MANAGING PUBLIC QUESTION TIME
AT COUNCIL MEETINGS

POLICY NO: 1.1.13

OBJECTIVE

To identify the procedure for the manner in which:

1. Members of the Public may submit or ask questions at Council Meetings; and
2. How responses to questions and/or statements will be dealt with.

SCOPE

This Policy applies to all Members of the Public taking the opportunity to ask question(s) during Public Question Time at Council Meetings.

DEFINITIONS

'CEO' means the Chief Executive Officer or Acting Chief Executive Officer of the Town of Cambridge;

'Council Meeting' means any Ordinary or Special Council Meeting, including a meeting of a Committee appointed by Council under Section 5.9(2) of the Local Government Act 1995 where that Committee has a delegated power or duty (if any) provided under Section 5.16 of the Local Government Act 1995.

'Elected Member' means a person elected and holding valid office under the Local Government Act 1995 as a member of the Council of the Town of Cambridge.

'Employee' means any person employed as a full time, part time, or casual employee of the Town.

'Member of the Public' means any person other than an Elected Member or Employee of the Town.

'Question taken ‘on-notice’ ' means that the Presiding Member will seek further information and a written response will be provided by the CEO at a later time to the person asking the question.

'Presiding Member' means the person Chairing the Council Meeting.

REFERENCE DOCUMENTS

POLICY STATEMENT

1. Purpose

1.1 The purpose and intent of this Policy is to specify the details to satisfy Regulations 5, 6 and 7 of the Local Government (Administration) Regulations 1996, to assist the orderly management and operation of Public Question Time at Council Meetings, and to ensure Members of the Public are provided with a fair, objective and equal opportunity to have their questions dealt with.

1.2 Public Question Time provides:

(a) An opportunity for Members of the Public to ask questions pertaining to the operations of the Town of Cambridge, and receive responses to them.

(b) A means by which Members of the Public can be better informed on matters concerning the Town.

1.3 Public Question Time is available for asking questions only, not for making statements or long preamble/post script. A short preamble for contextual understanding is acceptable.

2. Length and Frequency of Public Question Time

2.1 Questions may be asked at the commencement of a Council Meeting at the appropriate Item titled, "Public Question Time".

2.2 Public Question Time will be held in accordance with the legislated period of not less than 15 minutes, and as determined by the Presiding Member, at the start of the meeting. A maximum of three (3) minutes is allocated to each person to ask up to three (3) questions, including any contextual or opening statement.

3. Protocol before the Council Meeting

3.1 Any person who completes and submits a Public Question Time form via the Town's web site, no less than 24 hours' prior to the relevant Council Meeting, will have their question considered at that Meeting.

3.2 Any person who has submitted their question in writing via the Town's webpage, prior to the Council Meeting, will automatically be registered by an Employee.

4. Protocol During the Council Meeting

The procedure during the Council Meeting will be as follows:

4.1 The Presiding Member will open Public Question Time with a brief statement on the protocols, which may include the following information:

(a) the period of time set aside for Public Question Time is a minimum of 15 minutes;
(b) that written protocols concerning Public Question Time are available in the Council Chamber;
(c) the Council's Policy requires that Members of the Public will be called to ask their questions in the order they have registered on the Public Question Time Register (Refer Attachment 1);
(d) any person who has not registered will be given an opportunity to ask a question after those who have previously registered have finished asking their question(s);
(e) the Council Policy 1.1.13 states that each person is allowed a maximum of 3 minutes and allowed up to a maximum of 3 questions; and
(f) any person may, if they have further questions, return to the end of the queue and thereafter ask their remaining questions;

4.2 Subject to 4.3, when Members of the Public are called by the Presiding Member, they are requested to come forward to the microphone, in the order they have previously registered and read out their question (into the microphone - for recording purposes).

4.3 Members of the Public shall state their name, and preferably an address and contact number or email address. Members of the Public may request that their contact details remain private and confidential if reasons are provided (eg employment, silent elector, safety and/or security etc). The requirement to provide such details may be dispensed with at the Presiding Member's discretion.

4.4 Before or during the Council Meeting each person is required to provide a written form of their question to the Employee at the meeting (Refer Attachment 2).

4.5 The Presiding Member determines:
(a) if the question is responded to, taken 'on- notice', or not accepted; and
(b) who is to respond to the question.

4.6 Any person having used up their allowed number of questions or time may be asked by the Presiding Member if they have more questions. If the person indicates they have more questions, then the Presiding Member is to note the request and place them at the end of the queue of questioners, and the person must resume their seat in the public gallery.

