

REGULATIONS

Public Questions and Deputations at Council



January 2020

Council Meetings are regulated by the Local Government Act 1995, the Local Government (Administration) Regulations and the Shire of Augusta Margaret River's Standing Orders Local Law (as amended) 2011.

1.5 Interpretation

deputation means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

5.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or Committee is to -
 - a) apply in writing, at least 5 clear working days before the meeting, to the CEO for approval; and
 - b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the Presiding Member -
 - a) a copy or a summary of the application; and
 - b) the CEO's recommendation, with reasons, whether or not the application should be approved.
- (3) The Presiding Member may -
 - a) grant or refuse the application, with or without conditions; or
 - b) refer it to the Council or Committee (as the case may be) for determination.
- (4) If the Presiding Member refuses application, he or she is to report to the Council or Committee (as the case may be), at its next meeting, the details of the application and the reasons for its refusal.
- (5) Unless the Council or Committee resolves otherwise, a deputation invited to attend a Council or Committee meeting:
 - a) is not to exceed 3 persons;
 - b) may address the Council or Committee for up to 5 minutes each (or for up to 10 minutes if only one person speaks), unless the time is extended by the Council or Committee; and
 - c) may also respond to questions from Members.
- (6) For the purpose of determining who may address the Council or Committee on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (7) A matter which is the subject of a deputation to a Committee is not to be decided by that Committee until the deputation has completed its presentation.

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5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

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.*

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

Local Government (Admin) Regulations

7. 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.*

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

Local Government (Admin) Regulations

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.*

5.6 Procedures for question time for the public

Procedures for question time for the public is dealt with in the Regulations.

Local Government (Admin) Regulations

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.*

[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]

5.7 Other procedures for question time for the public

(1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.

(2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows –

- (a) a member of the public who raises a question during question time is to state their name and address;
- (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
- (c) questions are to be answered by the member or employee nominated by the Presiding Member;

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- (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place; and
 - (f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.
- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or employee of the Shire.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

Information Sheet – REGULATIONS Public Questions and Deputations at Council Meetings	
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