

Shire of Derby/West Kimberley

GUIDELINES FOR PUBLIC QUESTION TIME

(Adopted by Council 29th January, 2004)

Introduction

Public Question Time is a means by which members of the public can seek responses from the Council about issues affecting the local government 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.

In order to make Public Question Time effective and fair to all, Council has adopted a set of procedures for Public Question Time.

Procedures

1. Time Frame

A minimum of 15 minutes is set aside at the beginning of a meeting for Public Question Time (prior to any discussion requiring a decision by Council).

However, Council 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 officer (usually this is the Shire President).

2. Prior to the Meeting

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.

3. During the Meeting

(a) The presiding officer will open public question time with a brief statement of the rules including:

- the period of time set aside for question time;
- the availability of the written rules in the Council Chamber;
- the council policy that 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;

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- the council policy that each person is allowed to ask no more than two questions at a time;
 - the right of each person, if they have further questions, to return to the end of the queue.
- (b) The presiding officer will then request people to come forward in the order they registered. At this time a person is to use the microphone provided,
- give their name; and
 - read out their question.
- (c) If a person has several questions, he or she will be requested to write them down and hand them to the Minutes Secretary before or during the meeting.
- (e) The presiding officer then determines who is to respond to the question.
- If a question relating to a matter in which a councillor or an employee has an interest is directed to that councillor or an employee, he or she will:
- declare that he or she has an interest in the matter; and
 - allow another person to respond to the question.
- (f) The question is responded to, taken on notice or not accepted.
- (g) If a person has used up their allowed number of questions the presiding officer 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 officer 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 member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions.
- (k) The presiding officer declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However the presiding officer has the discretion to allow more than the minimum time for questions if required.

Following the Meeting

Council is 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 their contact details. This response will be included in the minutes of the following meeting.

Who can ask questions?

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

Normally councillors don't ask questions during Public Question Time as they have other opportunities to obtain information.

What kind of questions can be asked?

During an *ordinary* meeting of council any questions affecting the operations of the local government may be asked. A response will not be provided to questions that do not relate to a matter affecting the local government.

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

Repetitive Questions

If a person attempts to ask a question that, in the presiding officer'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.

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 officer to "*state their question*" or may be assisted in phrasing their question.

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

Questions Requiring Considerable Research

If a question is raised which requires considerable research then the presiding officer is at liberty to point out when a response to a question would require a substantial commitment of the local government's resources.

The presiding officer 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 local government and refuse to provide it.

Inappropriate Questions

If a member of the public provides a written question or attempts to verbally ask a question which is considered to be offensive or defamatory in nature, he or she will be advised by the presiding officer that the question will not be considered. To do so would expose the local government 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 officer will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of staff or council members.

If a person does attempt to ask a question considered inappropriate or not in good faith, the presiding officer will rule the question inappropriate.

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

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

Questions asked in absentia

Where a person submits a question in writing for Public Question Time but fails to attend the meeting, the presiding officer will not accept the question. In such cases the CEO may reply in writing at a time other than the meeting.

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What kind of questions can be asked?

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

What kind of questions cannot be asked?

If you provide a written question or attempt to verbally ask a question which is considered to be offensive or defamatory in nature, you will be advised by the presiding officer that the question will not be considered. You may be invited to rephrase your question.

Similarly, the presiding officer (usually this is the Shire President) will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of staff or council members.

If you do attempt to ask a question considered inappropriate or not in good faith, the presiding officer will rule the question inappropriate.

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Questions Requiring Considerable Research

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The presiding officer may invite you to reconsider your request or refer the matter to the CEO for action following the meeting. The CEO can 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 local government and refuse to provide it.

Making Statements

If you attempt to use question time to make statements rather than ask questions, you will be asked by the presiding officer to “*state your question*” or you may be assisted in phrasing your question.

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

Procedure for asking Questions

- Prior to the meeting, you are requested to register your intention to ask a question on the form provided in the Council Chambers.
- Once Public Question Time is opened, the presiding officer will request people to come forward in the order they registered. When called you are required to:
 - use the microphone provided,
 - give your name; and
 - read out your question.
- If you have several questions, you are requested to write them down and hand them to the Minutes Secretary before or during the meeting. You will only be allowed to ask a maximum of two questions at a time.
- The presiding officer will then determine who is to respond to your question.
- If your question relates to a matter in which a councillor or an employee has an interest and it is directed to that councillor or employee, he or she will:
 - declare that he or she has an interest in the matter; and
 - allow another person to respond to the question.
- Your question will be responded to, taken on notice or not accepted.
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- The presiding officer declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However; the presiding officer has the discretion to allow more than 15 minutes for questions.