



**POLICY**

<b>TITLE:</b>	<b>QUESTION TIME AT COUNCIL MEETINGS</b>	<b>CODE:</b>	<b>AD.02</b>
<b>PURPOSE or OBJECTIVE:</b>	To provide rules and a procedure on the manner in which: (a) members of the public may submit or ask questions at a council meeting; and (b) how responses to questions and/or statements will be dealt with.		
<b>REFERENCE DOCUMENTS:</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>City of Canning – Standing Orders Local Law</i> <i>Department of Local Government &amp; Communities – Operational Guideline 03 – Managing Public Question Time</i>		

**POLICY STATEMENT**

**An opportunity for members of the public to ask questions pertaining to the operations of the City, and receive responses to them, is provided at every council meeting. This is a means by which:**

- **the public can seek responses about issues affecting the City that are of concern to them;**
- **the public can be better informed about the governing of the City; and**
- **the City can be alerted to issues of importance in the community.**

**This policy is intended to assist the orderly management and operation of public question time so that the available time is used efficiently and effectively, and members of the public are given a fair and equal opportunity to have their questions dealt with.**

**Questions asked at a Special Council or Committee meeting are restricted to matters relating to the purpose of the meeting or the items listed on the agenda.**

**For the purpose of the order in which questions are presented to council, priority will be given to those who have registered their intention to do so prior to the commencement of the meeting and who have submitted them in writing.**

**1. Scope**

This Policy applies to all members of the public intending to avail themselves of the opportunity to ask a question, or questions, during the period set aside for public questions at a council meeting.

**2. Definitions**

<i>council meeting</i>	any Ordinary or Special council meeting, including a committee appointed by council under s.5.9(2) of the <i>Local Government Act 1995</i> where that committee has a delegated power or duty (if any) provided under s.5.16.
<i>elected member</i>	a person elected and holding valid office under the <i>Local Government Act 1995</i> as a member of the council of the City of Canning.
<i>employee</i>	any person employed as a fulltime, part-time or casual employee of the City.
<i>member of the public</i>	any person other than an elected member or an employee of the City.
<i>presiding person</i>	the person chairing the council meeting.

**3. Registering to Ask a Question**

- (1) A person wishing to ask a question is requested to register their interest do so with the City’s administration prior to the commencement of the council meeting:
  - (a) by placing the question in writing, together with the person’s name and address, in the Question Tray located in the foyer of the City’s Administration Centre. The Question Tray is available during office hours and relocated to the Council Chamber 30 minutes prior to the commencement of the meeting,

or

- (b) by indicating to the staff member in attendance in the Council Chamber for this purpose of the intention to:
  - (i) ask a question, or questions, and obtaining from him or her the Question Form on to which to write the question(s), which is to include the person's name and address, or
  - (ii) ask a question or questions verbally, in which case the person is to provide the staff member with their name and address.
- (2) A person intending to ask a question may refuse to provide their address on the grounds of privacy or elect to ask the staff member referred to in subclause (1) to keep their address confidential if the person is to be written to or otherwise contacted.
- (3) The staff member referred to in subclause (1) will prepare a schedule of names and addresses, where applicable, of the questions in the order in which they are received except that written questions will be listed ahead of any intended verbal questions.
- (4) A completed Question Form containing a person's name and address but that does not state the nature of the question is considered to be a verbal question.
- (5) The schedule of questioners referred to in subclause (3) is provided to the presiding person at the commencement of the meeting or at the commencement of public question time.

## **5. Asking Questions and Limits**

- (1) Persons asking a question must be in attendance and present their own question unless otherwise approved by the presiding person. A person asking a question on behalf of another person or entity must, if required by the presiding person, produce evidence that he or she has been authorised to do so.
- (2) Persons submitting written questions may indicate to the staff member in attendance that they prefer to have the CEO present the questions on their behalf.
- (3) Where a question has been submitted and the person is not present the presiding person may rule that the question is an item of correspondence which will be referred to the administration for a response.
- (4) A person is limited to a maximum of three (3) questions at a council meeting. Sub-parts of a question will be counted as questions. At the discretion of the presiding person, an opportunity to ask additional questions may be given if time permits and only after all other questions have been dealt with.
- (5) Persons are permitted to preface a question with one or two introductory statements that establishes the context and basis for the question, provided these statements are relevant and kept brief.
- (6) In general, statements and other expressions of opinions will not be accepted. An exception is where a person draws council's attention to an error of fact in the meeting agenda and/or an officer's report.
- (7) The duration of public question time is 15 minutes, or less if all questions have been dealt with. At the discretion of the presiding person public question time may be extended by a further 15 minutes but any additional extension beyond 30 minutes is subject to a formal council resolution approving an extension.
- (8) All questions must be directed to the presiding person. Personal questioning of elected members or employees is not permitted.

