

**Standing Orders  
Sunshine Coast Council 2020**

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#### **Acknowledgements**

Council wishes to thank all contributors and stakeholders  
involved in the development of this document.

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## Part 1 Preliminary

### 1 Short title

These standing orders may be cited as the Standing Orders Sunshine Coast Council 2020.

### 2 Purpose

The purpose of these standing orders is to set out the procedures that govern the conduct of business and proceedings at Council meetings and committee meetings.

### 3 Application of standing orders

- (1) The standing orders provide rules for the conduct of:
  - (a) local government meetings and
  - (b) local government committee meetings.
- (2) Any provision of these standing orders may be suspended by resolution at any local government meeting.
- (3) A resolution is required for any such suspension of a provision of the standing orders and must specify the purpose of each suspension.

## Part 2 Local government meetings

### 4 Time of ordinary meetings

- (1) The local government must fix the day and times for its ordinary meetings.<sup>1</sup>
- (2) If there is no resolution fixing the day and time for an ordinary meeting, the Chief Executive Officer must fix the day and time for the meeting.
- (3) Before the Chief Executive Officer fixes the day and time for an ordinary meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed day and time for the meeting.

### 5 Time of special meetings

- (1) The Chief Executive Officer must call a special meeting of the local government if:
  - (a) the special meeting is required by a resolution of the local government or
  - (b) a written request for the special meeting is lodged with the Chief Executive Officer under subsection (2).
- (2) A written request for a special meeting of the local government must:
  - (a) be signed by the Mayor or six or more Councillors and
  - (b) specify the subject of the special meeting and
  - (c) may propose a day and time for the holding of the special meeting.

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<sup>1</sup> A Local Government must meet at least once in each month (S 257 (1) *Local Government Regulation 2012*).

- (3) The Chief Executive Officer calls a special meeting by giving written notice of the day and the time of the meeting, and the business to be conducted at the meeting, to each Councillor.<sup>2</sup>
- (4) The Chief Executive Officer may call a special meeting to discuss any matter the Chief Executive Officer considers should be brought before Council.

## 6 Agenda for ordinary meetings

- (1) The agenda must include:
  - (a) items required under the standing orders to be included on the agenda
  - (b) items that are, by resolution of the local government to be included on the agenda and
  - (c) items whose inclusion on the agenda is requested by a Councillor in accordance with section 16 (Notified motions).
- (2) A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least fourteen days before the date nominated for the meeting.
- (3) The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.
- (4) The order of business may be altered for a particular meeting where the members, at that meeting, pass a motion to that effect in accordance with section 22(3)(f) (Procedural motions) of these standing orders.
- (5) Unless otherwise altered, the general order of business shall be as follows:
  - (a) Acknowledgements and/or commencement greetings
  - (b) Confirmation of minutes of previous meeting/s
  - (c) Mayoral minute
  - (d) Presentations
  - (e) Officers' reports
  - (f) Reports from committees (as required)
  - (g) Notified motions
  - (h) Petitions and
  - (i) Confidential business.
- (6) Business not on the agenda shall not be considered at any local government meeting unless the Council at such meeting resolves to admit such business.

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<sup>2</sup> Notice of each meeting or adjourned meeting of a Local Government must be given to each Councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice (S 258 (1) *Local Government Regulation 2012*). A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting (S 258 (3) *Local Government Regulation 2012*).

## 7 Notice of meeting and agenda circulation

- (1) Notice of each meeting or adjourned meeting of the local government must be given to each Councillor at least 2 days before the meeting unless it is impractical to give the notice.
- (2) The notice must state –
  - (a) the day and time of the meeting and
  - (b) for a special meeting – the business to be conducted at the meeting.
- (3) The Chief Executive Officer shall prepare an agenda for each local government meeting.
  - (a) Agendas shall be made available to members, if practicable, seven days prior to such meetings.
  - (b) Agendas will be made publically available in accordance with the requirements of the *Local Government Regulation 2012*.

## 8 Commencement of business

- (1) The local government shall commence business at the time appointed for holding the meeting, or as soon (but before the expiration of 15 minutes) thereafter as a sufficient number of members is present to constitute a quorum<sup>3</sup>.
- (2) Business shall not be conducted at a meeting unless a quorum is present.

