



Adapted from NZS 9202:2003 - Model Standing Orders

STANDING ORDERS

DUNEDIN CITY COUNCIL

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ATTACHMENT: COMMUNITY BOARD APPENDIX F (PUBLIC FORUM) and APPENDIX G (PETITIONS AND DEPUTATIONS)

REFERENCED DOCUMENTS

New Zealand Legislation

Commissions of Inquiry Act 1908

Crimes Act 1961

Local Authorities (Members' Interests) Act 1968

Local Electoral Act 2001

Local Government Act 1974 and 2002 (LGA)

Local Government Official Information and Meetings Act 1987 (LGOIMA)

Marine Farming Act 1971

Resource Management Act 1991 (RMA)

Secret Commissions Act 1910

Securities Act 1978

FOREWORD

This Standard NZS 9202: 2003 has been adapted to include standings orders that have historically been adopted by the Dunedin City Council and, which following review, the Council considers are appropriate additions to the standard.

These Standing Orders reflect legislative requirements relating to the conduct of local authority meetings, particularly the provisions of the Local Government Act 2002 the subsequent Amendment Act and the Local Government Official Information and Meetings Act 1987.

DUNEDIN CITY COUNCIL STANDING ORDERS

These Standing Orders of the Dunedin City Council (incorporating the Code of Conduct) were first adopted on 19 September 2005 and came into force from 25 October 2007. On 29 October 2007, following the triennial election the Council readopted the document. On 16 June 2008 the Council made a number of amendments to the document to apply from 17 June 2008. Specific changes are recorded in the minutes of that meeting.

PREVIOUS AMENDMENTS

These standing orders incorporate the following amendments previously adopted by the Council on 20 February 2006. The amendments were also adopted by each Community Board.

1. That Standing Order 3.11.3 be amended to read as follows:

3.11.3 Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and *(with the exception of motions under 3.11.1(f) relating to referral to, or referral back to a Committee)* shall, if seconded, be put to the vote immediately without discussion or debate.

2. That the words "(yes and no)" are deleted from Standing Order 3.13.6 and replaced with "(aye and no)".

COMMUNITY BOARD STANDING ORDERS

Following the 2007 triennial election, The Dunedin City Council Standing Orders (incorporating the Code of Conduct), were adopted by the following Community Boards as their own, on the dates set out in the table below.

Community Board	Date Adopted
Otago Peninsula	1 November 2007
Strath Taieri	1 November 2007
Mosgiel Taieri	7 November 2007
Saddle Hill	8 November 2007
Waikouaiti Coast	31 October 2007
Chalmers	7 November 2007

RECENT AMENDMENTS

On 15 December 2008, the Council adopted the following amendments to Standing Order 3.3.7(b): The media may film meetings without sound, or take photographs at meetings with the prior knowledge of the Chairperson, provided this is carried out in an unobtrusive manner and is not distracting to members.

PART 1 GENERAL

1.1 SCOPE AND GENERAL

This document sets out standing orders for the conduct of proceedings at meetings of the Dunedin City Council. These Standing Orders are presented in three parts. Part 1 is the general introduction. Part 2 covers constitutional and legislative matters, and Part 3 relates to meeting procedures.

These Standing Orders will apply to all meetings of the Council, and its committees and subcommittees other than the Hearings Committee unless otherwise provided for.

1.2 COMMUNITY BOARDS

Community Boards are not committees of the Dunedin City Council. However these Standing Orders will, if adopted by Community Boards in the City of Dunedin, apply to them as if they were a local authority and to any committees of Community Boards, except where clearly stated otherwise.

1.3 INTERPRETATION AND DEFINITIONS

The terms "requirements" and "information" have been used in the appendices to this document to define the application of the Appendix to which they apply. An appendix that sets out "requirements" is an integral part of the Standing Orders, whereas an "information" appendix is only for information and/or guidance. Information provisions do not form part of the mandatory requirements of the Standing Orders.

In these Standing Orders the word "shall" identifies a mandatory requirement for compliance with the Standard. The word "should" refers to practices which are advised or recommended.

Where direct quotations from the legislation are cited in these standing orders they are shown in bold type with quotation marks.

In these standing orders, unless inconsistent with the context:

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items.

Chairperson means the Mayor of the City of Dunedin or Chairperson of a community board, including any person acting as the Mayor or Chairperson of a community board, and any person presiding at any meeting of a committee or subcommittee of the Dunedin City Council or community board.

Chief Executive means the chief executive of the Dunedin City Council appointed under section 42 of the Local Government Act 2002, irrespective of their designation, and includes for the purposes of these standing orders, any other officer authorised by the local authority.

Clear days means the number of days prescribed in these standing orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.

Clear working days means the number of working days prescribed in these standing orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.

Committee includes, in relation to the Dunedin City Council:

- (a) A committee comprising all the elected members of the Council;
- (b) A standing committee or special committee appointed by the Council;
- (c) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002; and
- (d) Any subcommittee of a committee described in items (a), (b) or (c) of this definition.

Council means the Dunedin City Council.

Deputation means a request from any person or interest group in the community to make a presentation to any Committee of the Council.

Extraordinary meeting has the same meaning as defined in clause 22 of Schedule 7 of the Local Government Act 2002.

Local authority for the purposes of these Standing Orders means the Dunedin City Council and/or the community boards that have adopted these standing orders, being a local authority or a community board as defined in section 5 of the Local Government Act 2002.

Mayor means the Mayor of the City of Dunedin elected under the Local Electoral Act 2001.

