

	COUNCIL POLICY	POLICY NUMBER
	PUBLIC QUESTION TIME	C 001
RESPONSIBLE OFFICER	FIRST APPROVED	LAST REVIEWED
General Manager	May 2007	July 2022

1 GUIDELINES

This policy provides guidance to members of the public, Councillors and Council Staff in relation to the operation of Public Question Time during a Council Meeting.

Public Question Time provides an opportunity for members of the public to ask questions about the activities of the Tasman Council.

2 APPLICATON

This policy applies to all members of the public, Councillors and Staff.

3 PROCEDURE

Public Question Time will occur in accordance with Section 31 of the *Local Government (Meeting Procedures) Regulations 2015* which states:

31. Public question time

(1) A member of the public may give written notice to the general manager at least 7 days before an ordinary council meeting of a question to be asked at that meeting.

(2) The chairperson of an ordinary council meeting may –
(a) address questions on notice submitted by members of the public; and
(b) invite any member of the public present at the meeting to ask questions relating to the activities of the council.

(3) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.

(4) A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.

(5) The chairperson of an ordinary council meeting may –
(a) refuse to accept a question from a member of the public; or
(b) require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting.

(6) If the chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.

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(7) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.

(8) The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include –
(a) the day on which notice is given under that subregulation;
and
(b) the day of the ordinary council meeting.

4 ASKING A PUBLIC QUESTION WITHOUT NOTICE:

Any member of the public may ask a question. Questions may be submitted in two ways;

- a) Questions can be submitted in writing and be ‘put on notice’ before the council meeting, or;
- b) A question may be raised from the public gallery ‘without notice’ during public question time.

5 SUBMITTING A PUBLIC QUESTION ON NOTICE

Members of the public are encouraged to submit a question in writing and be ‘put on notice’ to the Council in the public question time. Council recommends this option, as it will enable Council to provide a more “well researched” and complete written response.

To submit a question in writing, members of the public should complete a Public Question Time form (attached). These are available at Council offices and from the Council website.

Completed forms must be lodged at the Council Office no later than 10:00am, 7 days before the scheduled meeting, to ensure that the question is included in the Council Meeting Agenda. If a form is lodged later than this the question may not appear until a later Council Meeting

Public Question Time forms can be lodged by:

Mail: 1713 Main Road, NUBEENA TAS 7184
 In person: Council Offices, 1713 Main Road, Nubeena
 Email: tasman@tasman.tas.gov.au

The submitted questions to be answered at the Council Meeting will be listed on the Agenda for the scheduled meeting on the understanding that the questioner will be in attendance at the Council Meeting.

Each person whose Public Question Time form has been accepted or declined will be advised by no later than the Friday before the scheduled meeting.

When contacted, a person who has submitted a Public Question Time form will need to confirm their presence at the meeting for their question to be read.

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The name of the person asking a question on notice and the question will be included in the meeting agenda and minutes.

A member of the public may not debate an answer provided to a Question On Notice at a Council Meeting.

6 ASKING A QUESTION WITHOUT NOTICE AT A COUNCIL MEETING

The Chairperson of the Meeting must ensure that, if required, at least 15 minutes of that Meeting is made available for questions by members of the public.

If there are multiple Questions Without Notice from members of the public, the Chairperson of the Meeting may limit the number of questions from each member of the public to allow all members of the public to speak.

A member of the public wishing to read a statement will be allowed to do so at the discretion of the Chairperson of the Meeting.

If a member of the public asks a Question Without Notice from the public gallery at the meeting, this question will be recorded in the Minutes with a summary of any answer given in response.

If a response is not readily available to the question asked, the question may be 'taken on notice' and a written response provided to the questioner. If this occurs the question and written response will appear as a Question On Notice in the Agenda of the next Council Meeting. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification.

A member of the public may not debate an answer provided to a Question Without Notice at a Council Meeting.

