



# Public Participation and Question Time – Council Meetings Policy

(Policy Number – K-GOVPOL002)

(Policy Type – Council)

## 1 Aim

To provide an opportunity for members of the public to ask questions about Council activities at each ordinary Council meeting in accordance with Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

## 2 Policy Statement

At each Ordinary Council meeting, if required, at least 15 minutes will be provided at a time determined by the Mayor for public questions. During the 15 minutes provided, the Mayor will address questions on notice submitted by the public and questions without notice from any person present at the meeting (other than a Councillor), which relate to the activities of the Council.

## 3 Policy Detail

Purpose	Description
<b>Questions On Notice</b>	<p>A member of the public is to give written notice to the General Manager at least seven (7) days before an Ordinary Council meeting of a maximum of two (2) questions they wish to be included on the meeting agenda.</p> <p>Questions with multiple parts will be refused.</p> <p>Should an individual submit more than the allowed two (2) questions, they will be advised the questions have been refused and will not be included on the Council's agenda until they have been recast to comply with the requirements of Council's Policy.</p> <p>Questions are to be lodged by: Mail: PO Box 63, Sheffield 7306 Email: <a href="mailto:council@kentish.tas.gov.au">council@kentish.tas.gov.au</a> In person: 69 High Street, Sheffield</p> <p>Question/s received which comply with this Policy will be included on the agenda for the next available meeting together with a proposed response (if appropriate).</p> <p>A question by any member of the public and any answer provided are not to be debated.</p>
<b>Questions Without Notice</b>	<p>Questions without notice will be dependent on available time at the meeting, with a period of 15 minutes set aside.</p> <p>Questions do not have to be lodged prior to the meeting,</p>

	<p>however they will preferably be provided in writing and presented to a Council Officer at the meeting.</p> <p>A member of the public who wishes to ask a question at a meeting must firstly identify themselves by stating their name and address and inform the meeting of the subject matter of their question prior to asking it.</p> <p>If more than one person wishes to ask a question, the Mayor will determine the sequence of participation.</p> <p>When directed by the Mayor, the member of the public must then step forward to the designated lectern and ask their question/s.</p> <p>At no time should a member of the public approach a Councillor or staff at the meeting table. If any written material is to be distributed, the member of the public is to provide it to a person nominated by the Mayor, who will then distribute it to Councillors.</p> <p>Similar to 'Questions on Notice', a person is not permitted to ask more than two (2) questions and is only entitled to ask a second question after all other persons present who may wish to ask a question has asked one (1) question each, and further, the 15 minutes period has not expired.</p> <p>Questions with multiple parts will not be accepted, with each part being considered a question in its own right.</p> <p>All questions asked are to be directed to the Mayor and must relate directly to the activities of Council, be succinct and not contain lengthy preamble or statements. Questions asked will be:</p> <ul style="list-style-type: none"> <li>○ Answered by the Mayor; or</li> <li>○ Referred by the Mayor to a Councillor, the General Manager or a Council employee present at the meeting; or</li> <li>○ Taken on notice with a written response to be provided by the General Manager.</li> </ul> <p>A question by any member of the public and the answer given are not to be debated.</p> <p>Questions without notice and their answers will be recorded in the meeting minutes.</p> <p>Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.</p>
<p><b>Refusal of Questions</b></p>	<p>The Mayor may refuse to accept a 'question on notice' or refuse to respond to a 'question without notice' at a meeting which in the Mayor's opinion:</p>

	<ul style="list-style-type: none"> <li>a) include comments, questions or submissions that relate to items listed in the Planning Authority agenda;</li> <li>b) is unlawful in any way;</li> <li>c) does not comply with the requirements of this Policy;</li> <li>d) contains defamatory remarks, offensive and/or improper language;</li> <li>e) questions the competency of Council staff or Councillors;</li> <li>f) relates to the personal affairs or actions of Council staff or Councillors;</li> <li>g) relates to confidential matters, legal advice or actual or possible legal proceedings;</li> <li>h) relates to any matter which would normally be discussed in the Closed Section of a Council meeting pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015;</li> <li>i) is proffered to advance a particular point of view rather than making a genuine enquiry;</li> <li>j) is vague in nature or irrelevant to Council activities;</li> <li>k) are questions that have been substantively asked (and responded to) at any previous Council meeting.</li> </ul> <p>If the Mayor refuses to accept a question from member of the public, reasons are to be provided and recorded in the minutes of the meeting.</p>
<p><b>Responsibilities and Expected Behaviours</b></p>	<p>In order to ensure that public question time is conducted in an efficient and effective manner, members of the public should ensure their questions are directed at the activities of Council and avoid:</p> <ul style="list-style-type: none"> <li>a) inappropriate questions, including but not limited to questions that are offensive in nature, disrupt a Council meeting, or concern current legal proceedings involving Council;</li> <li>b) overly lengthy or complex questions;</li> <li>c) asking more than 2 questions during one meeting;</li> <li>d) asking a question that Council has already addressed; and</li> <li>e) debating an answer given to a question.</li> </ul> <p>Council has a duty to ensure it provides a workplace that protects the health and safety of Council’s employees and other persons at the workplace. This duty extends to Council meetings and the conduct of members of the community during public question time.</p> <p>In addition, members of the public who attend Council meetings have a duty to take reasonable care for their own health and</p>

