



# CORPORATE POLICY NO 1.13 PUBLIC QUESTION TIME

## STATEMENT

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This policy sets out a structure for managing public question time at council meetings, pursuant to the Local Government Act 1995, its Regulations and SMRC’s Standing Orders Local Law.

## SCOPE

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The Policy assists Presiding Members to apply consistent and fair procedures in managing public questions at Council meetings.

## OBJECTIVE

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- Time must be made available at every council meeting (ordinary and special) and every committee meeting with delegated powers or duties, for members of the public to ask questions and have them responded to.
- To provide a clear set of procedures for the public to have an opportunity to ask questions and the requirement to manage proceedings at council meetings.

## ROLES & RESPONSIBILITIES

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### Council

The Regional Council is to determine and adopt suitable procedures for managing public question time at council meetings.

### Presiding Members of meetings (Chairperson)

The Chairperson of meetings is to be familiar with the rules of Public Question Time and shall manage questions as per this policy.

### Chief Executive Officer

The Chief Executive Officer is to ensure the policy is consistent with the Local Government Act and Standing Orders Local Law and provided assistance to Presiding Members in managing public questions during meetings.

## DEFINITIONS

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**“Presiding Member”** means any person presiding at a meeting

**“Relevant Person”** SMRC regional councillor or employee

## CONTENT

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### Introduction

- Question Time will be limited to fifteen (15) minutes or earlier if there are no further questions. and be the first item of business at each Council Meeting following disclosure of interests, at the start of the Council Meeting.
- At any Ordinary Council Meeting the public will be able to ask questions relating to a matter involving the regional local government, not just relating to an item on the agenda. Questions

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asked at a Special Council Meeting or Committee meeting to which the local government has delegated a power or duty can only relate to the purpose of the meeting.

- To provide all members of the public with an equal and fair opportunity to ask questions, persons with multiple questions may be asked after the second question to wait until others have asked questions and then if time permitting may continue to ask further questions. Sub-parts of questions will be counted as a question.

## Submitting Questions

- All questions must be submitted in writing, along which the name and address of the person submitting, **prior to the commencement of the Council Meeting**
- All questions will be registered.
- It is recommended that complex questions requiring research be submitted in writing to the SMRC three (3) working days prior to the Council Meeting in order to allow the SMRC sufficient time to prepare a response
- Written questions can be provided in the following forms:
  - a. Emails sent to [smrc@smrc.com.au](mailto:smrc@smrc.com.au), subject line: "Questions for Council Meeting", two (2) hours before the meeting commence time.
  - b. On the day of Council Meetings, written questions are to be registered and placed in the "Questions Tray" located in the meeting venue. The register will be open thirty (30) minutes prior to the commencement of the Council Meeting.
  - c. Members of the public may submit questions up until the commencement of the Council Meeting, but all questions must be submitted in writing and the details of the person asking the question/s must be added to the Register. SMRC staff will be available at the meeting to assist members of the public in understanding the procedure and submitting questions.
- All questions should not contain defamatory remarks, offensive language or questioning the competency of councillors or employees. Questions should be on the issue rather than on individuals.

## Procedure at Council Meetings

- During the Council Meeting persons who have registered their questions will be the only persons able to speak. The first priority will be given to persons who are asking questions relating to items on the current meeting agenda. The second priority will be given to other questions.
- Where questions are registered, but the person fails to attend the meeting, the question will not be put to the meeting and the CEO is to reply in writing at a time after the meeting.
- The Presiding Member will manage public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated.
- The person should then proceed to ask their questions one at a time. Questions should not include statements or express opinions, nor be offensive or defamatory.
- The presiding member will respond to the question or nominate a relevant person to respond on behalf of the council. Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed at specific members of council or employees. Address all question to the Chair.

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- Questions are not to be framed in such a way as to reflect adversely on a particular councillor or employee.
- There is no debate or discussion permitted on any question or response.
- Public question time is declared closed following the expiration of the allocated fifteen (15) minute time period, or earlier if there are no further questions. By resolution of Council the public question time period may be extended for a further period as nominated in the resolution.

In accordance with Local Government (Administration) Regulation 7(5) if a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to:

- declare that he or she has an interest in the matter; and
- allow another person to respond to the question.

While the above regulation prohibits a person responding to a question relating to a matter in which they have an interest, the Act does not require that person to leave the meeting or comply with any other requirement for disclosing interests.

### After the Council Meeting

- Recording questions and responses given during public question time to be recorded as a summary (not verbatim) in the minutes in accordance with local government regulations.
- Where questions are taken on notice, a summary of the question is recorded in the minutes and the CEO is to ensure a written response is provided to the questioner in a timely manner after the meeting.
- A summary of the response to the questions taken on notice must be recorded in the minutes of the next council or committee meeting. (Also noting that the questioner has received the response).

### REFERENCES & REVIEW

<b>Statutory Compliance</b>	Local Government Act 1995 Section 5.24 Local Government (Administration) Regulations 5, 6, 7	
<b>Organisational Compliance</b>	SMRC Standing Orders Amendment Local Law 2009 Section 3.4	
<b>Next Revision Date</b>	August 2023	
<b>Related Documents</b>	"Managing Public Question Time" Dept of Local Government Guidelines No 3 "Public Question Time" Form	
<b>Policy Administration</b>	<b>Responsible Officer</b>	<b>Review Cycle</b>
Corporate	Executive Manager Corporate Services	Biennial
<b>Risk Rating</b>	Operational Risk Register – Risk Low	
<b>Location of document</b>	SMRC Website – Meetings SMRC Website – Members Area Staff Intranet SMRC, 9 Aldous Place, Booragoon – Corporate Services RRRC, 350 Bannister Road, Canning Vale – staff room	

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## DOCUMENT CONTROL REGISTER

Date	Review	No.	Author	Resp Officer	Council
2012	Original	1	DCS	DCS	26/07/2012
2014	Review	2	EMCS	EMCS	28/08/2014
2016	Review	3	EMCS	EMCS	27/10/2016
2018	Review	4	EMCS	EMCS	16/08/2018
2020	Review	5	EMCS	EMCS	27/02/2020
2021	Review	6	CSM	EMCS	27/05/2021

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