4.7 The next person on the Public Question Time Register is called.

4.8 Once all Members of the Public registered on the Public Question time Register have completed asking their questions; the Presiding Member may call upon any other persons who did not register if they have a question (eg a person may have arrived after the meeting commenced).

4.9 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 any further questions.

4.10 The Presiding Member may declare Public Question Time closed following the expiration of the allocated time period, or where there are no further questions to be asked.
5. **Protocol - General**

5.1 All questions must relate to the ordinary business of the Town of Cambridge, the function of Council, or the purpose of the Special Council Meeting, as appropriate. Sub parts of questions will be counted as a question.

5.2 Questions asked at Special Council Meetings are restricted to matters relating to the purpose of that Meeting, ie the items listed on the Agenda.

5.3 No debate or discussion is permitted on any question or response.

5.4 Respect must be shown to the Presiding Member, Elected Members, Employees, Members of the Public, and all meeting attendees at all times.

6. **Presiding Member**

6.1 Questions are to be directed to the Presiding Member, who may, at his/her discretion:

(a) Accept or reject the question, and his/her decision is final;
(b) Nominate an Elected Member of the Council and/or an Employee to answer the question;
(c) Determine the question is to be a question taken 'on notice', in which case the response will be provided in the Minutes of the next Ordinary Council Meeting;
(d) Make a determination where there is concern about a question being offensive, defamatory or the like, in which case the question will not be received or published;
(e) Treat questions as correspondence;
(f) May declare public question time closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions from persons present at the Council Meeting.

7. **Response to Questions**

7.1 Where the person asking the question is present at the Council Meeting, where practicable, responses will be provided at that Meeting by the Presiding Member, or another person nominated by the Presiding Member.

7.2 Where a person submits a question in writing prior to a Council Meeting, the Presiding Member will ask if the person is in attendance at the meeting:

(a) If the person is not present, the Presiding Member may rule that the question is not to be put to the meeting and will be treated as an item of 'correspondence', which will be referred to the Town's CEO for a written response, at a time other than at the meeting; and

(b) The question will not be read out and a written response by the CEO will be forwarded to the individual as soon as practicable and will be recorded in the Minutes.
7.3 Where the information is not available, or the question cannot be readily answered, the question will be taken as a question taken 'on-notice' and a written response will be forwarded to the person. A copy of the Town’s response will be included in the Minutes of the next Ordinary Council Meeting.

8. Legislative Requirements

Policy No 1.1.13 - 'Managing Public Question Time at Council and Committee Meetings' accords with the Department of Local Government Operational Guidelines No 3 (August 2002) - 'Managing Public Question Time' and legislative requirements, namely the Local Government (Administration) Regulations 1996, Regulations 5, 6 and 7 of which state:

"5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —
(a) every special meeting of a council;
(b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

(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 subregulations (2), (3) and (5).

(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 subregulation (3) requires —
(a) a council to answer a question that does not relate to a matter affecting the local government; or
(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.

(5) If, during the time allocated for questions to be raised by members of the public and responded to, 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 —
(a) declare that he or she has an interest in the matter; and
(b) allow another person to respond to the question.”
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Public Question Time

Meeting: 
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Public Question Time is conducted in accordance with:

Questions(s):
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Standing Orders Local Law 2007

3.4 Public Question Time

(1) Public Question Time shall be conducted in accordance with the provision of the Act and Regulations.

(2) Any member of the public, other than a Member, may during Public Question Time ask a question at an Ordinary meeting of the Council.

(3) The procedure for the asking of any responding to questions raised by members of the public is to be determined by the Presiding Member.

(4) Questions may be answered by the Presiding Member or a Member or Officer nominated by the Presiding Member.

(5) The Presiding Member may determine that any complex question requiring research be answered in writing.

(6) The Presiding Member may reject any question that reflects adversely upon the character and actions or may be deemed to be offensive towards any Member or Officer of the Council.

(7) No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Presiding Member.

Local Government Act 1995

5.24. Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at —

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Local Government (Administration) Regulations 1996

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

(a) every special meeting of a council;

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(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 subregulation (3) requires —

(a) a council to answer a question that does not relate to a matter affecting the local government; or

(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.

(5) If, during the time allocated for questions to be raised by members of the public and responded to, 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 —

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

Local Government Operational Guideline No 3 – Managing Public Question Time

This Guidelines states that:

- The Regulations prescribe a minimum of 15 minutes at the start of the meeting (prior to any discussions requiring a decision).

- Councils are reminded that under the Regulations they do not have to wait 15 minutes to close public question time if there are insufficient questions to occupy question time.