



# **Standing Orders for Noosa Shire Council 2014**

**(Amended 20 December 2018)**

# Standing Orders for Noosa Shire Council 2014

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## **Part 1 Preliminary**

### **1 Short title**

These Standing Orders may be cited as the Standing Orders 2014 for Noosa Shire Council.

### **2 Purpose**

The purpose of these Standing Orders is to set out the arrangements that govern the conduct of business and proceedings at Council and Council committee meetings.

### **3 Application of Standing Orders**

- (1) The Standing Orders provide rules for the conduct of:
  - (a) Local government meetings;
  - (b) Local government committee meetings; and
  - (c) Local government advisory committee meetings.
- (2) Any provision of these Standing Orders may be suspended by resolution of the relevant meeting.
- (3) A separate resolution is required for any such suspension of a provision of the Standing Orders and must specify the purpose of each suspension.
- (4) If, at a local government meeting, a matter arises which is not provided for in the Standing Orders the matter shall be determined by the Chair subject to any contrary resolution of the meeting.

## **Part 2 Local government meetings**

### **Time of meetings**

#### **4 Times 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).

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<sup>1</sup> The local government must meet at least once in each month (See section 257 (1) of the *Local Government Regulation 2012*).

- (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 purpose of the special meeting; and
  - (c) propose a day and time for the holding of the special meeting.
- (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 for a special meeting to discuss any matter the Chief Executive Officer considers should be brought before Council.

## **Agenda for meetings**

### **6 Agenda for Ordinary Meetings**

- (1) The Chief Executive Officer must ensure that each statutory notice of meeting includes an agenda listing the items to be discussed at the meeting.
- (2) 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 Motion.
- (3) 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 date of the meeting.
- (4) The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.
- (5) 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 24 (g) of these Standing Orders.
- (6) Unless otherwise altered, the general order of business shall be as follows:
  - (a) Declaration of Opening
  - (b) Attendance and Apologies
  - (c) Confirmation of minutes of previous meeting;
  - (d) Mayoral minutes;
  - (e) Petitions;
  - (f) Notified motions;
  - (g) Reports from committees;
  - (h) Officers' Reports;

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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*).

- (i) Confidential matters;
  - (j) Next Meeting and Closure.
- (7) Business not on the agenda shall not be considered at any local government meeting unless such meeting resolves to admit such business.

## **7 Notice of meeting**

The Chief Executive Officer shall within such time as the local government determines by resolution, prepare or have prepared an agenda for each local government meeting. Agendas shall be made available to Councillors as early as practical to allow Councillors sufficient time to consider items on the agenda and posted on Council's website at the time the agenda is provided to Councillors.

## **Conduct of meetings**

### **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 30 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.
- (3) A member shall be deemed to be present at a meeting only when that member is within the room in which the meeting is being held.

### **9 Procedure at meetings**

- (1) The procedure for dealing with business must be in accordance with the Standing Orders or, in the absence of a Standing order governing a particular matter, as decided by the Chairperson of the meeting.
- (2) However, the local government may, by resolution -
  - (a) suspend a Standing order; or
  - (b) overrule a decision on a procedural question made by the Chairperson.

### **10 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 33, or for other reasons as deemed appropriate by the Chairperson.
- (3) If at a meeting a quorum is not present within 30 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 members present; or
  - (b) the majority of the members present; or
  - (c) only one member if that member is the only member present; or
  - (d) 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.

## **11 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 the business thereof commenced, a member shall not enter, leave, or withdraw from such meeting without first notifying the Chairperson.

## **12 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.

## **Order of business of meeting**

### **13 Confirmation of minutes of meeting**

- (1) The minutes of a preceding meeting 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 their accuracy as a record of the proceedings.

### **14 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.

## **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 motion**

- (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 at least seven days before the meeting.
- (2) The Chairperson shall rule out of order a motion which does not comply with section 16 (1) of these Standing Orders.
- (3) Notified motions shall be dated and recorded by the Chief Executive Officer as received.
- (4) Where a member who has given notice of a motion is absent or declines to move the motion, the motion may be –
  - (a) moved by another member; or
  - (b) deferred to the next meeting.
- (5) Where the notified motion is not moved or deferred, it shall not again be reintroduced without a subsequent notice of motion duly given as provided in section 16 (1).

## **17 Petitions**

- (1) A member may present a paper petition or electronic petition where the petition seeks to be presented to the whole of Council and the petition meets the relevant Council petition requirements provided for in section 17(4) and 17(5) below.
- (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.
- (4) In order for a paper petition to be eligible to be presented to Council, it must:
  - (a) Identify the Principal Petitioner being the person who is responsible for organising the petition;
  - (b) Clearly state the relevant grievance and action requested of Council;
  - (c) Clearly state that the petition seeks to be presented to the whole of Council;

- (d) Be respectful and not contain any offensive language or content;
  - (e) Contain a minimum of 10 signatures; and
  - (f) Clearly state the purpose of the petition on the top of each page.
- (5) In order for an electronic petition to be eligible to be presented to Council, by way of a hard copy cover document, it must:
- (a) Identify the Principal Petitioner as defined under section 17(4)(a) above;
  - (b) Clearly state the relevant grievance and action requested of Council;
  - (c) Clearly state that the petition seeks to be presented to the whole of Council;
  - (d) Clearly state how the parties to the petition were obtained i.e. via reply email confirmation or confirm click in a web interface;
  - (e) Have attached a paper copy of the email or web interface referred to in item (d) above;
  - (f) Be respectful and not contain any offensive language or content;
  - (g) Have been responded to by a minimum of 10 persons who wish to be party to the petition;
  - (h) Contain the signature of the Principal Petitioner and written confirmation of how many persons have agreed to be party to the petition; and
  - (i) Contain a list that includes the name and suburb location of all parties to the petition.