## 9 Adjournment of meeting

- (1) The members present at a meeting may at any time adjourn the meeting by procedural resolution.
- (2) Notwithstanding subsection (1) above, the Chairperson may adjourn the meeting without resolution in accordance with section 40 (Disorder), or for any matter as deemed appropriate by the Chairperson.
- (3) If at a meeting a quorum is not present within 15 minutes after the time appointed for that meeting, the meeting may be adjourned to a later hour of the same day or to any time not later than 14 days from the date of the adjournment by:
  - (a) the majority of the members present or
  - (b) only one member if that member is the only member present or
  - (c) the Chief Executive Officer if no member is present<sup>4</sup>.
- (4) If there is not a quorum of members present at the meeting, then such circumstances, together with the names of the members then present, shall be recorded in the minutes of the meeting.
- (5) If at any time following commencement of business a quorum is not present, the Chairperson shall:
  - (a) suspend the proceedings of the meeting for a period of 15 minutes
  - (b) record in the minutes of the meeting the names of those who are present if a quorum is not present at the end of the period of 15 minutes and

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<sup>3</sup> S 261 (2) *Local Government Regulation 2012*

<sup>4</sup> S 259 *Local Government Regulation 2012*

- (c) adjourn the meeting to a later hour of the same day or to any time not later than 14 days from the date of such adjournment.

## **10 Attendance at meeting**

The members present at each meeting shall be recorded in the minutes of the meeting.

## **11 Admission of non-members to debate**

- (1) The local government may allow a non-member to participate in the discussion of a particular item of business before the local government on conditions decided by the local government.
- (2) The local government may, as a mark of distinction, admit a non-member to a part of the local government chamber normally reserved for Councillors during the conduct of local government business.

## **12 Confirmation of minutes of meeting**

- (1) The minutes of preceding meeting(s) not previously confirmed shall be included on the agenda of every meeting as required in order that such minutes may be confirmed.
- (2) No discussion shall be permitted except in respect to the accuracy of the minutes as a record of the proceedings.

## **13 Mayoral minute**

- (1) The Mayor may, by a signed minute, introduce a matter within the jurisdiction or official cognisance of the local government which is not on the agenda.
- (2) A mayoral minute shall take precedence over all business before the local government, except confirmation of the minutes.
- (3) A mayoral minute may be moved by the Mayor from the Chair without being seconded.
- (4) A motion proposed by mayoral minute and adopted by the local government is a resolution of the local government.

## **14 Presentations**

The Chairperson may allow the local government to receive or provide acknowledgements, certificates, awards, appreciation from the community, business or industry.

## **15 Committee reports**

- (1) If, in a report of a committee, distinct recommendations are made, the decision of the local government may be taken separately on each recommendation.
- (2) A recommendation of a committee, or portion thereof, may be amended by the local government in any manner it may think fit, or may be referred back to the committee for further consideration.
- (3) A recommendation of a committee adopted by the local government is a resolution of the local government.



## 16 Notified motions

- (1) Subject to subsection (2), a member may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the local government by giving notice in writing, in the approved form, to the Chief Executive Officer either at the previous meeting or not less than seven days before the commencement of the meeting at which the motion is to be discussed.
- (2) A notified motion –
  - (a) must be of an urgent nature that requires consideration by Council prior to the next Ordinary Meeting, noting that a Councillor may under section 6 (2) request the Chief Executive Officer to include an item of business on the agenda for a particular meeting
  - (b) must not seek to involve Council in an action or conduct that is contrary to law or approved Council policy
  - (c) must not involve a redirection of financial resources of the Council or give rise to a potential additional cost to Council that is not accommodated in Council's adopted budget
  - (d) must not propose an amendment to a planning scheme, local law, or Council policy or strategy unless the amendment is considered urgent on the basis of a risk to public health or safety and/or could result in a significant cost or reputational exposure for Council if not considered prior to the next Ordinary Meeting and/or
  - (e) must not seek to override or alter a decision lawfully made by the Council on a development application under the *Planning Act 2016*.
- (3) The Chairperson shall rule out of order a motion which does not comply with subsection (1) or (2).
- (4) Notified motions shall be dated and recorded by the Chief Executive Officer as received and circulated to Councillors as required. The Chief Executive Officer must also certify whether, in the Chief Executive Officer's opinion, the notified motion complies with subsections (1) and (2).
- (5) Subject to subsection (1), every motion shall:
  - (a) lapse if the member who gave notice, or some other member authorised by that member, is not present to move the motion when called on and
  - (b) not again be reintroduced without a subsequent notice of motion duly given as provided in subsection (1).
- (6) If the member as per subsection (1), or authorised member (as per subsection (4)), fails to move the motion when called on to do so, another member may move said motion notwithstanding the member and/or authorised member are present.
- (7) The member as per subsection (1) having given notice of the motion in writing to the Chief Executive Officer may not seek to amend the motion at the meeting at which the motion is to be discussed.
- (8) Where a notified motion is lost, a notified motion of the same or like effect shall not be moved until at least three (3) months after the date on which the first mentioned notified motion was lost.

