minutes of the meeting.
- (e) The Presiding Person then determines who is to respond to the question. The Presiding Person may:
- respond personally to the question asked;
  - refer the question to another member for a response;
  - refer the question to an employee (through the CEO) for a response;
  - choose to take the question on notice; or
  - choose not to accept the question.
- (f) If a question relating to a matter in which a relevant person (a member or an employee) has an interest is directed to that relevant person, he or she will:
- declare that he or she has an interest in the matter; and
  - allow another person to respond to the question.
- (g) If a person has used up their allowed number of questions or time the Presiding Person will ask if they have any more questions; if they do their request will be noted and placed at the end of the queue (if applicable) and they will be asked to resume their seat in the public gallery.
- (h) The next person on the list is called.
- (i) The original registration list is worked through until exhausted; after that the Presiding Person will call upon any other persons who did not register if they have a question (e.g. people might have arrived after the meeting started).
- (j) When such people have asked their questions the Presiding Person may, if time permits, provide an opportunity for those who have already asked a question to ask further questions.
- (k) The Presiding Person declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However, the Presiding Person has the discretion to allow more than the minimum time for questions if required.

#### 4. Following the Meeting

Council and its committees are required to include a summary of the questions asked and responses given in the minutes of the meeting.

If a person asked a question that needed to be taken on notice, he or she will receive a written response to the question where the person has provided contact details. This response will be included in the minutes of the following meeting.

#### 5. Who Can Ask Questions?

**Any** member of the public can ask questions, not just an elector or people who live in the district.

Councillors do not ask questions during Public Question Time as they have other opportunities to obtain information.

#### 6. What Kind of Questions Can Be Asked?

During an *ordinary* meeting of council any questions affecting the operations of the Shire of Mundaring may be asked, including the business listed on the agenda for a particular meeting. A response will not be provided to questions that do not relate to a matter affecting the Shire of Mundaring.

During a *special* meeting of council only questions relating to the purpose of the meeting may be asked.

At committee meetings only questions relating to the purpose of the committee or meeting may be asked.

#### 7. Repetitive Questions

If a person attempts to ask a question that, in the Presiding Person's opinion, has been satisfactorily responded to at that or an earlier meeting, the person will be advised accordingly. Where necessary, the person will be referred to the minutes of the relevant meeting.

#### 8. Making Statements

If a person attempts to use question time to make statements rather than ask questions, he or she will be asked by the Presiding Person to "*state their question*" or may be assisted in phrasing their question.

However, if it is necessary that a statement preface the question in order to place the question in context then that statement should be brief.

## 9. Questions Requiring Considerable Research

If a question is raised which requires considerable research then the Presiding Person is at liberty to point out when a response to a question would require a substantial commitment of the Shire's resources.

The Presiding Person may invite the person seeking the information to reconsider their request or refer the matter to the CEO for action following the meeting. The CEO can then arrange for the information to be provided or can determine in accordance with the Local Government Act that provision of the information would be an unreasonable impost upon the Shire and refuse to provide it.

## 10. Inappropriate Questions

If a member of the public provides a written question or attempts to ask a question which is considered to be offensive or defamatory in nature, he or she will be advised by the Presiding Person that the question will not be considered. To do so would expose the Shire of Mundaring to possible legal action for republishing defamatory remarks. In such circumstances, but depending on the question, the person may be invited to rephrase their question.

Similarly, the Presiding Person will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of members or employees.

If a person does attempt to ask a question considered inappropriate or not in good faith, the Presiding Person will rule the question out of order and it will not be recorded in the minutes.

The Presiding Person will also refuse to accept questions that relate to the personal affairs or actions of council members or employees.

Finally, the Presiding Person may refuse to accept questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or that have been answered by earlier questions or questions at a previous meeting.

## 11. Questions Asked In Absentia

Where a person submits a question in writing for Public Question Time but fails to attend the meeting, the Presiding Person will not accept the question. In such cases the CEO will treat the question as an item of correspondence, which will be answered in the normal course of business of the organisation. It will not be recorded in the minutes.

## 12. Questions Asked That Do Not Comply With Procedures

Questions from members of the public that do not comply with these procedures or do not abide by a ruling of the Presiding Person, or where the member of the public behaves in a manner that is disrespectful of the Presiding Person, Council or Committee, or refuse to abide by any direction from the Presiding Person, will be ruled 'out of order', and the question will not be recorded in the minutes.