## **6. Duty and Authority of the Presiding Person and Response to Questions**

- (1) On opening public question time the presiding person will make a brief statement announcing that:
  - (a) the time set aside for questions is 15 minutes which may be extended if necessary;
  - (b) the complete rules governing the operation of question time are contained in council policy AD.02, a copy of which can be obtained on request or accessed via the City website;
  - (c) persons will be called up to ask their question in the order in which they are registered, with priority for those who have submitted their question in writing;
  - (d) persons who have not registered will be given an opportunity to ask questions after those who have registered;
  - (e) each person is allowed a maximum of three (3) questions and may speak for a total of not more than five (5) minutes (unless otherwise approved by the presiding person). If they have further questions they may have a another opportunity after all other questions have been dealt with.
- (2) The procedure for managing questions and the responses is at the discretion of the presiding person in matters such as:
  - (a) determining the order in which questions on the register are presented in instances where multiple persons have submitted questions on the same issue;
  - (b) determining whether a question is within council's jurisdiction, appropriate and admissible;
  - (c) refusing to accept questions relating to the personal affairs or actions of elected members or employees;
  - (d) refusing to accept questions relating to confidential matters, legal advice, legal proceedings or other legal processes;

- (e) determining which person, or persons (i.e. presiding person, employee or elected member) will respond to the question;
- (f) determining whether or not a question which is the same, or substantially the same, to one already asked and answered requires a response;
- (g) disallowing a submission which is in fact a statement.
- (h) ruling whether a person has used up his or her allotted time and require them to cease addressing council, and determine whether or not they will receive a further opportunity to ask further questions if time permits, and after all other persons have had their opportunity;
- (i) at a Special Council or committee meeting, determine that a question is not admissible if it is not in relation to the purpose of the meeting or an item listed on the agenda;
- (j) when having the CEO present a question on a person's behalf, request the person to identify him or herself to the elected members;
- (k) for complex questions, or questions requiring research, determine to take the question 'on notice' and the manner in which a response will be provided;
- (l) in situations where there are many attendees on a specific issue, and a number of them request the opportunity to submit a verbal question greater than can reasonably be accommodated within the allotted time period, determine the limit of the number of persons that can speak. The persons and order in which they speak will be based on the order in which they commenced their attendance at the meeting.

## 7. Recording of Public Question Time

- (1) A summary of all admissible questions submitted, and the responses provided, will be recorded in the minutes of the meeting, including the names and addresses of the questioners. Addresses will be omitted or kept confidential only in cases where this has been specifically requested.
- (2) Where the presiding person has ruled that a question be taken 'on notice' a response will be recorded in the agenda and minutes of a following council meeting, or a summary of it in the case where a detailed reply has been provided in writing to the person in the meantime.
- (3) Questions that are ruled as inappropriate or that are refused by the presiding person will not be minuted.
- (4) Submissions that are ruled to be statements will not be responded to and will not be minuted, except in the case of a statement made under clause 5(6).

## 8. Other Provisions

- (1) Where a question is taken 'on notice' and the CEO subsequently determines that a response would require a substantial commitment of the City's resources, he/she may, subject to informing the mayor or presiding person of the intention to do so, exercise the authority provided under section 5.95 of the *Local Government Act 1995* and declare the question(s) an unreasonable impost on the City and refuse to provide an answer. In such an event the refusal and the grounds for the refusal will be noted in the minutes.
- (2) An elected member or employee is required to declare an interest if he or she is a person closely associated with, or has a financial, proximity, or partiality interest in the subject of a person's question directed to that member or employee. In that event the member or employee may not respond to that question and must allow another member or employee to respond to it if they able to do so.

## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	Local Government Act 1995 s. 5.24, s.5.60 and s.5.95 Local Government (Administration) Regulations 1996 – – Regulations 5, 6 and 7
<b>Process Links</b>	Appendix 1 – Rules and Question Sheet

## POLICY ADMINISTRATION

Directorate		Officer Title	Authority to Approve
Corporate Services		Director of Corporate Services	Council
Version	Decision Reference	Synopsis	Delegation No. N/A
1	November 2015	New policy (draft)	
1	OCM 15/12/2015 (CR-063-15)	Adopted	