safety, and to ensure their conduct does not affect the health and safety of others.

For these reasons, it is expected that members of the public who participate in public question time will conduct themselves in accordance with the following:

- a) will behave respectfully and professionally towards all persons present and refrain from conduct that interrupts the Chairperson or any other participant in the meeting;
- b) will not use offensive language or make derogatory, offensive, or personal statements or comments about any person, whether they are present at the meeting or not;
- c) will not behave in an aggressive or hostile manner, make threats, shout, speak in a raised voice or act in any other manner that disrupts a meeting;
- d) will not carry and/or present displays, exhibits, signage, messaging or props unless pre-approved by the General Manager, Mayor and/or their delegate; and
- e) will comply with all reasonable directions given by the Chairperson regarding inappropriate questions or behaviour.

If a member of the public in question time asks an inappropriate question or engages in inappropriate behaviour or conduct, the Chairperson may direct the member of the public regarding their question or conduct. They may for example, direct them to expedite their question, cease asking their question, or to ask their question in a respectful manner.

If a member of the public disregards a reasonable direction from the Chairperson, the Chairperson may take the following steps:

- a) cut off a member of the public's microphone;
- b) tap the gavel to restore order;
- c) adjourn the meeting; or
- d) direct the member of the public to leave the meeting, and if they refuse to do so take steps to arrange for their removal from the meeting including but not limited to requesting the assistance of Tasmania Police.

A member of the public who behaves inappropriately during public question time may receive a formal letter from Council identifying the relevant behaviour, setting out that person's work health and safety obligations and outlining the potential consequences if such behaviour is repeated at future meetings.

In sufficiently serious cases, inappropriate conduct may be referred to Tasmania Police or WorkSafe Tasmania for investigation.

In addition, the Chairperson may take reasonable steps to

	<p>remove a member of the public from a Council meeting if that person:</p> <ul style="list-style-type: none"> <li>a) hinders or disrupts a meeting; or</li> <li>b) tries to hinder or disrupt a meeting.</li> </ul> <p>Reasonable steps to include requesting assistance of Tasmania Police in removing the relevant member of the public. The removal of a member of the public from a meeting is a measure of last resort however, it will be used at the discretion of the Chairperson to prevent or halt behaviour that disrupts a meeting.</p> <p>Section 41(1) of the Local Government (Meeting Procedures) Regulations 2015 states that it is an offence punishable by fine not exceeding 10 penalty units for a member of the public to hinder or disrupt a Council meeting.</p>
<p><b>Extension of Public Question Time</b></p>	<p>The period of time set aside for Public Question Time may be extended by an absolute majority decision of the Council.</p>

## 4 Associated Documents and References

### 4.1 Local Government (Meeting Procedures) Regulations 2015

This Policy is made in accordance with the *Local Government (Meeting Procedures) Regulations 2015*, specifically:

- Section 31 of the Regulations which sets out the requirements of the Public Question Time section of an ordinary Council meeting and stipulates that:
  - A Council is to determine any other procedures to be followed in respect of public question time at an ordinary Council meeting.



## 4.2 Strategic Plan Reference

The Kentish Council Strategic Plan provides the following *Advocacy and Leadership* objective:

<b>Program</b>	1	Governance
<b>Objective</b>	1.2	To provide consistent, accountable, transparent and effective governance of the Council.
<b>Activity</b>	1.2.7	Communicate the Council's decisions, policies and activities and the reasons behind them, through the Council's website and standardised publications.

APPROVED BY COUNCIL: 20 February 2024 Minute: 12.1

EFFECTIVE DATE: 20 February 2024

ADMINISTERED BY: General Manager

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.