## 17 Petitions

- (1) A member may present a petition where the petition is legible, the purpose of the petition is on the top of each page, contains a minimum of 10 signatories and is worded in appropriate language.
- (2) On presentation of a petition to the local government the only motion which may be moved is that:
  - (a) the petition not be received or
  - (b) the petition be received and referred to the Chief Executive Officer to determine appropriate action or
  - (c) the petition be received and referred to the Chief Executive Officer or a committee for consideration and report back to the local government.
- (3) No debate on a petition shall be allowed except the member presenting the petition may speak to the petition for a period of not more than one minute.

## Part 3 Procedures for making decisions/resolutions

### 18 Motions

- (1) A motion brought before a local government meeting in accordance with these standing orders shall be received and put to the meeting by the Chairperson.
- (2) The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before it is received.
- (3) When a motion has been moved and seconded, it shall become subject to the control of the local government and shall not be withdrawn by the mover and seconder without the consent of the local government.
- (4) The Chairperson shall call the motions in the order in which they appear on the agenda and, where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

### 19 Motion to be seconded

A motion or an amendment to a motion shall not be debated at a local government meeting unless or until the motion or the amendment is seconded, with the exception of mayoral minutes. Where no member seconds a motion, the motion will lapse.

### 20 Amendment of motion

- (1) An amendment to a motion shall be in terms that retain the identity of the original motion and does not negate the motion.
- (2) No more than one motion or one proposed amendment to a motion may be put before a local government meeting for consideration at any one time.
- (3) Where an amendment to a motion is before a local government meeting, no other amendment to the motion shall be considered until after the first amendment has been determined.
- (4) A member who moves or seconds a motion may not propose or second an amendment to that motion.
- (5) Any amendment to a motion must be proposed before the mover of the motion has exercised their right of reply.

- (6) Where an amendment to a motion becomes the motion before the local government, the original motion in its entirety cannot become a further amendment.

## 21 Speaking to motions and amendments

- (1) A member may request further information from or through the Chairperson before or after the motion or amendment is seconded.
- (2) Following the seconding of a motion or amendment, the Chair shall first call for a speaker to speak in favour of the motion or amendment and each subsequent speaker alternatively against or in favour of the motion or amendment, unless the Chairperson rules otherwise.
- (3) A right of reply may be exercised by the mover of a motion or the mover of an amendment if an amendment is moved.
- (4) Each member shall speak no more than once to the same motion or same amendment except as a right of reply.
- (5) Once the right of reply has been exercised, the debate is closed.
- (6) Each speaker shall be restricted to not more than five (5) minutes unless an extension of time is granted.
- (7) Where two or more members indicate they wish to speak at the same time, the Chairperson shall determine who is entitled to priority. The Chairperson may determine the order of speakers by accepting the raising of a hand, a member rising to speak, or by other means outlined by the Chairperson. The Chairperson will outline their preference and apply it consistently.

## 22 Procedural motions

- (1) A member at a meeting of the local government may, during the debate of a motion at the meeting, move a procedural motion, unless the member is the mover, seconder or has spoken to the original motion or a subsequent amendment:
- (2) A procedural motion is required to be seconded.
- (3) Procedural Motions
  - (a) That the motion **be put**
    - (i) at any time to finalise debate of a motion before the local government
    - (ii) if the procedural motion is carried, the Chairperson shall immediately put the motion or amendment to that motion under consideration
    - (iii) if lost, debate on the motion or amendment to the motion shall continue.
  - (b) That debate on the motion or amendment now before the meeting **be deferred**
    - (i) specifying a time or date when the debate on this item will be reconvened or
    - (ii) where no date or time is specified the motion shall be included in the agenda for the next meeting.
  - (c) That the motion lies on the table
    - (i) where a member requires additional information on the motion (or the result of some other action of the local government or person is required) before the matter may be concluded at the same meeting and
    - (ii) if carried, the local government shall proceed with the next item on the agenda.

- (d) The motion be taken from the table
  - (i) at the meeting at which a procedural motion was carried to have the motion lie on the table
- (e) That the Chairperson's **ruling be dissented** from
  - (i) suspending further consideration of any matter until after this procedural motion is determined
  - (ii) spoken to firstly by the mover of the procedural motion then the Chairperson; no other members may speak to this procedural motion
  - (iii) if carried, the motion to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made or
  - (iv) if lost, the ruling of the Chairperson shall stand and cannot be challenged by a subsequent Procedural motion.
- (f) That the operation of the standing orders or any provision thereof be **suspended**
  - (i) by any member to permit some action that otherwise would be prevented by procedural rule and
  - (ii) specifying the purpose of the suspension.
- (g) That the meeting of the local government be **closed or open** to the public (in accordance with the provisions of the *Local Government Regulation 2012* (the Regulation))
  - (i) by way of a motion specifying which of the provisions of the *Local Government Regulation 2012* are being invoked and why
  - (ii) if carried, all members of the public shall leave and not re-enter the room where the meeting is being held until a procedural motion that the local government meeting be open to the public, is carried and
  - (iii) all debate/discussion in the course of a closed meeting shall be confidential.
- (h) That the meeting stand **adjourned**.