## **18 Presentations**

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

The Chairperson may allow the local government to receive presentations from Council staff or other persons or entities.

## **19 Deputations**

A deputation may be received at a meeting where written application has been received and the Mayor has agreed to such deputation.

# **Part 3 Procedures for making determinations**

## **Motions**

### **20 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 permitting it to be 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.

## **21 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.

## **22 Amendment of motion**

- (1) An amendment to a motion shall be in terms that retain the identity of the original motion and does not directly 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 is carried, the original motion cannot become a further amendment.

## **23 Speaking to motions and amendments**

- (1) The mover of a motion or amendment shall not speak to a motion or amendment until it is seconded.
- (2) A member may request further information from or through the Chairperson before or after the motion or amendment is seconded.
- (3) Following the seconding of a motion or amendment, the Chair shall call for speakers on the motion with the mover of the motion having the right to speak first.
- (4) A right of reply may be exercised by -
  - (a) the mover of a motion; or
  - (b) the mover of the motion when a procedural motion that the motion be put is carried.
- (5) Each member shall speak no more than once to the same motion or same amendment except as a right to reply.
- (6) Once the right of reply has been exercised, the debate is closed.
- (7) Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- (8) Where two or more members rise to speak at the same time, the Chairperson shall determine who is entitled to priority.

## 24 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 -
  - (a) That the motion be put -
    - (i) at any time to finalise debate of a motion before the local government;
    - (ii) if carried, the Chairperson shall put the motion or amendment to that motion under consideration following the application of Section 23 (4) (b) (right of reply) above;
    - (iii) if lost, debate on the motion or amendment to the motion shall continue; and
    - (iv) unless the member is the mover, seconder or has spoken to the original motion or a subsequent amendment.
  - (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 not more than two months after the date of the deferral; or
    - (ii) where no date or time is specified the motion shall be included in the agenda for the next meeting.
  - (c) That the meeting proceed to the next item of business ceasing debate on the motion, which may be considered again by the local government on the giving of notice in accordance with Section 16 of these Standing Orders.
  - (d) 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; or
    - (ii) if carried, the local government shall proceed with the next item on the agenda.
  - (e) The motion be taken from the table at the meeting at which a procedural motion was carried and have the motion lie on the table or be considered at any later meeting
  - (f) That the Chairperson's ruling be dissented from -
    - (i) suspending further consideration of any matter until after the procedural motion is determined;
    - (ii) is spoken to firstly by the mover of the procedural motion then the Chairperson and no other members may speak to the procedural motion;
    - (iii) if carried, the ruling of the Chairperson does not apply; and
    - (iv) if lost, the ruling of the Chairperson shall stand.
  - (g) 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.

- (h) 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 the reason for closure;
  - (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 in the course of a closed meeting shall be confidential.
- (i) That the meeting stand adjourned.
- (2) A procedural motion is required to be seconded.

## **Voting on a motion**

### **25 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) A member may, before a matter is put to the vote by the Chair, call for the vote to be taken by Division. If a member calls for a division, the names of those members present and how they voted shall be recorded in the minutes of the meeting.
- (5) Members may request that their own names and how they voted be recorded in the minutes, for voting other than by division.
- (6) The Chairperson shall declare the result of a vote or a division as soon as it has been determined.

### **26 Altering or rescinding motions**

- (1) A resolution of a local government meeting may not be altered or rescinded at a subsequent meeting unless notice of motion is given in accordance with the requirements of these Standing Orders or an officer report has been included in the agenda.
- (2) Where a motion to rescind 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 rescind or alter was lost unless a notice of the motion shall be signed by the majority of the members of the local government.

## **27 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 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.
- (4) 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 or prior to the next meeting.
- (5) 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.
- (6) The Chairperson may disallow a question which the Chairperson considers is inconsistent with good order.

## **Part 4 Maintenance of good order**

### **28 Conduct during meetings**

- (1) 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.
- (2) Members shall during a meeting of the local government confine their remarks to matters then under consideration.
- (3) Members shall remain seated and silent while a vote is being taken except when calling a division.
- (4) Members shall act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner.
- (5) No member or Council employee shall make personal reflections on or impute improper motives to any other member or Council employee.
- (6) Members shall conform to the Conduct and Performance of Councillors in accordance with the Local Government Act. In addition the Chairperson may specify orally or in writing appropriate standards of behaviour which shall be observed by all members and other persons attending a local government meeting.
- (7) No member who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a member.

(8) 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.

(9) 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.

### **29 No digression**

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

### **30 Disturbance by members**

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

### **31 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), an authorised person may, at the request of the Chairperson, exercise reasonable force to remove the person, and keep the person away from the meeting place.

### **32 Disorder**

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

### **33 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.

### **34 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 a local law, these Standing Orders) or the Local Government Act; 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.
- (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**

### **35 Use of mobile phones**

The use of mobile phones by members, Council employees or members of the public is prohibited during local government meetings, unless by permission of the Chairperson.

## **Part 6 Committee meetings**

### **36 Local government committee meetings**

- (1) Local government committees established by Council are subject to the provisions of these Standing Orders.

## **Part 7 Record of meetings**

### **37 Audio and video recording of meetings**

- (1) No person shall operate any electronic or similar image, voice or camera recording device, during any meeting of the local government or a local government committee without the prior approval of the Chairperson.
- (2) Where recording is approved, the Chairperson shall, before the commencement of such meeting, or the commencement of such recording, announce to the members present that such approval has been granted.

## Part 8 Procedure not provided for

### 38 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.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new	N	Council	01/05/2014
2.0	Review Section 17 - petitions	Y	Council	09/04/2015
3.0	Review	Y	Council	20/12/2018