



## Standing Orders Sunshine Coast Council 20158



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**[www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)**

[mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)

T 07 5475 7272 F 07 5475 7277

Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

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## Part 1 Preliminary

### 1 Short title

These Standing Orders may be cited as the Standing Orders Sunshine Coast Council 2015~~8~~.

### 2 Purpose

The purpose of these standing orders is to set out the arrangements 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 may, by resolution, fix dates and times for its ordinary meetings.<sup>1</sup>
- (2) If there is no resolution fixing the date and time for an ordinary meeting, the chief executive officer must fix the date and time for the meeting.
- (3) Before the chief executive officer fixes the date and time for an ordinary meeting, the chief executive officer must, if practicable, consult with the mayor about the proposed date 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 three or more councillors and
  - (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>1</sup> The local government must meet at least (a) for a region, city or town – once in each month (See section 257 (1) of the *Local Government Regulation 2012*).

- (3) The chief executive officer calls a special meeting by giving written notice of the date 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 seven days before the notice of meeting is given.
- (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 (1)(g) (Procedural motions) of these standing orders.
- (5) Unless otherwise altered, the general order of business shall be as follows:
  - (a) Confirmation of minutes of previous meeting/s
  - (b) Mayoral minute
  - (c) Presentations
  - (d) Officers' reports
  - (e) Reports from committees (as required)
  - (f) Notified motions
  - (g) Petitions and
  - (h) 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> Written 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 (See section 258 (1) of the *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 (See section 258 (3) of the *Local Government Regulation 2012*).

## 7 Notice of meeting

The chief executive officer shall prepare an agenda for each local government meeting.

- (1) Agendas shall be made available to members, if practicable, five days prior to such meetings.
- (2) A list of the items to be discussed at a meeting will be made available for inspection to the public at the time the agenda for the meeting is made available to councillors.

## 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.
- (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) The chairperson may adjourn the meeting without resolution in accordance with section 31 (Disorder), or for other matters 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.
- (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 5 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 5 minutes and
  - (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

- (1) The members present at each meeting shall be recorded in the minutes of the meeting.
- (2) After a meeting has been formally constituted and business commenced, a member shall not enter, leave, or withdraw from such meeting without first notifying the chairperson.

## 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 the first business at every meeting 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) 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 meeting at which the motion is to be discussed.
- (2) The chairperson shall rule out of order a motion which does not comply with subsection (1).
- (3) Notified motions shall be dated and recorded by the chief executive officer as received.



- (4) 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).
- (5) 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.

## 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 statutory 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 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 the chairperson rules otherwise.
- (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 or a member rising to speak. 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 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 or
    - (ii) at any later meeting.
  - (e) That the chairperson's **ruling be dissented from**
    - (i) suspending further consideration of any matter until after the 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.
  - (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 under section 275 of the Regulation are being invoked
    - (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 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 employee who is taking the minutes of the meeting.
- (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.
- (5) The chairperson shall declare the result of a vote as soon as it has been determined.

### 24 Repeal or amendment of resolutions

- (1) A resolution at a local government meeting may not be altered or repealed unless notice of intention is given in accordance with section 262 of the Regulation.
- (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.

### 25 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 employee 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

### 26 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 employee shall make personal reflections on or impute improper motives to any other member or council employee.
- (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.

### 27 No digression

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

### 28 Disturbance by members

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

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

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

- 1.1 The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- 1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must 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, refer to 1.7 for the steps to be taken.
- 1.3 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:
  - 1.3.1 Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
  - 1.3.2 Apologising for their conduct
  - 1.3.3 Withdrawing their comments.
- 1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 1.5 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.
- 1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one or more of the orders below:
  - 1.7.1 an order reprimanding the Councillor for the conduct
  - 1.7.2 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.
- 1.8 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 by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- 1.9 Following the completion of the meeting, the Chairperson must ensure:
  - 1.9.1 details of any order issued is recorded in the minutes of the meeting
  - 1.9.2 if it is the third (3rd) or more order within a 12-month 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 LGA
  - 1.9.3 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 LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.

### 30 Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under paragraph 1.9.2 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 LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, the Local Government must:

- 2.1 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. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
- 2.2 When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures.
- 2.3 The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- 2.4 If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
  - 2.4.1 an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
  - 2.4.2 an order reprimanding the Councillor for the conduct
  - 2.4.3 an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
  - 2.4.4 an order that the Councillor be excluded from a stated Local Government meeting
  - 2.4.5 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
  - 2.4.6 an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
  - 2.4.7 an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- 2.5 When making an order, the Local Government can take into consideration 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.
- 2.6 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.
- 2.7 The Local Government must ensure the meeting minutes reflect the resolution made.

### 31 Material Personal Interest

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- 3.1 A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
  - 3.1.1 The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
  - 3.1.2 How a person or other entity stands to gain the benefit or suffer the loss
  - 3.1.3 If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- 3.2 The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 3.3 Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
- 3.4 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 3.5 The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 3.1.
- 3.6 In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
  - 3.6.1 the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
  - 3.6.2 if the matter cannot be delegated under section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 3.7 Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
  - 3.7.1 The name of the Councillor who has a material personal interest in the matter
  - 3.7.2 The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
  - 3.7.3 Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

### 32 Conflict of Interest

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:



- 4.1 A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
  - 4.1.1 The nature of the interest
  - 4.1.2 If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
    - 4.1.2.i the name of the other person
    - 4.1.2.ii the nature of the relationship or value and date of receipt of the gift or benefit received, and
    - 4.1.2.iii the nature of the other person's interests in the matter.
- 4.2 The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- 4.3 The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest.
- 4.4 If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- 4.5 If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 4.6 When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
  - 4.6.1 The size or significance of the benefit the subject Councillor stands to receive or benefit
  - 4.6.2 The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
  - 4.6.3 The closeness of any relationship the subject Councillor may have with a given person or group.
- 4.7 In making the decision under 4.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.8 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 4.9 The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 4.1.