## 23 Points of order

- (1) A member who is speaking shall not be interrupted, except by the Chairperson or upon a point of order, in which event the member shall resume the member's seat and remain silent until the Chairperson has ceased speaking or the point of order has been disposed of, whereupon the member so interrupted may, if permitted, proceed.
- (2) Any member may ask the Chairperson to decide on a point of order where it is believed that:
  - (a) another member has failed to comply with proper meeting procedure
  - (b) a matter before the local government is in contravention of the standing orders, or the Act or the Regulation or
  - (c) a matter before the local government is beyond the local government's jurisdiction or power.
- (3) Where a point of order is raised, consideration of the matter to which the motion was moved shall be suspended and the Chairperson shall determine whether the point of order is upheld.

## 24 Method of taking vote

- (1) Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer or other Council officer.
- (2) The Chairperson shall, in taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
- (3) The local government shall vote by a show of hands or as directed by the Chairperson.
- (4) The Chief Executive Officer shall record the names of the members voting in the affirmative and of those voting in the negative and this record of the vote shall be published in the minutes of the meeting.
- (5) The Chairperson shall declare the result of a vote as soon as it has been determined.

## 25 Repeal or amendment of resolutions

- (1) A resolution of the local government may be repealed or amended only if notice of intention to propose the repeal or amendment is given to each Councillor at least 5 days before the meeting at which the proposal is to be made.
- (2) Where a motion to repeal or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three (3) months after the date on which the first-mentioned motion to repeal or alter was lost, unless a notice of the motion shall be signed by the majority of the members of the local government.

## 26 Questions

- (1) A member may, at a local government meeting, ask a question for reply by another member or by the Chief Executive Officer (or other Council officer as determined by the Chief Executive Officer) regarding any matter under consideration at the meeting of the local government.
- (2) Questions relating to general work or procedure of the local government or any matter under the jurisdiction of the local government but not related to any matter under consideration at that meeting are not allowed.
- (3) The question may be required by the Chairperson to be reduced to writing and provided to the relevant member or the Chief Executive Officer.
- (4) The question shall be asked categorically and without argument, and no discussion shall be permitted at the meeting of the local government in relation to a reply or a refusal to reply to the question.
- (5) A member or the Chief Executive Officer to whom a question is asked without notice may request that the question be taken on notice for response at, or prior to the next meeting.
- (6) A member who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- (7) The Chairperson may disallow a question which the Chairperson considers is inconsistent with good order.

## Part 4 Maintenance of good order

### 27 Conduct during meetings

- (1) After a meeting of the local government has been formally constituted and the business commenced, a member shall not enter or leave from such meeting without first acknowledging the Chairperson.
- (2) Unless exempted by the Chairperson, members shall stand and address the Chairperson while:
  - (a) moving any motion or amendment
  - (b) seconding any motion or amendment
  - (c) taking part in any discussion
  - (d) replying to any question or
  - (e) addressing the local government for any other purpose.
- (3) Members shall during a meeting of the local government address:
  - (a) other members by their respective titles, “Mayor”; “Councillor”; “Chairperson” or “member” and
  - (b) officers by designating them their respective official or departmental title or full name (eg Mr Smith).
- (4) Members shall during a meeting of the local government confine their remarks to matters then under consideration.
- (5) Members shall remain seated and silent while a vote is being taken.
- (6) Members shall act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner.
- (7) No member or Council officer shall make personal reflections on or impute improper motives to any other member or Council officer.
- (8) No member who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a member.
- (9) When the Chairperson stands during a debate, the member then speaking or offering to speak shall immediately be seated and the Chairperson shall be heard without interruption.
- (10) The Chairperson may:
  - (a) call the attention of the meeting to continued irrelevance or tedious repetition on the part of any member and
  - (b) direct the member to discontinue a speech.

### 28 No digression

A member shall not speak otherwise than upon, nor digress from, the matter or question then before the local government.

### 29 Disturbance by members

A member shall not make a noise or disturbance nor converse aloud while another person is addressing the local government.

