	<b>COUNCIL POLICY</b>	<b>POLICY NUMBER</b>
	PUBLIC QUESTION TIME	C 001
		<b>RESPONSIBLE OFFICER</b>
		General Manager

## **1.0 POLICY STATEMENT**

1.1 In accordance with section 31 of the *Local Government (Meeting Procedures) Regulations 2015*, provision will be made at each ordinary council meeting to enable members of the public to ask questions in relation to the activities of Tasman Council.

## **2.0 OBJECTIVE**

2.1 To provide an opportunity for members of the public to ask questions about Tasman Council's activities.

## **3.0 SCOPE**

3.1 This policy applies to all members of the public as well as Councillors and staff.

## **4.0 PROCEDURE**

4.1 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.

4.2 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.

4.3 The Chairperson of an ordinary council meeting may;

- a) address questions on notice submitted by members of the public; and
- b) invite any members of the public present at the meeting to ask questions relating to the activities of the Council.


4.4 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.

4.5 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 in writing to be answered at a later ordinary council meeting.

4.6 If the Chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the Chairperson is to give a reason for doing so.

4.7 A council is to determine any other procedures to be followed in respect of public question time as an ordinary council meeting.


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**Asking a Question Without Notice:**

- 4.8 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.

**Submitting a Question on Notice:**

- 4.9 Members of the public are encouraged to submit a question in writing and be put on notice to address 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.
- 4.10 To submit a question in writing, members of the public will need to complete a Public Question Time form. These are available at Council offices and from the Council website.
- 4.11 Forms will need to be lodged at the Council Office no later than 10:00am 7 days before the scheduled meeting, otherwise the question may not be answered until a later ordinary council meeting. This also allows for questions to be included with the meeting agenda.
- 4.12 Public Question Time forms can be lodged by:
- Mail: 1713 Main Road NUBEENA TAS 7184
  - In person: Council Offices, 1713 Main Road, Nubeena
  - Fax: (03) 6250 9220
  - Email: [tasman@tasman.tas.gov.au](mailto:tasman@tasman.tas.gov.au)
- 4.13 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.
- 4.14 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.
- 4.15 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.
- 4.16 The name of the person asking a question on notice and the question will be included in the meeting agenda and minutes. If a member of the public asked 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.


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### Questions May Be Refused in Certain Circumstances

- 4.17 The Mayor 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.

### At the meeting

- 4.17 At the Council Meeting, public question time will be held early on the Council Meeting Agenda. This is usually shortly after the meeting commences at 1:00pm.
- 4.18 If accepted by the Mayor, the question will be responded to, or, it may be taken on notice as a question on notice for the next Council meeting, or the General Manager can provide a written response. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification.
- 4.19 The Mayor may direct a Councillor or General Manager to provide a response.
- 4.20 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.
- 4.21 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. The minutes must also record any question asked, without notice, by a member of the public and a summary of any answer given in response.

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- 4.22 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.

This Policy has been reviewed and adopted by resolution number 07/10.2018/C on 24 October 2018.



**Robert Higgins**  
**GENERAL MANAGER**

Policy Approved – May 2007  
 Policy reviewed – September 2016  
 Policy reviewed – October 2018  
 Policy to be reviewed – October 2020

**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 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*

<b>NAME,</b>			
<b>ADDRESS:</b>			
<b>CONTACT DETAILS:</b>			
<b>ADVISE THAT I WISH TO ASK THE FOLLOWING QUESTION/S ON NOTICE</b>	1.		
	2.		
<b>AT THE ORDINARY COUNCIL MEETING TO BE HELD ON</b>			
<b>I ACKNOWLEDGE THAT SHOULD I BE GRANTED PERMISSION:-</b> <ul style="list-style-type: none"> <li>EVERY QUESTION WILL BE PUT SUCCINCTLY AND THE QUESTION OR ANSWER CANNOT BE DEBATED; AND</li> <li>IF IT IS NOT POSSIBLE TO ANSWER THE QUESTION AT THE MEETING, IT MAY BE TAKEN ON NOTICE.</li> </ul>			
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>	

<b>PLEASE NOTE:</b> <ul style="list-style-type: none"> <li>PUBLIC QUESTION TIME WILL NOT NORMALLY EXCEED 15 MINUTES;</li> <li>ALL QUESTIONS WILL BE IN WRITING AND THE QUESTION AND ANSWER CANNOT BE DEBATED;</li> <li>THE MAYOR MAY REFUSE TO ACCEPT A QUESTION AND PROVIDE A REASON FOR THAT REFUSAL;</li> <li>PARLIAMENTARY PRIVILEGE DOES NOT APPLY AT COUNCIL MEETINGS; AND</li> <li>THIS APPLICATION MUST BE GIVEN OR SENT TO THE GENERAL MANAGER SEVEN (7) DAYS PRIOR TO THE MEETING.</li> </ul>
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# Tasman Council

## Public Question Time Form

### ADVICE TO QUESTION WRITERS

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- 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

<b>OFFICERS NAME/ TITLE</b>	
<b>DATE RECEIVED</b>	