

# GC8 – Public Question Time

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## 1 Objectives

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 available 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.

The intention of the legislation is for a local government to respond by providing answers. Although a local government must respond to a question, it is not intended that a local government provide an answer to every question where the question is outside the legislation or deemed unreasonable. There are many circumstances where this may occur.

The regulations (5, 6, 7) require public question time to precede discussion on any matter that requires a decision by Council. They also prescribe, among other things, the minimum duration of public question time, the right of members of the public to an equal and fair opportunity to ask questions and the rights to regulate proceedings.

The specific objectives of this Public Question Time Policy are:

- (a) To guide members of the public in asking questions of Council and Management Committees.
- (b) To ensure that each person in the Public Gallery has a fair and equitable amount of time to speak.
- (c) To ensure compliance with the Department of Local Government's Managing Public Question Time Guide: Local Government Operational Guidelines.
- (d) To ensure compliance with the Act and Regulations.

## 2 Scope

This policy only applies to Ordinary Council Meetings and Special Council Meetings (if relevant to the agenda). The policy does not apply to Concept Forums, Advisory Group Meetings, CEO Performance Review Committee Meetings nor Audit and Risk Committee Meetings.

## 3 Definitions

### 3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

### 3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment. Also known as staff.

### 3.3 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

## 4 Policy

Public Question Time will be available at the commencement of each Ordinary Council Meeting and each Special Council Meeting. Public Question Time will also be available at every meeting of a Committee to which the local government has delegated a power or duty (e.g. Management Committee), should Council ever choose to establish such a Committee.

On behalf of Council the Presiding Member will not admit inappropriate questions including (but not limited to):

- (a) Defamatory remarks;
- (b) Offensive language;
- (c) Matters of the personal affairs or actions of Council Members or employees;
- (d) Confidential information;
- (e) Statements disguised as questions;
- (f) Legal advice, proceedings or processes; and
- (g) Questions that have previously been answered.

Council will not debate any issue during Public Question Time.

### 4.1 Procedures

To assist Councillors, employees and the public to meet the challenges of Public Question Time, Council has adopted a set of standard procedures for question time in the same manner procedures are adopted to assist Councillors to manage other parts of Council and Committee proceedings.

The procedures address the arrangements for asking and responding to questions and other issues that occur regularly during Public Question Time. There is sufficient flexibility for the Councillor to make determinations in situations where some degree of discretion is needed (e.g. where there is an unusually large number of people who want to ask questions and time is limited).

To assist management of proceedings, copies of the procedures are provided to members of Council and Council Committees. Copies of the adopted procedures are made available to people who wish to ask questions. This is done by leaving copies on chairs in the public gallery of the meeting chamber and by posting them on boards prominently placed outside and within the chamber.

The procedures are attached as Appendix A.

### 4.2 Length and Frequency of Public Question Time

As part of the management procedures, Council has considered the length and frequency of public question time. The regulations prescribe a minimum of 15 minutes at the start of the meeting (prior to any discussions requiring a decision). In some circumstances, this may not be long enough or at a time convenient to members of the public (e.g. where meetings begin during the day when people are at work).

Where there is a demonstrated need, Council will consider extending question time beyond the prescribed minimum. This would be in keeping with the spirit of the legislation. However, Council needs to be mindful that members of the public may be at the meeting to observe discussion of an agenda item in which they have an interest. The convenience of these people will be considered when making decisions to extend question time.

Where there is no demand for additional time or insufficient questions to fill the time, Council does not have to wait 15 minutes to close public question time.

#### 4.3 Following the Meeting

It is a requirement that the minutes of the meeting contain a summary of each question asked and the response given. Questions taken on notice will be researched and a written response provided to the questioner, assuming they have provided a name and contact details.

Responses to questions taken on notice will be included in the minutes of the following meeting.

#### 4.4 Breadth of Questions

Any question affecting the local government's operations can be asked at Ordinary Meetings and Special Council Meetings (if relevant to the agenda). However, allowing such a wide brief means that the information to adequately respond to some questions may not be readily available. In such cases questions can be taken on notice.

Some Councils only permit the asking of questions which relate to an item on the agenda. However, it is the Department of Local Government's view that such a policy is of doubtful validity, as the restriction denies peoples' rights under the legislation to ask questions on any local government matter.

Questions asked at Special Council Meetings must relate to the purpose of the meeting.