### 30 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors.

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- (1) The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- (2) If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to 30 (7) for the steps to be taken.
- (3) If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
  - (a) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
  - (b) apologising for their conduct and or
  - (c) withdrawing their comments.
- (4) If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- (5) If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (6) If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- (7) If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decides a warning is not appropriate, the Chairperson may make one or more of the orders below:
  - (a) an order reprimanding the Councillor for the conduct
  - (b) an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (8) If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting. The meeting must be adjourned whilst the Councillor is being removed.
- (9) Following the completion of the meeting, the Chairperson must ensure:
  - (a) details of any order issued is recorded in the minutes of the meeting
  - (b) if it is the third (3rd) or more order within a 12month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the local government and treated as inappropriate conduct pursuant to the Act.
  - (c) the local government's Chief Executive Officer is advised to ensure details of any order made must be updated in the local governments Councillor Conduct Register pursuant to the Act.

- (10) Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (1), (7) and (8) above.

### **31 Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government by the Independent Assessor**

Pursuant to the *Local Government Act 2009* (the Act), after receiving a referral by the Independent Assessor or under paragraph 30 (9) (b) of this document of an instance of suspected inappropriate conduct, the local government must complete an investigation into the alleged conduct.

After the completion of the investigation, the local government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the Act.

- (1) When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor the local government must be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and or safety of an individual due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the *Local Government Regulation 2012* (the Regulation) to discuss the allegation.
- (2) The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions through the Chairperson to assist the other Councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- (3) Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the procedure for same. If the complainant Councillor who has a conflict of interest wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- (4) The local government must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the Act, or deferred to another date when a quorum will be present.
- (5) If a decision is reached that the subject Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
  - (a) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
  - (b) an order reprimanding the Councillor for the conduct
  - (c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
  - (d) an order that the Councillor be excluded from a stated local government meeting



- (e) an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the local government on a State board or committee
  - (f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
  - (g) an order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's inappropriate conduct.
- (6) When making an order, the Council may consider any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the local government is reasonably satisfied is true.
  - (7) A local government may not make an order under section 31(5)(c), (d), (e) or (f) in relation to a person who is no longer a Councillor.
  - (8) The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made and the Chairperson must advise them of the details of the decision
  - (9) The Chairperson must ensure the meeting minutes reflect the resolution made.

## 32 Prescribed conflicts of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, the following procedures apply:

- (1) A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- (2) Should a Councillor first become aware that the Councillor has a prescribed conflict of interest in the matter at a Council meeting, the Councillor must immediately inform the meeting of the interest including, at a minimum, the particulars stated in subsection (3) below.
- (3) A Councillor with a prescribed conflict of interest must inform the meeting of the local government of the prescribed conflict of interest and set out the following particulars:
  - (a) for a gift, loan or contract – the value of the gift loan or contract
  - (b) for an application for which a submission has been made – the matters the subject of the application and submission
  - (c) the name of any entity, other than the Councillor, that has an interest in the matter
  - (d) the nature of the Councillor's relationship with the entity (other than the Councillor) that has an interest in the matter and
  - (e) details of the Councillor's and any other entity's interest in the matter.
- (4) Should a Councillor give notice at or inform the meeting of a prescribed conflict of interest in a matter the Councillor must leave the place at which the meeting is being held, including any area set aside for the public and stay away from the place while the matter is discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter

- (5) Once the Councillor with the prescribed conflict of interest has left the place at which the meeting is being held, including any area set aside for the public, Council can continue discussing and deciding on the matter.

### 33 Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes per section 150EW of the Act apply.

- (1) A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- (2) Should a Councillor first become aware that the Councillor has a declarable conflict of interest matter at a Council meeting, the Councillor must inform the meeting of the conflict of interest.
- (3) A Councillor with a declarable conflict of interest must inform the meeting of the local government of the interest, providing sufficient detail to allow the other Councillors to make an informed decision about how to best manage the declarable conflict of interest in the public interest. As a minimum, the following details must be provided:
  - (a) The nature of the declarable conflict of interest.
  - (b) If the declarable conflict of interest arises because of the Councillor's relationship with a related party –
    - (i) the name of the related party
    - (ii) the nature of the related party
    - (iii) the nature of the related party's interests in the matter.
  - (c) If the Councillor's or related party's personal interests arise because of a gift or loan from another person –
    - (i) the name of the other person
    - (ii) the nature of the relationship of the other person to the Councillor or the related party
    - (iii) the nature of the other person's interest in the matter and
    - (iv) the value of the gift or loan and the date the gift or land was made.
- (4) After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- (5) If the Councillor with the declarable conflict of interest chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- (6) The other Councillors at the meeting, must decide by resolution, whether the Councillor can participate in the decision making in relation to the matter, including by voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible (non-conflicted) Councillors.

