Questions On Notice Policy

Policy Number	POL-QUONV1
File Number	9/POL/QUON/2
Responsible Officer	Chief Executive Officer
Adopted	13 July 2021
Last reviewed at Council Meeting	13 July 2021
Minute Number	21169/1
Due date of next Review	July 2025

1. Purpose

1.1 The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) provide for questions on notice to be received from Elected Members as part of the Council's meeting cycle.

1.2 Whilst the Regulations only cater to the questions of Elected Members, Council is of the view that members of the public should be afforded the opportunity to ask questions of Council relevant to the strategic and policy functions of Council.

1.3 This Policy provides the guidelines for Questions on Notice from members of the public.

2. Definitions

2.1 **Council** means the Mid Murray Council.

2.2 A **Council employee** means any person that is employed full-time, part-time or casually by Council who receives remuneration for their work.

2.3 **Council Officer** means any Council employee requested to carry out a particular function of Council.

2.4 **Elected Member** is an elected member of the Mid Murray Council.

2.5 **Presiding Member** is the Elected Member or committee member elected or appointed for the chairing of the relevant meeting.

2.6 **Questioner** is the member of the public asking a question.

2.7 **Question on Notice** is written notice of a question for reply and inclusion in a meeting agenda of Council.

3. Policy

3.1 Questions on Notice must be of a strategic nature

3.1.1 Questions on Notice are only available for the asking of questions, not for making statements or long preamble/post script. A short preamble for contextual understanding is acceptable.

3.1.2 The Question on Notice is to relate to strategic policy functions of Council, relevant to the role of the governing body and the function of that body.

3.1.3 Questions are not to relate to the administrative or operational functions of Council.

3.1.4 Questions of an operational nature are the domain of the Chief Executive Officer and are to be directed to the Chief Executive Officer outside of a meeting and during business hours.

3.1.5 The Chief Executive Officer is authorised to determine if the question is of a strategic or operational nature, and will deal with the question accordingly.

3.1.6 Questions on Notice which contain defamatory remarks, offensive language or questioning the competency of staff or Elected members will not be accepted. Questioners are encouraged to direct their Question on Notice to an issue rather than an individual.

3.1.7 In consultation with the Questioner, the Chief Executive Officer is authorised to edit proposed Questions on Notice to ensure questions are appropriate and drafted to a high standard prior to publication in the Agenda.

3.1.8 To ensure transparency and accountability of Council, a Question on Notice will not be rejected based upon:

- the causing of embarrassment to Council, or to members or employees of Council;

- the causing of a loss of confidence in Council; or

- the involvement of discussion of a matter that is controversial within Council's area; or

- the making of Council susceptible to adverse criticism.

3.1.9 There will be a limit of three (3) Questions on Notice per Questioner per meeting.

3.1.10 If approved for inclusion in the agenda and minutes in accordance with this Policy, the Questioner's name will be published in both documents.

3.2 Questions on Notice not open to debate

3.2.1 Questions on Notice are not open to debate or discussion. If more information is required, an Elected Member may seek leave from the meeting to request further information and Council's officers will take the question on notice and present the information to a subsequent meeting. The question and reply will be recorded in the minutes of the next meeting.

3.3 Procedure for receiving Questions on Notice from the Public

3.3.1 The submissions of Questions on Notice must be in the approved form (**Appendix 1**) and must make reference to Council's strategic plan.
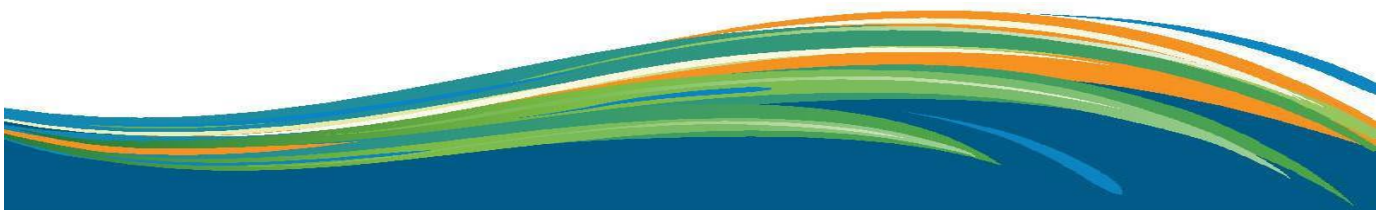
3.3.2   For inclusion in the agenda, Questions on Notice from a member of the public must be received at **least seven (7) clear days** before the date of the meeting at which the Question on Notice is to be asked.

3.3.3   The Chief Executive Officer will receive the question and determine if it is a Question on Notice to be included in the agenda in accordance with this Policy.

3.3.4   The Chief Executive Officer may seek guidance from the Presiding Member to determine if the question is best dealt with as a Question on Notice, or as a question through Council's internal processes.

3.3.5   Once determined as a Question on Notice in accordance with this Policy, the Chief Executive Officer will direct the Question on Notice to the relevant Council officer for reply.

3.3.6   If the question is determined as being of an operational nature, the Questioner will be advised that the question is not a Question on Notice; that it will be dealt with through Council's internal processes; and that a response will be forthcoming.

3.3.7   The Question on Notice and reply will be included in the agenda and minutes at the next meeting of Council.

3.3.8   Where a Question on Notice from a member of the public raises a significant issue and cannot be adequately responded to for inclusion in the agenda, the Presiding Member will make a determination to defer the item to a subsequent meeting of Council.

3.3.9   The Questioner will be informed of the deferment, and advised which meeting the Question on Notice will be scheduled at for inclusion in the agenda.

3.3.10   In making this decision, the Presiding Member will take account of the urgency of the matter and other implications of deferring the item.

3.3.11   Separate correspondence providing the Questioner with a copy of the Question on Notice and reply will not be sent to the Questioner once it is included in the agenda and minutes.

3.3.12   The Question on Notice and reply once published in the minutes and agenda will be considered the finalisation of the matter.

3.3.13   A deputation may not be made on a Question on Notice. A member of the public may either apply to Council for a deputation in accordance with Council's _Deputations to Council Policy_, or request for the matter to be dealt with as a Question on Notice under this Policy.

4. Policy Responsibility

The Chief Executive Officer has delegated authority to administer this Policy.

5. Availability/Accessibility

5.1   This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

6. Legislative Framework / Other References

6.1 *Local Government Act 1999*

6.2 *Local Government (Procedures at Meetings) Regulations 2013*

7. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires. (adjust this paragraph to suite)

Version	Adopted	Minute	Description of Change
1	13 July 2021	21169/1	Adopted

QUESTION ON NOTICE
Submission Form

*Indicates a required field

1.   Contact Details

Name of Person / Organisation:*

Phone Number:*

Postal Address:*

Email address:*

2.   Council's Strategic Plan

Reference to Strategic Plan:*
(please make reference to Council's strategic plan. It is available at <link>)

Theme:

Strategic Goal:

Key Activity:

3.   Question on Notice

Requested Meeting Date: _____

Preamble

Question 1

Question 2

Question 3

Lodge form:
Email: **postbox@mid-murray.sa.gov.au**
or
Post: **PO Box 28, Mannum SA 5238**

Rejected as Question on Notice:

_____   _____
Chief Executive Officer   Date

Reason for rejection & date of advice to Questioner:

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Officer for internal processing:

_____   _____
Officer Title   Date

Outcome, date & detail of correspondence sent to Questioner:

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