7 QUESTIONS MAY BE REFUSED IN CERTAIN CIRCUMSTANCES

The Chairperson may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:

- a) relates to any planning issue or item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda);
- b) is unlawful in any way;
- c) contains defamatory remarks, offensive or improper language;
- d) questions the competency of Councillors or Council Staff;
- e) relates to the personal affairs or actions of Councillors or Council Staff;
- f) relates to confidential matters, legal advice or actual or possible legal proceedings;
- g) relates to any matter which would normally be discussed in the closed section of the Council Meeting pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*;

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- h) is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than to make a genuine enquiry;
- i) is vague in nature or irrelevant to Council;
- j) is not related to Council activities; or
- k) is a question that has been substantively asked at the previous Council Meeting.

8 AT THE MEETING

At the Council Meeting, Public Question Time will be held early on the Council Meeting Agenda. This is usually shortly after the meeting commences.

The Chairperson may direct a Councillor or General Manager to provide a response.

In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.

Once the allocated time period of fifteen minutes has ended, the Chairperson will declare public question time ended. At this time, any person who has not had the opportunity to put forward a question will be invited to submit their question in writing for the next meeting.

Regulation 32 of the *Local Government (Meeting Procedures) Regulations 2015* requires the General Manager to ensure the Minutes of the Meeting accurately record any question asked and put in writing during the period referred to in Regulation 31 (3) of the *Local Government (Meeting Procedures) Regulations 2015* and any written answer or summary of that answer to the question.

9 REFERENCES

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2015

This Policy has been reviewed and adopted by resolution number 10/08.2022/C.



Kim Hossack
GENERAL MANAGER

Policy Approved – May 2007

Policy reviewed – September 2016

Policy reviewed – October 2018

Policy to be reviewed – October 2020

Policy reviewed – July 2022

Policy Approved – XXXX

Disclaimer

That this policy be read in conjunction with any or all other Council and/or Management Policies.



Tasman Council

Public Question Time Form

The personal information requested on this form is being collected by Council for the purpose set out in the title of the form. The personal information will be used solely by Council for the primary purpose or directly related purposes. The applicant understands that personal information is provided for the above-mentioned function and that he/she/they may apply to Council for access to and/or amendment of the information. Requests for access or correction should be made to Tasman Council's Customer Service Officer.

Local Government (Meeting Procedures) Regulations 2015

NAME:			
ADDRESS:			
CONTACT DETAILS:			
ADVISE THAT I WISH TO ASK THE FOLLOWING QUESTION/S ON NOTICE:	1.		
	2.		
AT THE ORDINARY COUNCIL MEETING TO BE HELD ON:			
I ACKNOWLEDGE THAT SHOULD I BE GRANTED PERMISSION: <ul style="list-style-type: none"> • Every question will be put succinctly and the question or answer cannot be debated; and • If it is not possible to answer the question at the Council Meeting, it may be taken on notice and a written response provided. 			
SIGNATURE OF APPLICANT		DATE	

PLEASE NOTE: <ul style="list-style-type: none"> • Public Question Time will not normally exceed 15 minutes; • All questions will be put in writing and the question and answer cannot be debated; • The Chairperson may refuse to accept a question and provide a reason for that refusal; • Parliamentary privilege does not apply at Council Meetings; and • This form must be provided to the General Manager seven (7) days prior to the Council Meeting.



Tasman Council

Public Question Time Form

ADVICE TO QUESTION WRITERS

Questions May Be Refused in Certain Circumstances

The Chairperson may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:

- a. relates to any planning issue or item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda);
- b. is unlawful in any way;
- c. contains defamatory remarks, offensive or improper language;
- d. questions the competency of Council staff or Councillors;
- e. relates to the personal affairs or actions of Council staff or Councillors;
- f. relates to confidential matters, legal advice or actual or possible legal proceedings;
- g. relates to any matter which would normally be discussed in the closed section of the Council Meeting pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*;
- h. is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than to make a genuine enquiry;
- i. is vague in nature or irrelevant to Council;
- j. is not related to Council activities; or
- k. is a question that has been substantively asked at the previous Council Meeting.

OFFICE USE ONLY

OFFICERS NAME/ TITLE	
DATE RECEIVED	