



PUBLIC QUESTION TIME AT COUNCIL MEETINGS

Please be informed that effective from the Council meeting to be held on 13 December 2007 the following protocol will apply to Public Question Time at formal meetings of Council.

The duration for Public Question Time will be either;

- 15 minutes; or,
- Until all written questions received in accordance with this protocol (1 and 2 below) have had an opportunity to be presented
whichever is the longer.

Questions will be given priority if they relate to items on the meeting agenda paper and are either:-

1. In written form addressed to the CEO; or
2. registered in a prescribed form,
prior to 10.00am on the day of the meeting.

The prescribed form is available on line at www.cockburn.wa.gov.au or at the Customer Service desk at the City of Cockburn Administration Building, Spearwood or the public libraries at Spearwood, Coolbellup and Success.

The Presiding Member will determine the order in which persons are invited to address their question or questions to Council so that a fair and equal opportunity is provided.

QUESTIONS RECEIVED RELATIVE TO ISSUES EITHER:-

- not on the Agenda Paper for the meeting;
- received after 10.00am on the day of the meeting; or
- having lapsed due to the person registering the matter not attending the meeting,

and not responded to during Public Question Time may be registered as a Customer Request and responded to by an officer of Council, if accepted by the Presiding Member.

The Presiding Member will not accept questions containing offensive remarks, that relate to the personal affairs or action of elected members or employees or that relate to confidential matters or legal action. Questions that the Presiding Member believes have been answered by earlier questions at the meeting or earlier meetings may not be accepted.



REGISTRATION OF QUESTION ON NOTICE FOR COUNCIL MEETINGS

NAME AND ADDRESS	COUNCIL MEETING DATE	AGENDA ITEM NO. AND HEADING	<p style="text-align: center;">QUESTION/S</p> <p>PLEASE ONLY PROVIDE THE SPECIFIC QUESTION/S YOU WISH TO HAVE ANSWERED. DO NOT INCLUDE ANY STATEMENTS OR OTHER INFORMATION WITH YOUR QUESTIONS. IF INSUFFICIENT SPACE, PLEASE ATTACH ADDITIONAL QUESTION/S. THE TIME ALLOCATED FOR THE ASKING OF QUESTIONS AND RECEIVING RESPONSES IS LIMITED TO A MAXIMUM OF 3 MINUTES PER PERSON.</p>

Upon completion, please return this form to the City of Cockburn by 10.00am on the day of the Council Meeting, for the attention of the CEO:

- By Hand: Administration Building, 9 Coleville Crescent, Spearwood WA
- Mail: PO Box 1215, Bibra Lake DC WA 6965
- Facsimile: 08 9411 3688
- Email: vviljoen@cockburn.wa.gov.au



SHIRE OF YORK

PUBLIC QUESTION TIME

OBJECTIVE:

To provide for and support open and accountable local government through provision of a public question period at all Council and Committee meetings.

PROCEDURE:

To ensure correct recording of questions electors are requested to submit questions in writing at or prior to the meeting.

Note: Operational and administration matters should be referred directly to the Chief Executive Officer as and when issues arise for immediate response and action rather than refer them to the governance format of Council Meetings.

The Local Government Act prescribes the following:

"Procedures for question time for the public – s. 5.24(2)

7. (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 sub regulations (2) and (3).
- (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 sub regulation (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."*

Question time during Council Meetings will be for a minimum time of 15 minutes.

Where questions are not submitted in writing the Presiding Officer or the Chief Executive Officer shall phrase the question to be recorded in the minutes.

COMMENT:

Public Question Time is provided to compliment the role for the Council, which is to:

Direct and control the local government's affairs;
Be responsible for the performance of the local government's functions;
Oversee the allocations of the local government's finances and resources;
Determine the local government's policies.

The Shire President will be responsible for the conduct of public question time. Questions should relate to the business of the Council and should not be in the form of a statement or a personal opinion. Members of the public are not permitted to interrupt or enter into any conversation or debate during the meeting.

The Shire President may limit verbal questions from individual members of the public at the Council meeting within the time allocated for public question time.

The person asking the question shall stand and state their name and address.

The Shire President will endeavour to have every question answered, however if the answer is not known or requires further research or detail, then the question will be taken on notice and a response will be supplied in writing to the individual. This response will be published in the minutes of the next Council Meeting.

It is the intention that all members of the public at the meeting shall be given equal and fair opportunity to ask questions and receive a response, rather than the opportunity for debate. The Chairman or majority of Councillors may determine when an individual has had an equal and fair opportunity.

REPETITIVE/INAPPROPRIATE/VEXATIOUS QUESTIONS:

Repetitive Questions

In accordance with Department of Local Government Guideline No. 3 – Managing Public Question Time there is no obligation to respond to questions previously answered.

Inappropriate Questions

Questions which are considered to be offensive or defamatory will not be considered.

People should be discouraged from asking inappropriate questions such as those including defamatory remarks, offensive language or questioning the competency of staff or elected members. Questions should relate to issues and not individuals.

Vexations Questions

Continual questioning on a specific issue relating to decisions which have been made and acted on may be deemed to be vexations and will not be considered as they are not in the interests of the community as a whole, they consume Municipal resources with no collective benefit and they do not contribute to the good governance of the district as a whole.

