



## POLICY – 1.4 – Public Question Time

### Relevant Delegation

N/A

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### Background

Public Question Time (PQT) in Local Governments in WA is an important avenue for residents, stakeholders and any person seeking information relating to the local government.

The Shire of Menzies has determined to formalise procedures to complement the legislative framework, including the Meeting Procedures Local Law (MPLL).

If, at any time an issue arises that is not covered by the legislation, or this Policy, then in accordance with cl 7.1(a) of the Local Government (Administration) Regulations 1996, the Presiding Member will determine same, or the Council may do so by 'overruling' the Presiding Member.

Whatever procedure that is then determined by Council, is the adopted procedure (for that meeting alone, in the absence of any ongoing commitment to it, and assuming it is not inconsistent with the Act, Regulations, or Meeting Procedures Local Law.

### Legislative Framework

PQT rules and procedures are set out in:

- Local Government Act 1995 - s5.24, and others,
- Local Government (Administration) Regulations 1996 – r5,6,7,
- Shire of Menzies Meeting Procedures Local Law – cl 6.3, 6.4, 6.5, 6.6, 6.7.

The Local Government (Administration) Regulations 1996 also confirm that the Presiding Member at the meeting may determine the procedures for the asking of and responding to questions raised by members of the public (unless the MPLL, or a Policy specifies same).

Where processes, or procedures are specified in the Act, Regulations, or Meeting Procedures Local Law, the reference is shown, otherwise matters are the adopted Policy/Procedures of the Shire of Menzies and are shown in *italics*.

### Application of PQT:

- Must be at every Ordinary meeting of Council,
- Must be at every Special meeting of Council,
- Must be at every Committee, which has a delegated authority.

### Commencement of PQT:

At the start of every Ordinary/Special Council meeting (that is before any matter that requires a decision), and Committee, to which it has been delegated authority (cl 6 Regs).

## **Duration of PQT**

PQT will be for a minimum of 15 minutes at the start of every Ordinary/Special Council meeting (that is before any matter that requires a decision), and Committee, to which it has been delegated authority (cl 6 Regs).

The Presiding Member may agree to extend public question time beyond the prescribed 15 minutes, but not more than an additional 15 minutes (MPLL cl 6.7 (9)).

## **Application of Question**

Questions from the public (Regs cl 7(4)):

- Where asked at an Ordinary Meeting, must relate to the Local Government,
- Where asked at a Special Council Meeting, must relate to the purpose of the meeting,
- Where asked at a Committee, with delegated authority, must relate to the functions of the Committee.

## **Asking a Question**

*Questions should be addressed to the Presiding Member and submitted in writing to the Chief Executive Officer by midday the business day prior to the meeting.*

*Priority will be given to those questions relating to a matter on the Agenda before the meeting. General questions will only be addressed if time permits.*

*Multiple parts to a question are considered separate questions.*

*Questions are to be directed to the Presiding Member, not to any other person.*

*Questions regarding personal affairs or opinions, or to information or perceptions not relating directly to Shire business will be refused.*

A member of the public who raises a question during question time, is to state his or her name and address (MPLL cl 6.7(1)).

*A member of the public shall have two minutes to submit a question or questions, unless the presiding member agrees to extend the time permitted (MPLL cl 6.7(5)).*

*Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions (MPLL cl 6.7(6)).*

*When specifically requested, questioner's details may be kept private.*

*Questions without notice or multiple parts to a question will be answered in the order they are asked to a maximum of 2.*

*Should time permit, after all members of the public present have had an opportunity to ask a question, additional questions may be considered*

## **Dealing with a Question**

A question may be taken on notice by the Council for later response (MPLL cl 6.7 (2)).

When a question is taken on notice the CEO is to ensure that –

- a response is given to the member of the public in writing; and
- a summary of the response is included in the agenda of the next meeting of the Council (MPLL cl 6.7 (3)).

The Presiding Member may decide that a public question shall not be responded to where –

- the same or similar question was asked at a previous meeting; a response was provided, and the member of the public is directed to the minutes of the meeting at which the response was provided,
- the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question, or
- the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory. (MPLL cl 6.7(8)).

Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes (MPLL cl 6.7(10)).

*A question without notice at the meeting is to be written on the form available at the meeting so that the exact wording of the question is recorded in the minutes of the meeting. Staff will be made available to assist in wording the question if desired.*

*A timer may be activated at the beginning of each person's time period and the Presiding Member will require questioners to conclude after 2 minutes.*

*The CEO is to compile the same or similar questions submitted with notice and provide a single response.*

*Matters considered confidential under section 5.23 of the Act will not be addressed other than to advise of such.*

*Responses will be provided in reasonable detail, but in order to permit as many questions as possible, will be concise and to the point. Should greater detail be required, this should be notified to the Shire after the meeting.*

*The meeting will not debate nor discuss the question raised with the questioner. Discussion or debate directly with an elected member or employee, or within the gallery is not permitted.*

## **Interests**

Where a question relating to a matter in which a relevant person has an interest 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.

(MPLL cl 6.7 (4)).

## **Future Changes**

It is noted that the State Government intends to commence a uniform Meeting Procedures Local Law in 2025, and which, in part, will address PQT. At that time the Shire of Menzies will determine what changes, if any, need to be made to this Policy, and procedures.



**Public Question Time – Question by Member of Public**

**Shire of Menzies**

Please ensure that your question complies with the Rules of Public Question Time as printed and in accordance with the Shire of Menzies Meeting Procedures Local Law.

Public Question Time Proforma		
Name		
Address		
Business, Organisation or Group (if presenting on behalf of)		
Meeting date	Item number (if applicable)	

Question (Please write your question/s as clearly and concisely as possible, lengthy questions may be paraphrased)

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Signed (above)

Dated:

Contact:

## **Privacy Collection Notice**

The Shire of Menzies may collect personal information for the purposes of liaising with applicants or residents about requested services, programs or to provide relevant information.

Without this, we may be unable to action requests or work, contact stakeholders or deliver targeted services.

The Shire may disclose this personal information to third party providers to deliver services and programs, to communicate with residents or to undertake satisfaction surveys of our services and programs.

Information you disclose is collected in accordance with the Local Government Act 1995 (WA) and associated regulations and the Privacy Act 1988 (Cth).

You can access and request amendments to your personal information by contacting the Shire of Menzies in writing.

Visit our privacy policy at [www.menzies.wa.gov.au](http://www.menzies.wa.gov.au) for more information on how the Shire of Menzies treats personal information.

*– End of Policy*

ADOPTED: 25 JULY 2024