#### 4.5 Determining the Order of Questions

To establish the order for asking questions, a register is provided so that people can indicate their interest prior to the opening of the meeting. People can then ask their questions in the order they registered. People who have not registered will be given the opportunity to ask their question/s. when the list is exhausted.

#### 4.6 Placing Limits on the Number and Duration of Individual Questions

It is necessary to place limits on the asking of questions to ensure that people are given a fair opportunity and time is used efficiently. For example, there may be many people who want to ask questions or a person with many questions to ask. For this reason, the established procedures limit the number of questions a person can ask to three per meeting with a time limit of three minutes per question.

Reasonable efforts will be made to accommodate people who, because of the application of limits, cannot ask the questions they want. The Presiding Member will, for example, offer to take on notice unasked questions and provide a written response. People with many questions are encouraged to write separately to the CEO or Council. Public Question Time should not be dominated by the questions of one person to the exclusion of others.

## 5 Risk Management

The risks of not having this Policy in place include:

- (a) Members of the public are not aware of the policy or procedure for asking questions of Council and Management Committees.
- (b) People in the Public Gallery do not have a fair and equitable amount of time to speak.
- (c) People who have attended the meeting for an Agenda Item of specific interest cannot stay for that Item due to unreasonable time delays.

- (d) Non-compliance with the Department of Local Government’s Managing Public Question Time Guide: Local Government Operational Guidelines.
- (e) Non-compliance with the Act and Regulations.

## 6 Accountabilities and Responsibilities

Council is accountable for:

- (a) Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- (b) Endorsing (or not) each organisational policy document in a timely and effective manner.
- (c) Delegating implementation of each policy document to the CEO.

The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

## 7 Legislation, Policy and Other Relevant Documents

Act	<p><i>Local Government Act 1995</i></p> <p>s.2.7(2)(b) – The council is to determine the local government’s policies</p> <p>s.5.24 – Question time for public</p>
Regulation	<p><i>Local Government (Administration) Regulations 1996</i></p> <p>r.5 - Question time for public, meetings that require prescribed</p> <p>r.6 - Question time for public, minimum time for</p> <p>r.7 - Question time for public, procedure for</p>
Local Law	Clause 3.3 Standing Orders Local Law – Public Question Time
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

## 8 Administration

Original Adoption Date	17 December 1998
Last Reviewed	28 April 2022
Last Updated	18 June 2024
Scheduled Reviewed Date	18 June 2027

## Appendix A: Public Question Time

### Meeting Restrictions

1. These procedures apply to Ordinary Council Meetings and Special Council Meetings.
2. In the instance of a Special Council Meeting, the question/s must relate to the agenda.
3. Each member of the public can ask a maximum of three questions per Council Meeting.
4. Each question can take no longer than three minutes to ask and have answered.

### Before the Meeting

5. People are encouraged to email questions in advance to [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au) prior the day of the meeting. Attention the email to the CEO.
6. Prior to the meeting, people are encouraged to complete a Question on Notice Form and bring it to the meeting or to complete the form when they arrive.

### During the Meeting

The procedure during the meeting should be as follows:

7. The presiding person opens question time with a brief statement on the rules including:
  - (a) The time set aside for public question time.
  - (b) The availability of the written rules in the chamber.
  - (c) People will be called to ask their question in the order they have registered.
  - (d) Any person who has not registered will be given an opportunity to ask a question after those who have registered.
  - (e) Each person is allowed a certain number of questions or a set amount of time.
  - (f) The right of each person, if they have further questions, to return to the end of the queue.
8. Persons are requested to come forward in the order they registered.
9. Give their name and address.
10. Read out their question.
11. Before or during the meeting each person is requested to provide a written form of their question to the Executive Officer.
12. The Presiding Member determines who is to respond to the question.
13. The question is responded to, taken on notice or not accepted.
14. The person having used up their allowed number of questions or time is asked by the Presiding Member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery.
15. The next person on the registration list is called.
16. The original registration list is worked through until exhausted; after that the Presiding Member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened).
17. When such people have asked their questions, the Presiding Member may, if time permits, provide an opportunity for those who have already asked a question to ask one more question.
18. Public question time is declared closed following the expiration of the allocated time or where there are no further questions.
19. Council reserves the right to allow additional questions and allow additional time.

### Following the Meeting

20. It is a requirement that the minutes of the meeting contain a summary of each question asked and the response given. Questions taken on notice should be researched and a written response provided to the questioner, assuming they have provided a name and contact details.
21. Responses to questions taken on notice must be included in the minutes of the following meeting.