Public Submissions and Question Time Policy
Adopted 13 May 2019

1. Policy Statement:
The purpose of this Policy is to provide procedures for public submissions and Public Question Time at Council and Special Committee meetings.

2. Reason for Policy:
The reasons for the Policy are the need to:
- establish processes for public submissions;
- distinguish between Questions with Notice and Questions Without Notice; and
- establish processes for responding to each type of question.

3. Scope:
This Policy applies to all members of the public, Councillors and Council staff.

4. Authorisation:
This Policy was approved by Council on 13 May 2019. The Chief Executive Officer has overall responsibility for this Policy. The Coordinator Governance has responsibility for the implementation and review of this Policy.

5. Revision date/relevant policies superseded:
This Policy will be reviewed within twelve months after each general Council election.

6. Roles and responsibilities:
The Coordinator Governance will be responsible for compliance with, and enforcement of, this Policy and may be asked to clarify the correct interpretation of this Policy if an aspect of the Policy is unclear or in dispute.
7. Policy non-compliance:

The Local Law contains provisions in Divisions 8 and 10 relating to Public Question Time and public submissions, respectively, with which members of the public, Councillors and Council staff must comply. Compliance with these provisions will be enforced by Council.

8. Related Documents:

- Public Submissions Procedure – Ordinary and Special Council Meetings and Special Committee Meetings;
- Question Time Procedure – Ordinary Council Meetings.

9. Implementation of the Policy

This Policy will be published on Council’s website and the Chief Executive Officer will be responsible for ensuring that the Policy is incorporated into the relevant administrative procedures and processes.

10. Definitions

In this Policy:

**Act**
means the Local Government Act 1989.

**Council Meeting**
means any meeting of Council, including an Ordinary Council Meeting and a Special Council Meeting (as defined in the Local Law).

**Local Law**
means Council’s Local Law No. 1 – Governance Local Law.

**Special Committee Meeting**
means a meeting of a Special Committee (as defined in the Local Law).

**Submitter**
means a person whose application to make a public submission to a Council Meeting or Special Committee Meeting is accepted.
11. Public Submissions Procedure – Ordinary and Special Council Meetings and Special Committee Meetings

In addition to the provisions of Division 10 of the Governance Local Law No 1, the following guidelines apply to public submissions made at Council Meetings and Special Committee Meetings.

a) Public Participation at Ordinary, Special Council Meetings and Special Committee Meetings

As a standing practice, Council provides for members of the public to request the opportunity to make an oral submission on a matter listed on the agenda for an Ordinary Meeting, Special Council Meeting and Special Committee Meeting.

Any member of the public wishing to make an oral submission must indicate his or her desire to do so by telephoning the Councillors Office on 9768 1632 or by completing the application form in Appendix 1 to this Policy and delivering it to the Executive Assistant to the Mayor either:

- online via http://www.frankston.vic.gov.au/Your_Council/Council_and_Committee_Meetings/Meetings/Request_to_Speak_at_a_Council_Meeting;
- by email, to councillors.office@frankston.vic.gov.au; or
- by mail, addressed to “Executive Assistant to the Mayor, Frankston City Council, PO Box 490, Frankston VIC 3199”.

All application forms must be submitted by 4pm on the day of the Council Meeting at which the applicant wishes to be heard.

To be accepted, the application form must specify the name, address and contact telephone number of the applicant and the agenda item to which he or she wishes to speak, including whether they support or oppose any recommendation.

The duration of the submission is not to exceed three (3) minutes. An extension of time may be granted by the Chair, only in exceptional circumstances.
b) Limitations on Speakers at Council Meetings

A maximum of 30 minutes will be set aside at each Council Meeting for the receipt of public submissions (other than public submissions made in response to a formal process under section 223 of the Act).

No more than ten (10) members of the public are to be permitted to address the Council at any one meeting unless, at the discretion of the Chair, further speakers are permitted to address the meeting.

Each submitter will be given a maximum of three (3) minutes to speak and submitters must comply with the provisions of any relevant policy adopted by the Council and any directions from the Chair.

Councillors and Council staff may ask a submitter questions or seek clarification of issues raised by the submitter only to the extent necessary to assist in deliberations of the Council. No discussion or debate will be allowed. Such questions and clarification must be asked and sought through the Chair.

c) Section 223 Submissions

Written submissions made in response to a formal process under section 223 of the Act are supplied as part of the Council Agenda to all Councillors, or as part of a Special Council Meeting Agenda to all Councillors or a Special Committee Agenda all Special Committee members, as the case may be.