- (7) The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting; for example, may stay for the debate/discussion but must leave for the vote on the item. The Councillor must comply with any decision or condition imposed by the non- conflicted Councillors.
- (8) In deciding whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of eligible Councillors is less than a majority or less than a quorum for the meeting, per section 150ET of the Act.
- (9) The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision, but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- (10) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible Councillors should consider the circumstances of the matter including, but not limited to:
  - (a) How does the inclusion of the Councillor in the deliberation affect the public trust
  - (b) How close or remote is the Councillor's relationship to the related party
  - (c) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
  - (d) Will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them
  - (e) How does the benefit or detriment the subject Councillor stands to receive compare to others in the community
  - (f) How does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting
  - (g) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (11) If the eligible non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- (12) A decision about a Councillor who has a declarable conflict on interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions about the same matter unless there is a change to the Councillor's personal interest and/or the nature of the matter being discussed. If the non-conflicted Councillors decide the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter eg. Briefing sessions or workshops.
- (13) In making the decision under this section, it is irrelevant how the Councillor with the declarable conflict of interest intended to vote on the issue or any other issue (if known or suspected)

- (14) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

### **34 Reporting a suspected conflict of interest**

- (1) If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief of suspicion, and the facts and circumstances that led to their belief or suspicion.
- (2) The Chairperson should ask the relevant Councillor with the suspected conflict of interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees that they have a conflict of interest, the Councillor must follow the relevant process above.
- (3) If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- (4) The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have either. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.
- (5) If the Councillor cannot reach a majority decision then they are taken to have determined that the Councillor has a declarable conflict of interest.
- (6) A decision about a Councillor per this section for a matter applies in relation to the Councillor for participating in the decision and all subsequent decisions, about the matter.
- (7) The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision, but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.

### **35 Procedure if loss of quorum for deciding matter because of conflict of interests**

- (1) Should a matter in which one or more Councillors have a prescribed conflict of interest or declarable conflict of interest need to be decided at a meeting and there is less than a quorum remaining at the meeting after any of the Councillors with a personal interest leave and stay away from the place where the meeting is being held, the Council must resolve to do one of the following:
  - (a) delegate deciding the matter under section 238 of the Act, unless the matter cannot be delegated under that section
  - (b) decide, by resolution, to defer the matter to a later meeting or
  - (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- (2) The Council must not delegate deciding the matter to an entity if the entity or a majority of its members have personal interests that are or are equivalent in nature to, a prescribed conflict of interest or declarable conflict of interest in the matter.

- (3) A Councillor does not contravene the Act by participating in a decision or being present while the matter is discussed and voted on for the purpose of delegating the matter or making a decision to defer or not decide the matter per (b) and (c) above.
- (4) If the matter cannot be delegated under an Act, the Council should seek Ministerial approval for the Council to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

### **36 Recording prescribed and declarable conflicts of interest**

When a Councillor informs a meeting that they or another Councillor has a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the interest was dealt with, including –

- (a) The name of any Councillor who may have a prescribed or declarable conflict of interest
- (b) The particulars of the prescribed or declarable conflict of interest provided by the Councillor
- (c) The actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest
- (d) Any decision then made by the eligible Councillors
- (e) Whether the Councillor with the prescribed or declarable conflict of interest participated in or was present for the decision under Ministerial approval
- (f) The Council's decision on what actions the Councillor with the declarable conflict of interest must take and the reasons for the decision
- (g) The name of each Councillor who voted on the matter and how each voted
- (h) If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor –
  - i. The name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest and
  - ii. How each of the Councillors voted.
- (i) Where a decision has been made that applies conditions to how a Councillor with a declarable conflict of interest may participate in a matter – the minutes must include -
  - i. The decision
  - ii. The reasons for the decision
  - iii. The name of each eligible Councillor who voted and
  - iv. How each eligible Councillor voted.

### **37 Closed meetings**

- (1) Local government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss one or more of the following matters:
  - (a) the appointment, dismissal or discipline of the Chief Executive Officer
  - (b) industrial matters affecting employees
  - (c) the local government's budget
  - (d) rating concessions

- (e) legal advice obtained by the Council or legal proceedings involving the Council including, for example, legal proceedings that may be taken by or against the Council
  - (f) matters that may directly affect the health and safety of an individual or group of individuals
  - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government
  - (h) negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967* or
  - (i) a matter the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.<sup>5</sup>
- (2) A local government or committee must not make a resolution (other than procedural) in a closed session meeting. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.
- (a) To take an issue into a closed session, the local government must first pass a resolution to do so.
  - (b) A resolution that a Council meeting be closed must –
    - (i) state the matter mentioned in subsection (1) above that is to be discussed and
    - (ii) include an overview of what is to be discussed while the meeting is closed.
  - (c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
  - (d) The minutes of a local government must detail the matter discussed and reasoning for discussing the matter in closed session. The local government must also ensure that it complies with the statutory obligations associated with recording of resolutions.
- (3) Council cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.
- (4) A meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and Council must delegate the matter, decide by resolution to defer the matter to a later meeting or decide by resolution to take no further action on the matter.

