

POLICY:-	
Policy Title:	Questions With Notice Policy
File Reference:	F10/618
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	67/05
Other Review Dates:	22 June 2006; 17 September 2009; 21 June 2012; 21 November 2013; 17 November 2016 and 19 September 2019
Resolution Number:	148/06; 392/09; 192/12; 373/13; 318/16 and 259/19
Current Policy adopted by Council:	15 September 2022
Resolution Number:	211/22
Next Policy Review Date:	2025
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A
RESPONSIBILITY:-	
Draft Policy developed by:	General Manager
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

1. Purpose of Policy

The purpose of the policy is to separate Councillors maintenance requests and enquiries from the more substantial matters of which all Councillors may wish to be aware of and to place appropriate questions for response by the General Manager.

Questions can be proposed by Councillors by giving notice to the General Manager through the provision of an electronic copy of the Question With Notice giving details of all information required. A Question With Notice may be asked by a Councillor to the General Manager in accordance with Clause 3.14 to 3.16, of the Council Code of Meeting Practice. A Question With Notice must not comprise a complaint against the General Manager or a Council employee and must not imply any wrongdoing.

This policy is not intended to prevent Councillors from speaking directly to the General Manager or relevant Directors, and Councillors are encouraged to contact appropriate Directors to either clarify or discuss relevant issues in accordance with the adopted "Interaction between Councillors and Staff Policy".

Council cannot have an agenda item, "questions without notice" as it is inconsistent with the provisions of the Code of Meeting Practice. Allowing questions without notice would avoid the notice provisions in the Code of Meeting Practice.

The Code of Meeting Practice is designed to ensure that all Councillors and the public are aware, by reading the agenda of the meeting, of any business to be considered at an Ordinary Council Meeting.

It also enables Councillors to give careful thought to any pecuniary interest they might have in a matter, rather than having to hastily confront an issue during the meeting.

Council's Code of Meeting Practice, Clause 9.14 to 9.19 explains that a question must not be asked at a meeting unless it concerns a matter on the agenda of the meeting or notice has been given of the question. Information which requires notice to be given of matters to be raised at Council Meetings, further:-

- The opportunity to raise questions at Council Meetings should not be abused. Councillors should bear in mind that there may well be other effective avenues of obtaining information, for example through the General Manager outside the formal meeting cycle.
- As in the case of putting forward notices of motion, Councillors must, in submitting questions with notice, balance their civic responsibility for representing the interests of their community with their obligation to use Council's resources effectively and efficiently.

- It should be borne in mind that a Councillor is at liberty to ask a question of another Councillor or the General Manager about a matter that is on the meeting agenda during the debate on that matter.
- A Councillor or Council employee may take a question on notice and report the response to the next Council Meeting or provide a response informally to the person who asked the question.
- Councillor must put questions directly, succinctly, respectfully and without argument.

2. Definitions

2.1 Questions With Notice

- 2.1.1 Those matters of a business nature which require a written response or a report by the General Manager for the attention of Council; or
- 2.1.2 A matter requiring a detailed response by a Councillor to a resident.

2.2 Customer Request Management (CRM) system

- 2.2.1 Is a service request system for handling general enquiries, such as maintenance requests or requests to repair a Council asset.
- 2.2.2 A service request for action to be taken to satisfy an enquiry from a resident.

3. Policy Implementation

3.1 Questions With Notice

- 3.1.1 Councillors will provide to, the General Manager and Executive Assistant to the General Manager, an electronic copy of the Question With Notice giving details of all information required, by 4.00pm, on the Monday three weeks immediately preceding the Council Meeting;
- 3.1.2 Once the copy of the Question With Notice has been provided to the Executive Assistant it will be forwarded to the appropriate Council Officer for investigation and response;
- 3.1.3 The Council Officer will investigate, provide appropriate comment and provide a written report for review by the General Manager for inclusion in the Questions With Notice section of the Business Paper;

- 3.1.4 Should substantial resources be required to provide Council with an appropriately detailed report, the Question With Notice may not be responded to until a future Council Meeting;
- 3.1.5 Councillors have an obligation to use Council's resources effectively and efficiently and as such, when a Question With Notice has already been responded to by the General Manager, to the satisfaction of Council, the same question or a question substantially relating to the same issue, may not be asked at a future Council Meeting;
- 3.1.6 The General Manager, in consultation with the Mayor, has discretion as to whether a Question With Notice will be accepted and provided a response if it does not comply with Clause 3.1.1 to Clause 3.1.5.

3.2 Work requests for maintenance or repairs

- 3.2.1 Councillors will contact either the Executive Assistant to the General Manager or the Executive Assistant to the Director of Infrastructure who will receive the details and place a maintenance or service request for action on the Customer Request Management System (CRM).
- 3.2.2 The request will be entered into the Customer Request Management System (CRM) and automatically referred to the appropriate Council Officer.
- 3.2.3 If requested, a response will be given by the appropriate Council Officer to the Councillor, or if the Councillor requests, directly to the resident.
- 3.2.4 Council Officers will be aware the request has been made by a Councillor and take appropriate prompt action, or keep the Councillor informed if there are reasons for which appropriate action cannot be taken.

4. **Relevant Legislation and Council Policies**

The following legislation and Council policies that are relevant to this Policy include:-

- Government Information (Public Access) Act 2009;
- Independent Commission Against Corruption Act 1998;
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- State Records Act 1998;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 1994;
- Environmental Planning and Assessment Act 1979;
- Ombudsman Act 1974;
- Independent Commission against Corruption Act 1988 (ICAC);
- Code of Conduct;

- Code of Business Practice;
- Code of Meeting Practice;
- Public Interest Disclosures Policy;
- Disclosures of Interest at Meetings Policy;
- Designated Person Disclosing Interests Returns Policy;
- Privacy Policy;
- Government Information (Public Access) Policy;
- Harassment Policy;
- Complaints Management Policy;
- Interaction between Councillors and Staff Policy;
- Councillor Training and Development Policy;
- Customer Service Charter.

5. Variation

Council reserves the right to vary or revoke this policy.