Persons who have made a formal written submission will be given the opportunity to be heard at a Council Meeting, Special Council Meeting or a Special Committee Meeting in support of that submission.

Those who accept the opportunity to be heard will be given a maximum of five (5) minutes to speak to the Council Meeting, Special Meeting or Special Committee. All persons who make a formal written submission and accept the opportunity to be heard will be heard. There is no limitation on the number of submitters.

In the event that a significant number of persons making formal written submissions under section 223 of the Act accept the opportunity to be heard, it is likely that a Special Council Meeting or a Special Committee Meeting will be convened for the purpose of hearing such submissions.
Councillors (or Special Committee members, as the case may be) may ask a submitter questions or seek clarification of issues raised by the submitter through the Chair.

There will be no further opportunity to speak again on the subject matter of the submissions when it is next considered by the Council unless Council determines otherwise.

d) Notes

The submitter is required to follow the direction of the Chair in relation to how and when they can make their public submission. This might, for example, include a direction that a submitter not repeat material that has been the subject of a previous submission (or submissions).

When the submitter has been invited forward by the Chair, they are to introduce themselves to the meeting, before commencing their public submission.

Public submissions and any subsequent discussion will be recorded as part of the meeting. The proceedings will be live streamed and recordings of Council Meetings are made available to members of the public within 24 hours of the meeting.

Members of the public who address Council will be heard on the live stream and audio of them speaking will be recorded. It is not intended that submitters or members of the public in the gallery will be visible in the live streaming or recording of a meeting. The cameras are positioned so that members of the public, including submitters, are not visible. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission or prior to the Council Meeting.

The submitter is responsible for ensuring that their public submission is accurate, is not defamatory, does not disclose any confidential information or personal information and does not disclose any commercial-in-confidence information (other than that belonging to the submitter, or in respect of which the submitter has permission to disclose).
A submitter may distribute material in support of their public submissions to Councillors (or Special Committee members, as the case may be). Any submitter wishing to do so must contact the Executive Assistant to the Mayor by 4pm on the day of the Council Meeting (or Special Committee Meeting, as the case may be) and provide a copy of the document either electronically or in person. Copies of such material will be provided to all Councillors (or Special Committee members, as the case may be) prior to the relevant meeting and drawn to their attention.
12. **Question Time Procedure – Ordinary Council Meetings**

The Council encourages members of the public to ask questions of it, and has made provision in the Business Agenda of each Ordinary Council Meeting for Public Question Time.

In addition to the provisions of Division 8 of the Local Law, the following guidelines apply to Public Question Time at Ordinary Council Meetings.

**a) Privacy Notification**

As each question will be publicly presented to an Ordinary Council Meeting, the full name (but not the address) will appear in the Minutes of the Ordinary Council Meeting and become part of the public record of that Meeting.

**b) Lodging questions**

Any member of the public wishing to lodge a **Question With Notice** must do so by completing the form in Appendix 2 to this Policy and delivering it to the Executive Assistant to the Mayor by 12noon on the Friday before the relevant Ordinary Council Meeting, either:

- by email, to questions@frankston.vic.gov.au; or
- in person, by delivery to Civic Centre Reception at 30 Davey Street, Frankston.

Any member of the public wishing to lodge a **Question without Notice** must do so by completing the form in Appendix 3 to this Policy and placing it in the box provided in the Frankston Civic Centre foyer or by email to questions@frankston.vic.gov.au by 4pm on the day of the Ordinary Council Meeting.

In order for a question to be included on the Agenda for, and considered at, an Ordinary Council Meeting, the following must be observed:

- **Questions with Notice** must be submitted prior to 12 noon on the Friday before the relevant Ordinary Council Meeting, in accordance with the Local Law. If they are lodged by this time, a considered and detailed response will be prepared by Council Staff and read by the Mayor or CEO at the Ordinary Council Meeting.
- **Questions without Notice** must be submitted in the box provided in the Frankston Civic Centre foyer area or by email to questions@frankston.vic.gov.au no later than 4.00pm on the day of the relevant Ordinary Council Meeting. The relevant Director or CEO will be asked to provide a verbal response to each **Question without Notice**, which will be transcribed and attached to the minutes of the next Ordinary Meeting. Where it is not possible to provide a verbal response, the question will be taken on notice and a written response will be forwarded to the person asking the **Question without Notice** within seven (7) business days of the Ordinary Council Meeting.