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<sup>5</sup> S254J (3) *Local Government Regulation 2012*

### **38 Participation via audio or visual link**

- (1) If a Councillor wishes to attend a Council meeting via audio or visual link, the Councillor must apply to the Chairperson to participate by teleconference at least three business days prior to the meeting or as soon as practicable.
- (2) The Chairperson may allow a person to take part in a meeting of the Council by audio link or audio visual link.
- (3) A Councillor or committee member who takes part in a Council meeting by audio or audio visual link is taken to be present at the meeting if the Councillor or member was simultaneously in audio contact with each other person at the meeting.

### **39 Acts of disorder by non-members**

- (1) A person who is not a member of the local government or a committee must not interrupt or obstruct the proper conduct of a meeting of the local government or a local government committee.
- (2) If a person (other than a member) interrupts or obstructs the proper conduct of a meeting of the local government or a local government committee, the Chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the Chairperson.
- (4) If a person contravenes subsection (3), the Chairperson may request the Chief Executive Officer to facilitate the removal of the person and keep the person away from the meeting place.

### **40 Disorder**

The Chairperson may adjourn a meeting of the local government for not more than 60 minutes and vacate the Chair if an act of disorder arises at the meeting and the meeting cannot properly continue.

### **41 Business of objectionable nature**

If, at a local government meeting, the Chairperson or a member considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the local government, the Chairperson may, on the Chairperson's own volition or at the request of another member, declare that the matter not be considered further.

## **Part 5 Attendance of public at local government meetings**

### **42 Attendance of public at local government meeting**

- (1) An area shall be made available at the place where any local government meeting is to take place for members of the public to attend and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- (2) When the meeting of the local government is closed to the public in accordance with the local government regulation, the public shall be excluded from the meeting.
- (3) Notwithstanding subsection (1), the Chairperson of a local government meeting or committee may close a meeting to the public if the Chairperson is satisfied it is not practicable for the public to attend the meeting because of health or safety reasons associated with the public health emergency involving COVID-19. Any decision by the Chairperson of this nature must be published on Council's website<sup>6</sup>

## **Part 6 Committee meetings**

### **43 Local government committee meetings**

- (1) Local government committees established in accordance with sections 264 and 265 of the Regulation, (that is, standing, special and advisory committees), are subject to the provisions of these standing orders, with the following exclusions:
  - (a) Section 13 Mayoral minute
  - (b) Section 15 Committee reports
  - (c) Section 16 Notified motion
  - (d) Section 17 Petitions.

### **44 Day and times of committee meetings**

- (1) Meetings of a committee are held at the day and times decided by the committee.

### **45 Special committee meetings**

- (1) The Chief Executive Officer must call a special meeting of a committee if:
  - (a) the special meeting is required by a resolution of the local government or
  - (b) a written request for the special meeting is lodged with the Chief Executive Officer under subsection (2).
- (2) A written request for a special meeting of a committee must:
  - (a) be signed by the Chairperson or a majority of members of the committee
  - (b) specify the object of the special meeting and
  - (c) propose a day and time for the holding of the special meeting.

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<sup>6</sup> Division 4 S 277F *Local Government Regulation 2012 – expires 30 June 2021*



## 46 Notice of committee meetings

- (1) The Chief Executive Officer must give written notice of a committee meeting setting out the day and time of the meeting, and the business to be conducted at the meeting, to each member of the committee.
- (2) The notice must be given, if practicable, at least two days before the day of the meeting.

## 47 Chairperson of committee meetings

The Chairperson of a committee<sup>7</sup> must preside at a meeting of a local government committee.<sup>8</sup>

## 48 Procedure at committee meetings

- (1) The procedure of a committee for dealing with business must be in accordance with:
  - (a) procedural directions given to the committee by resolution of the local government or
  - (b) if there is no procedural direction governing a particular matter, the Chairperson's decision.

## 49 Method of taking vote at committee meetings

- (1) The Chief Executive Officer shall record the names of the members voting in the affirmative and of those voting in the negative.
- (2) The Chairperson shall declare the result of a vote as soon as it has been determined.

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<sup>7</sup> A Local Government may appoint a Chairperson of each committee (See section 267 (1) *Local Government Regulation 2012*).

<sup>8</sup> If the Chairperson is not present at a meeting, the members present may appoint a Chairperson for the meeting (See section 267 (3) *Local Government Regulation 2012*).

