

WRITTEN PUBLIC QUESTIONS TO COUNCIL

Written questions to Council is available if you wish to ask a question in writing relating to Council's role, functions or business.

These guidelines for Written Public Questions to Council (**Guidelines**) are incorporated into the ~~Glen Eira City Council Meeting Procedure 2019 (Council Meeting Procedure)~~ Governance Rules under clause 9 of the Council Meeting Procedure and provide the public with a means of participating in ordinary council meetings in addition to the public participation at ordinary council meetings under ~~clause 35 of the Council Meeting Procedure~~ the Governance Rules.

The process in these Guidelines provides the local community with an opportunity to submit written questions to Council relating to Council's role, functions or business.

If the question you are asking is not suitable for this format, you are invited to take part in public participation at ordinary council meetings in accordance with under clause 35(1)(a) of the Council Meeting Procedure the Governance Rules or contact Council's Customer Service Centre on mail@gleneira.vic.gov.au or by telephone 9524 3333.

A. SUBMISSION OF WRITTEN QUESTIONS

1. Questions must be received no later than 12 noon on the business day preceding the day of the ordinary council meeting. Questions should be clearly headed "Public Question" and may be submitted to Council by email (publicquestions@gleneira.vic.gov.au), fax (9524 3358), mail (Glen Eira City Council PO Box 42 Caulfield South VIC 3162), or personal delivery (Glen Eira City Council, Glen Eira Rd & Hawthorn Road, Caulfield VIC 3162) or via a form on Council's website (<https://www.gleneira.vic.gov.au/>).
2. Questions must bear the questioner's printed name and address, the date, and a telephone number at which the questioner may be contacted for verification.
3. Questions must be a maximum of 150 words. Questions exceeding 150 words will not be accepted.
4. Each person may submit a maximum of two (2) questions to any ordinary council meeting. If more than two (2) questions are received from any one (1) person, only the first two (2) questions will be processed in accordance with these Guidelines.

B. RESPONDING TO QUESTIONS

5. If the person asking the question is present at the ordinary council meeting, the Chief Executive Officer or person acting in the role of Chief Executive Officer may read the question to the meeting. If the person submitting the question is not present, the question will not be read to the meeting but will be answered in the mode that it was received (e.g. mail or email).
6. The Chief Executive Officer or another officer designated by him or her will:
 - (a) examine the proposed question;
 - (b) recommend to the Chairperson for the Chairperson's decision any question deemed to be inappropriate having regard to paragraph 16; and
 - (c) if not deemed inappropriate read the question to the meeting.
7. The Chairperson may decide to either—
 - (a) personally answer the question; or
 - (b) refer the question to the appropriate Councillor; or

- (c) refer the question to the appropriate member of Council staff; or
 - (d) advise that the question is taken on notice and that a written response will be provided at a later date.
8. Responses provided under paragraph 7(d) will be given within a reasonable time.
 9. All questions and answers shall be as brief as possible and, subject to paragraph 11, no discussion on the question and answer will be allowed.
 10. Where a question is asked about an individual Councillor in their capacity as a Councillor, the question may be redirected to the Councillor concerned.
 11. Where a Councillor disagrees with, or is aggrieved by the response provided by a fellow Councillor appointed by the Chairperson to answer the question, he or she may seek leave of the Chairperson to make an appropriate brief explanatory statement as provided for under the right to make a statement ~~in clause 43 of the Council Meeting Procedure~~ in the Governance Rules.
 12. The total allotted time for written questions shall be no longer than fifteen (15) minutes unless determined otherwise by the Chairperson having regard to the other business on the agenda of the meeting.
 13. If Council is unable to respond to any of the questions asked by a person who is present at the meeting during the time allotted for written questions, the unanswered question shall be taken on notice as per paragraph 7(d) above for separate reply.
 14. The minutes shall record questions read to the meeting (unless the question is inappropriate for any of the reasons set out under paragraph 16). The minutes shall also record any answers which are given at the meeting. The minutes of the next ordinary council meeting shall record the unanswered questions of any person present at the meeting and any answer given by separate reply under paragraph 13.
 15. A report will be submitted to a public meeting of Council quarterly showing the numbers of questions read, number ruled inappropriate, number answered at the meeting and time taken to reply to questions taken on notice.

C. RESPONDING TO QUESTIONS

16. A question may be deemed inappropriate upon the grounds that it—
 - (a) relates to matters that are outside the role, functions or business of Council; or
 - (b) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
 - (c) is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action; or
 - (d) if answered could constitute a breach of:
 - i. the **Privacy and Data Protection Act 2014 (Vic)**; or
 - ii. the confidentiality provisions or any other provision of the **Local Government Act 1989 (Vic)**; or
 - iii. any other relevant legislation.

~~(e)~~ relates to an electoral matter during an election period; ~~or~~

~~(f)~~(e)

(f) exceeds 150 words; or-

(g) is substantially similar to a question which has been answered within the last three months, and there has been no change in circumstances which may result in a different response by Council.

~~(h)~~

(g)

17. The Chairperson will make the final decision as to whether a question is deemed inappropriate under paragraph 16 above.

18. Where a question is deemed inappropriate by the Chairperson, the Chief Executive Officer or designated member of Council staff may read to the meeting only the name and suburb of the person asking the question and the ground under paragraph 16 above upon which the question was deemed inappropriate.

19. Where a question is deemed inappropriate by the Chairperson under paragraph 16(g), the Chief Executive Officer or designated member of Council staff may respond on the following basis:

(a) reading the name and suburb of the person asking the question;

(b) stating that the question has been deemed inappropriate under paragraph 16(g); and

(c) referring to the date and page of the Council minutes which contain the response to the previously asked question which the Chairperson has deemed to be substantially similar.

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