- 4.9 The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 4.1.
- 4.10 In the event the majority of Councillors inform of a personal interest in a matter:
- 4.10.1 the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, or
- 4.10.2 if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 4.11 Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
- 4.11.1 The name of the Councillor who has declared the conflict of interest
- 4.11.2 The nature of the personal interest, as described by the Councillor
- 4.11.3 The decisions made under 4.3 and 4.5 above
- 4.11.4 Whether the Councillor participated in the meeting under an approval by the Minister
- 4.11.5 If the Councillor voted on the matter, how they voted
- 4.11.6 How the majority of Councillors voted on the matter.

### 33 Closed Meetings

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 any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget
- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Local Government under the Planning Act 2016 (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

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.

- 5.1 To take an issue into a closed session, the Local Government must first pass a resolution to do so.
- 5.2 In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- 5.3 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.

- 5.4 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 passed resolutions.

### 34 Acts of disorder by members of the local government or a committee

- (1) A member of the local government or a committee commits an act of disorder at a meeting of the local government or the committee if the member:
  - (a) obstructs or interrupts the proper conduct of the meeting
  - (b) uses indecent or offensive language
  - (c) makes a statement reflecting adversely on the reputation of the local government or the committee
  - (d) makes an intemperate statement reflecting adversely on the character or motives of a member or officer of the local government or a committee or
  - (e) refuses or wilfully fails to comply with a direction given by the chairperson of the meeting.
- (2) If a member of the local government or a committee has, in the chairperson's opinion, committed an act of disorder, the chairperson may direct the member to make a retraction or apology.
- (3) If the member does not comply immediately with a direction under subsection (2), the chairperson may immediately move a motion (a suspension motion) that the member be suspended for the remainder of the meeting or a lesser time fixed by the chairperson.
- (4) If the chairperson moves a **suspension motion**
  - (a) the motion must be put to the vote immediately without discussion
  - (b) a suspension motion is required to be seconded.
  - (c) if the motion is passed, the member must immediately leave the meeting place and must remain away for the period of the suspension and
- (5) If a member contravenes subsection (4) (c), the chairperson may request the chief executive officer to facilitate the removal of the member and keep the member away from the meeting place.

### 35 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.

### 36 Disorder

The chairperson may adjourn a meeting of the local government for not more than 30 minutes and vacate the chair if an act of disorder arises at the meeting and the meeting cannot properly continue.

### 37 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.

### 38 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.
- (4) Upon a point of order arising, during the process of a debate, a member may speak to a point of order, and thereupon the member against whom the point of order is raised, shall immediately cease speaking when the point of order is submitted.
- (5) Notwithstanding anything contained in the standing orders to the contrary, all points of order at any time arising shall, until decided, suspend the consideration and decision of every other motion or matter.

## Part 5 Attendance of public at local government meetings

### 39 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 section 275 of the Regulation, the public shall be excluded from the meeting.

## Part 6 Committee meetings

### 40 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

### 41 Times and places of committee meetings

- (1) A committee may, by resolution, fix dates, times and places for its meetings.<sup>3</sup>
- (2) If there is no resolution fixing the date, time and place for a committee meeting, the chief executive officer may fix the date, time and place for the meeting.
- (3) Before the chief executive officer fixes the date, time and place for a committee meeting, the chief executive officer must, if practicable, consult with the chairperson of the committee.

### 42 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 three or more members of the committee
  - (b) specify the object of the special meeting and
  - (c) propose a day, time and place for the holding of the special meeting.

### 43 Notice of committee meetings

- (1) The chief executive officer must give written notice of a committee meeting setting out the date, time and place 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.

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<sup>3</sup> See section 257 of the *Local Government Regulation 2012*.

#### 44 Chairperson of committee meetings

The chairperson of a committee<sup>4</sup> must preside at a meeting of a local government committee.<sup>5</sup>

#### 45 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.

#### 46 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.

### Part 7 Record of meetings

#### 47 Minutes of meetings

- (1) Minutes of a meeting of the local government must include:
  - (a) a copy of any report adopted by the meeting and
  - (b) a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting.
- (2) The material to be included in the minutes under this section is in addition to the material required under section 272 of the Regulation.

#### 48 Audio and video recording of meetings

- (1) The local government may direct that an audio or video recording of a meeting of the local government or a local government committee be made for the purpose of verifying the accuracy of the minutes of the meeting.
- (2) An audio or video recording made under this section:
  - (a) may only be used for the purpose of verifying the accuracy of the minutes of the meeting and
  - (b) after being used for that purpose, must be destroyed or dealt with as directed by the local government.
- (3) In accordance with subsections (1) and (2), a person (other than a person approved by council) will not use an electronic recording or transmitting device or a mobile phone during any meeting of the local government without the prior approval of the chairperson.

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<sup>4</sup> A local government may appoint a chairperson of each committee (See section 267 (1) *Local Government Regulation 2012*).

<sup>5</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 8 Procedure not provided for

### 49 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.

## 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.

**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 nominated by the chief executive officer
- (c) a council employee 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 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 under section 175 of 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 under section 259 of the *Local Government Regulation 2012*.

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

**statutory notice of meeting** means a notice of meeting to be given under section 258 of the *Local Government Regulation 2012*.

**teleconferencing** means 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 under section 276 of the *Local Government Regulation 2012*.

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

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



[www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)  
mail@sunshinecoast.qld.gov.au  
T 07 5475 7272 F 07 5475 7277  
Locked Bag 72 Sunshine Coast Mail Centre Qld 4560