## Part 7 Record of meetings

### 50 Minutes of meetings

- (1) Minutes of a meeting of the local government must include:
  - (a) a copy of any report adopted by the meeting
  - (b) a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting and
  - (c) a copy of any information or material which the Chairperson decides should be incorporated into the minutes of the meeting.
- (2) The material to be included in the minutes under this section is in addition to the material required by the *Local Government Regulation 2012*.

### 51 Teleconferencing<sup>9</sup>

- (1) A local government may allow a person to take part in a meeting by teleconferencing.
- (2) A Councillor taking part in a meeting by teleconferencing is taken to have attended the meeting if—
  - (a) the Councillor was simultaneously in audio contact with each other person at the meeting and
  - (b) the local government approved the teleconferencing arrangement.

## Part 8 Procedure not provided for

### 52 Procedure not provided for

If an appropriate or adequate method of dealing with any matter is not provided for in these standing orders, the method of dealing with the matter may be determined by a ruling of the Chairperson or by a resolution of the local government upon a motion which may be put with notice in conformity with these standing orders.

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<sup>9</sup> S 276 *Local Government Regulation 2012*

## Definitions

**Chief Executive Officer** means the local government's Chief Executive Officer.

**Chairperson of the local government or a committee** means the person presiding at a meeting of the local government or a committee.

**contractor** of a local government, means a person who provides services under a contract with the local government or a person prescribed under a regulation

**Council** means the Sunshine Coast Regional Council.

**Council employee** means an employee of the local government appointed or engaged under the *Local Government Act 2009*.

**Councillor** means a Councillor of the Sunshine Coast Regional Council and includes the Mayor.

**local government committee** means a standing committee, special or advisory committee appointed by the local government in accordance with section 264 of the *Local Government Regulation 2012*.

**local government committee meeting** means a meeting of a local government committee.

**local government meeting** means an ordinary meeting or a special meeting of the local government.

**Mayor** has the meaning given in the *Local Government Act 2009* and includes any person acting in the position of the Mayor.

**member** means in the case of:

- (a) a local government meeting, Councillors of the local government
- (b) a local government committee meeting, Councillors of the local government appointed to the local government committee by the local government or
- (c) an advisory committee, persons appointed to the advisory committee by the local government.

**non-member** means:

- (a) the Chief Executive Officer
- (b) a Council employee/officer nominated by the Chief Executive Officer
- (c) a Council employee/officer invited to a local government meeting, a local government committee meeting or an advisory meeting by the Chairperson of that meeting
- (d) in the case of a local government meeting, a local government committee meeting or an advisory meeting, a person admitted to the meeting by the respective local government, local government committee or advisory committee or
- (e) in the case of a local government committee meeting or an advisory committee meeting, a Councillor who is not a member of that committee.

**ordinary business matter of local government means:**

- (a) matters that are solely or relate solely to the making or levying of rates and charges, or the fixing of a cost-recovery fee
- (b) matters that are solely or relate solely to making a planning scheme that applies to the whole of the local government area or amending a planning scheme, if the amendment applies to the whole of the local government area
- (c) if the matter solely, or relates solely to a resolution required for the adoption or amendment of a budget for the local government
- (d) matters that solely or relates solely to the remuneration or reimbursement of expenses of Councillors or members of a committee of the local government or the provision of superannuation entitlement or insurance for Councillors or a matter of

- interest to the Councillor solely as a candidate for election or appointment as mayor, deputy mayor, Councillor or as a member of a committee of the local government
- (e) matters relating to a corporation or association that arises solely because of a nomination or appointment of the Councillor by the local government to be a member of the board of the corporation or association or
  - (f) matters in relation to a Councillor's conflict of interest in a matter if the Councillor or close associate or related party or donor stands to gain a benefit or suffer a loss that is no greater than the benefit or loss that a significant proportion of person in the local government area stand to gain or lose.

**ordinary meeting of the local government** means:

- (a) a post-election meeting or
- (b) a periodic meeting the local government is required to hold under section 257 of the *Local Government Regulation 2012*.

**point of order** means an interjection during a meeting by a member who does not have the floor, to call to the attention of the Chairperson an alleged violation or breach of the local government's standing orders.

**post-election meeting** means the meeting required by the *Local Government Act 2009*.

**presentation** means the giving or receipt of certificates, memorials, acknowledgements to the local government or from the local government but excludes the presentation of moneys by the local government.

**quorum** means a majority of its Councillors, however if the number of Councillors is an even number, one-half of the number is a quorum.

**standing orders** means the rules and procedures adopted by Council that regulate the meetings of the Sunshine Coast Regional Council.

**teleconferencing** is the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen per the *Local Government Regulation 2012*.

**the Act** means the *Local Government Act 2009*.

**the Regulation** means the *Local Government Regulation 2012*.









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