- Both **Questions with Notice** and **Questions without Notice** will be published in the minutes of the next Ordinary Council Meeting.

- Questions submitted must be questions of Council and not directed to the Chief Executive Officer or the Executive. Questions that relate to operational matters may be read but answered in writing by the CEO outside the meeting.

- A maximum of 15 minutes will be allocated for Public Question Time responses.

c) **Rules applicable to questions**

Clause 66 of the Local Law sets out the rules that govern questions and the conduct of Public Question Time. A summary of these rules is provided below:

- No person may submit more than three (3) questions to any one Ordinary Council Meeting.

- A question may be split into a maximum of two (2) parts only.

- If a question is split into more than two (2) parts, only the first two (2) parts of the question will be considered.

- If more than three (3) questions are received, only the first three (3) questions will be considered.

- All parts of the question must be relevant to the same subject of enquiry.

- The Chair may decline to read, or have read, a question, or part of a question, if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
d) Disallowance of questions

Clause 66 (8) of the Local Law provides that the Chair may disallow a question, and sets out the types of questions that may be disallowed.

In summary, questions will be disallowed if they:

- are in the nature of a statement, rather than a question;
- relate to matters outside the duties, functions and powers of Council;
- are defamatory, abusive or offensive or objectionable in language or substance;
- deals with a subject matter already answered; or
- are aimed at embarrassing a Councillor or member of Council staff

The Chairperson will advise the person submitting the question that the question will not be read, with a verbal explanation as to the reason why it has been disallowed.

e) Debate and questions from the gallery

Public Question Time is limited to questions asked in writing prior to the commencement of an Ordinary Council Meeting and answered by either the Mayor or CEO. Public Question Time is not an opportunity for debating a response to a question or making any other type of public statement.

*For further information about the process for Public Question Time, please contact the Executive Assistant to the Mayor on 9768 1632.*
APPLICATION TO MAKE A PUBLIC SUBMISSION
TO A COUNCIL MEETING, SPECIAL MEETING OR SPECIAL COMMITTEE
MEETING

Executive Assistant to the Mayor
Frankston City Council
PO Box 490
FRANKSTON VIC 3199

Dear Sir / Madam,

I / We wish to make a public submission at the Council Meeting / Special Council
Meeting / Special Committee Meeting on:

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Public submissions and any subsequent discussion will be recorded as part of the
meeting. The proceedings will be live streamed and recordings of Council Meetings
are made available to members of the public within 72 hours of the meeting.

If a submitter does not wish to be recorded, they must advise the Chair prior to the
Council Meeting.

Please note that the deadline for the submission of this completed application form
is 4pm on the day of the Council Meeting.

Frankston City Council is committed to protecting your privacy. In accordance with the Governance Local Law, you
are asked to provide your name and contact details when applying to make a public submission or submitting a
question. Your contact details will be used to liaise with you about your request. You will be identified by name at
the Council Meeting, Special Meeting or Special Committee Meeting as the person making the submission or
asking the question. Your name will also be included in the publically available Minutes for the relevant meeting.
Your personal information will only be used and disclosed as authorised by law. For further information about how
Council handles personal information, or to request access to your information, see www.frankston.vic.gov.au or
contact Council’s Privacy Officer on 1300 322 322.
PUBLIC QUESTION TIME
QUESTIONS WITH NOTICE

Questions must be submitted on this form and **RECEIVED BY COUNCIL BEFORE 12 NOON ON THE FRIDAY** immediately preceding the Ordinary Council Meeting at which the question is to be asked. There is a **maximum of 3 questions per person**, per Ordinary Council Meeting.

Question time forms must be:

- Emailed: [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au)
- Or Delivered to Civic Centre Reception by 12noon Friday

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Appendix 3

PUBLIC QUESTION TIME
QUESTIONS WITHOUT NOTICE

Questions submitted on this form must be placed in the box provided at the
Frankston Civic Centre foyer area or by email to governance@frankston.vic.gov.au
BEFORE 4.00PM ON THE DAY OF THE COUNCIL MEETING. The form will be collected
by the Minute Clerk and a verbal response will be provided at the Council Meeting.
Where it is not possible to provide a verbal response, the question will be taken on
notice and a written response will be forwarded within seven (7) business days of the
Ordinary Council Meeting, and published in the minutes of the next Ordinary Council
Meeting.

Note: There is a maximum of 3 questions per person, per Ordinary Council Meeting.

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| Background Information (if required): |

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