PROCEDURE:

In all of the above instances the presiding officer has the right to act as follows:

- (1) Not consider the question
- (2) Advise that the questions is noted as opposed to being responded to or being taken on notice for a future response and publication
- (3) Questions deemed to contain potentially defamatory or offensive statements will not be considered nor included in the Minutes.

NUMBER OF QUESTIONS AND TIME ALLOCATION:

In the interests of enabling question time to be used by the community the number of questions to be asked by an individual is limited to three (3) or a timeframe of two (2) minutes.

If there is an opportunity within the allocated timeframe for public question time (15 minutes) a person may ask additional questions.

Please note:

For Public Question Time at Special Council Meetings, questions are restricted to items that are on the agenda.

Ray Hooper
Chief Executive Officer
260312



Shire of York

FORM 1

ITEM 9.2.1
APPENDIX D

DRAFT

PUBLIC QUESTION TIME AT COUNCIL MEETINGS

Please be informed that effective from the Council meeting to be held on 21st October, 2013 the following protocol will apply to Public Question Time at formal meetings of Council.

The duration for Public Question Time will be a minimum of 15 minutes.

Questions will be given priority if they relate to items on the meeting Agenda paper and are either:

1. In written form addressed to the CEO, or
2. Registered in a prescribed form

Prior to 10.00am on the day of the meeting.

The prescribed form is available on line at www.york.wa.gov.au or at the Customer Service desk at the Shire of York office.

Person's wanting to ask questions are to register with the Meeting Minute Secretary prior to the commencement of the meeting and questions will be taken in order from the register.

QUESTIONS RECEIVED RELATIVE TO ISSUES EITHER:

- Not on the Agenda Paper for the meeting, or
- Received after 10.00am on the day of the meeting

and not responded to during Public Question Time may be registered as a Customer Request and responded to by an officer of Council, if accepted by the Presiding Member.

The Presiding Member will not accept questions containing offensive remarks, that relate to the personal affairs or action of elected members or employees or that relate to confidential matters or legal action. Questions that the Presiding Member believes have been answered by earlier questions at the meeting or earlier meetings may not be accepted.

PROCESS

- Questions submitted should relate to the governance function of Council, being policy, direction setting and decision making for the good of the Community as a whole
- Questions on operational and administration matters should be forwarded directly to the Chief Executive Officer as these do not need to wait for a Council Meeting for a response.

ROLE OF COUNCIL

Public Question Time is provided to compliment the role of Council which is to:

- Direct or control the Local Government's affairs
- Be responsible for the performance of the Local Governments function
- Oversee the allocations of the Local Governments finances and resources
- Determine the Local Government's policies
- Plan for the future

REPETITIVE/INAPPROPRIATE/VEXATIOUS QUESTIONS

Repetitive Questions

In accordance with Department of Local Government Guideline No. 3 – Managing Public Question Time there is no obligation to respond to questions previously answered.

Inappropriate Questions

Questions which are considered to be offensive or defamatory will not be considered.

People should be discouraged from asking inappropriate questions such as those including defamatory remarks, offensive language or questioning the competency of staff or elected members. Questions should relate to issues and not individuals.

Vexations Questions

Continual questioning on a specific issue relating to decisions which have been made and acted on may be deemed to be vexations and will not be considered as they are not in the interests of the community as a whole, they consume Municipal resources with no collective benefit and they do not contribute to the good governance of the district as a whole.

NUMBER OF QUESTIONS

In the interests of enabling question time to be used by the community in a fair and equitable manner each person shall be limited to a maximum of two questions at any one time.

If there is sufficient time within the Public Question Time period the Presiding Member will then allow members of the public to sequentially, in accordance with the register, ask a further two questions at a time.

SPECIAL COUNCIL MEETINGS

Questions must relate to items on the meeting Agenda.



Shire of York

PUBLIC QUESTION TIME PROFORMA

Please ensure that your question complies with the Rules of Public Question Time as published in the Council Agenda and stated below

Name: _____

Residential Address: _____

Organization Name: _____
(If presenting on behalf of)

Council Meeting Date: _____

Item No. Referred To: _____
(If Applicable)

Rules for Council Meeting Public Question Time

- a) The person asking the question is to give their name and residential address prior to asking the question.
- b) Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
- c) In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal. There will be no debate on questions submitted.
- d) Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response. Statements will not be recorded in the minutes.
- e) Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; legal advice; legal proceedings or other legal processes; or would otherwise impose an unreasonable resource impost on the Shire; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.
- f) Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).
- g) Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.

- h) Answers to questions are provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
- i) Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next Council Meeting.
- j) Public Question Time is set for a minimum period of 15 minutes and will terminate earlier should no further questions be forthcoming.
- k) To enable all members of the public a fair and equitable opportunity to participate in Public Question Time, each person will be allowed a maximum of two (2) questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- l) Questions to be asked at the meeting will be registered, and the priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day of the meeting) and secondly, 'questions from the floor'. The Presiding Member shall call upon Public Gallery members that have not already submitted questions in writing or earlier registered their interest to ask a question, to do so, and the priority of asking questions shall be in accordance with that register.
- m) Should there be time remaining of the initial period for Public Question Time after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask a further two questions until the initial period for Public Question Time has expired.



DRAFT

PUBLIC QUESTION TIME

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.

PRESIDING OFFICER
(Date Adopted)