



Brighton Council

POLICY NAME: PUBLIC QUESTION TIME AND **POLICY NO:** 7.4
DEPUTATIONS

ADOPTED BY COUNCIL: 17/10/06; 17/10/17; 21/11/17

POLICY:

Public Question Time

In accordance with the Local Government (Meeting Procedures) Regulations 2015, a period of fifteen minutes for “public question time” will be set aside at Ordinary Council Meetings and Council Committee & Planning Authority Meetings for members of the community to ask questions relating to Council activities.

Public question time provides an opportunity for people to ask questions about Council’s activities, not make statements. Anyone wishing to address Council and make a statement may do so as a Deputation.

The procedures for the conduct of public question time at meetings are set out below.

1. Asking a Question

Anyone may ask a question. Questions may be submitted in two ways:

- a. A question can be submitted in writing and be “put on notice” before the Council Meeting.
- b. A question may be raised from the public gallery “without notice” during public question time.

2. Putting a Question on Notice

2.1 A question in writing to be put on notice will need to be lodged at the Council Offices no later than 4:45 pm 7 days before the scheduled meeting. This 7-day period includes Saturdays, Sundays and public holidays but does not include the day on which the notice is given and the day of the meeting.

2.2 Question can be lodged by:

Mail: 1 Tivoli Road, Old Beach 7017

In person: 1 Tivoli Road, Old Beach

Fax: (03) 6268 7000

Email: admin@brighton.tas.gov.au

- 2.3 Questions to be answered at the Council Meeting will be listed on the agenda for the scheduled meeting.
- 2.4 Each person whose question has been accepted or declined will be advised by no later than the Friday of the week before the scheduled meeting.
- 2.5 When contacted, a person who has submitted a question will need to confirm their presence at the meeting for their question to be read.
- 2.6 The name of the person asking a question on notice and the question will be included in the meeting agenda and minutes. If members of the public do not want these details recorded, they may choose to ask a question without notice from the public gallery at the meeting, as these questions are not formally recorded.

3. Questions Without Notice

- 3.1 Questions without notice are permitted at the discretion of the Chairperson.
- 3.2 There is no requirement for a person to ask a question from the lectern.
- 3.3 Provided time is available, each person in the public gallery will be given an opportunity to ask one question without notice.

4. Questions Refused in Certain Circumstances

- 4.1 The Chairperson will refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:
 - a. relates to any item listed on an agenda which will be considered by the Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993*.
 - b. relates to any item listed on an agenda which will be considered by Council acting as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993*.
 - c. 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.

5. At the Meeting

- 5.1 Public question time will continue for no more than fifteen minutes.
- 5.2 At the beginning of public question time, the Chairperson (usually the Mayor) will firstly refer to questions on notice. The Chairperson will ask each person who has a question on notice to come forward and state their name and where they are from (suburb or town) before asking their question.
- 5.3 The Chairperson will then ask anyone else with a question without notice to come forward and give their name and where they are from (suburb or town) before asking their question.
- 5.4 If called upon by the Chairperson, a person asking a question without notice may need to submit a written copy of their question to the Chairperson in order to clarify the content of the question or be required to put their question on notice for a later meeting.
- 5.5 A member of the public may ask a Council officer to read their question for them.
- 5.6 If accepted by the Chairperson, the question will be responded to, or, it may be taken on notice. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification.
- 5.7 There will be no debate on any questions or answers.
- 5.8 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.
- 5.9 Questions on notice and their responses will be minuted.
- 5.10 Questions without notice raised during public question time and the responses to them will not be minuted or recorded in any way.

Notes

- Council officers may be called upon to provide assistance to those wishing to register a question, particularly those with a disability or from non-English speaking cultures, by typing their questions.

- The Chairperson may allocate a maximum time for each question, depending on the complexity of the issue, and on how many questions are asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided.
- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to local government, and any statements or discussion in the Council Chamber or any document produced are subject to the laws of defamation.

Deputations

In accordance with the provisions of Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015, the following policy, guidelines and conditions apply for the attendance of deputations at Council Meetings.

1. Making a Statement

- 1.1 Members of the public are, at the invitation of the Chairperson of the meeting, permitted to make a statement at any ordinary meeting of Council provided the statement does not relate to a topic which is the subject of a motion of revocation which is to be discussed at the meeting which they address.
- 1.2 A maximum of fifteen minutes is to be set aside for public participation at ordinary Council Meetings.
- 1.3 Not more than five members of the public are to be permitted to address the Council at any one meeting.
- 1.4 The duration of any statement is not to exceed three minutes.

2. Statements to be Refused in Certain Circumstances

- 2.1 The Chairperson will refuse to allow a statement that:
 - a. relates to any item listed on an agenda which will be considered by the Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993*.
 - b. relates to any item listed on an agenda which will be considered by Council acting as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993*.
 - c. is unlawful in any way;
 - d. contains defamatory remarks, offensive or improper language;
 - e. questions the competency of Council staff or Councillors;
 - f. relates to the personal affairs or actions of Council staff or Councillors;
 - g. relates to confidential matters, legal advice or actual or possible legal proceedings;

- h. 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;
- i. is vague in nature or irrelevant to Council;

Notes

- The speaker is required to follow the direction of the Chairperson in relation to how and when they may make the statement.
- When the speaker has been invited forward by the Chairperson they are to introduce themselves to the meeting, stating where they are from (town or suburb) before commencing their statement.
- The speaker is reminded that Council Meetings are open forums and unlike State and Commonwealth parliaments these meetings do not have protection from parliamentary privilege. This means any statement made will need to take into account the rights of other persons.
- At the meeting the speaker is fully responsible to ensure that the statement is accurate and that the statement is not defamatory, does not disclose any confidential information or personal information and does not disclose any commercial-in-confidence information.
- Should the statement be defamatory or disclose confidential information or personal information, or disclose commercial-in-confidence information then the speaker agrees that they will be fully responsible for any issues which follow from the statement.

3. Other Deputations

A formal deputation may be received by Council or any committee of the Council upon invitation of the Chairperson. The procedures and conditions in relation to formal deputation requests are as follows:

- a. A written request will need to be submitted to the Chairperson:
 - from the persons who intend to comprise the deputation; and
 - setting out the recommendation, request, or other matter which, it seeks to be placed before the Council or committee.
- b. The Chairperson is to decide whether or not the deputation requested will be invited.
- c. If the Chairperson decides that a deputation will be invited, the Chairperson is to indicate to the General Manager the meeting at which the deputation will be received.
- d. The Chairperson is to allow deputations as requested by Council.
- e. The General Manager, upon being informed of the matters referred to above is to:

- include in the notice of meeting advice of the proposed deputation and its purpose; and
 - notify the persons that the request has been granted, and the meeting at which the deputation will be received.
- f. A recommendation, request or other matter placed before a Closed Meeting of the Council or committee, is not to be considered until the deputation has withdrawn from the meeting unless the Chairperson has invited them to remain in the meeting room.
- g. A deputation is:
- not to exceed three persons; and
 - not to address the meeting for a period longer than fifteen minutes.