Meeting means any first, ordinary, or extraordinary meeting of the Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee, or community board of the Council. At any meeting of the Council, or of any committee or subcommittee of the Council, at which no resolutions or decisions are made, the provisions of these standing orders regarding public access and notification need not apply.

Member means any person elected or appointed to the Council or to any committee or subcommittee of the Council, or community board, or of any committee or subcommittee of a community board and includes the Mayor of the City of Dunedin and the Chairperson of a community board. .

Minutes means the record of the proceedings of any meeting of the Council and its committees and subcommittees or community board.

Ordinary meeting means any meeting publicly notified by the Council or community board in accordance with sections 46(1) and (2) of the Local Government Official Information and Meetings Act 1987.

Public excluded information means any information which can be excluded from the public for reasons meeting the provisions of the Local Government Official Information and Meetings Act 1987.

Public excluded session refers to those meetings or parts of meetings from which the public is excluded by the Council, its committees and sub-committees, or community boards as provided for in the Local Government Official Information and Meetings Act 1987.

Publicly notified means notified to members of the public by notice contained in some newspaper circulating in the district of the Council, or where there is no such newspaper, by notice published on signboards affixed to public places in the district to which the notice relates.

Quorum means the minimum number of members needing to be present to constitute a valid meeting.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day, and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

PART 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

2.1 INTRODUCTION

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| Requirement for adoption of standing orders | 2.1.1
"A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act."
[cl. 27(1) & (2), Schedule 7, LGA] |
| Alteration of standing orders | 2.1.2
"After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75 % of the members present."
[cl. 27(3), Schedule 7, LGA] |
| All members to abide by standing orders | 2.1.3
"A member of a local authority must abide by the standing orders adopted the Local Government Act."
[cl. 16(1), Schedule 7, LGA] |

2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

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| Meeting called by Chief Executive | 2.2.1
"The first meeting of a local authority following a triennial general election of members must be called by the Chief Executive as soon as practicable after the results of the election are known. The Chief Executive must give the persons elected to the local authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the Chief Executive may give notice of the meeting as soon as practicable. The Chief Executive (or, in the absence of the Chief Executive, a nominee of that officer) must chair the meeting until the Mayor or Chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act]."
[cl. 21(1) – (4), Schedule 7, LGA] |
| Business to be conducted | 2.2.2
"The business that must be conducted at the meeting must include –
(a) the making and attesting of the declarations required of the Mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and
(b) the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
(c) a general explanation, given or arranged by the Chief Executive, of – |

- (i) the Local Government Official Information and Meetings Act 1987; and
- (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and
- (d) the fixing of the date and time of the first ordinary meeting of the local authority, or the adoption of a schedule of ordinary meetings; and
- (e) the election of the deputy Mayor or deputy Chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]."

[cl. 21(5), Schedule 7, LGA]

Members to give notice of addresses

2.2.3

Every member of a local authority must give to the Chief Executive a residential or business address together with, if desired, a facsimile or other address (including an email address) within the district or region of the local authority to which notices and material relating to meetings and local authority business may be sent or delivered.

2.3 CHAIRPERSON OF MEETINGS

Mayor or Chairperson of local authority to preside

2.3.1

"The Mayor or Chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the Mayor or Chairperson vacates the chair for a particular meeting... If the Mayor or Chairperson of a local authority is absent from a meeting, the deputy Mayor or deputy Chairperson (if any) of the local authority must preside... If a deputy Mayor or Chairperson has not been appointed, or if the deputy Mayor or deputy Chairperson are also absent, the members of the local authority ... that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the deputy Chairperson."

[cl. 26(1), (5) & (6), Schedule 7, LGA]

Chairperson of committee to preside

2.3.2

"The Chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the Chairperson vacates the chair for a particular meeting... If the ... Chairperson of a committee is absent from a meeting, the deputy... Chairperson (if any) of the committee must preside... If a deputy Chairperson has not been appointed, or if the deputy Chairperson (is) also absent, the members of the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the deputy Chairperson."

[cl. 26(2), (5) & (6), Schedule 7, LGA]

2.4 QUORUM AT MEETINGS

Requirement for a quorum	2.4.1 "A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote." [cl. 23(1), Schedule 7, LGA]
Quorum to be present throughout meeting	2.4.2 "Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted." [cl. 23(2), Schedule 7, LGA]
Definition of quorum for local authority meeting	2.4.3 "The quorum at a meeting of – (a) a local authority consists of – (i) half of the members if the number of members (including vacancies) is even; or (ii) a majority of members if the number of members (including vacancies) is odd." [cl. 23(3), Schedule 7, LGA]
Definition of quorum for committee meetings	2.4.4 "The quorum at a meeting of – [... (b) committee – (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority." [cl. 23(3), Schedule 7, LGA]

2.5 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

Provisions for election or appointment of deputy Mayor, chairpersons and deputy chairpersons of local authorities and committees, and representatives of the local authority	2.5.1 "[This Standing Order applies to] – (a) the election or appointment of the Chairperson and deputy Chairperson of a regional council; and (b) the election or appointment of the deputy Mayor; and (c) the election or appointment of the Chairperson and deputy Chairperson of a committee; and (d) the election or appointment of a representative of a local authority. A local authority or a committee (if the local authority has so directed) must determine by resolution that a person [to whom this Standing Order applies] be elected or appointed by using one of the following systems of voting: (a) voting system A (b) voting system B
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System A

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and has the following characteristics:
- (b)
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

[cl. 25, Schedule 7, LGA as amended by the LGA 2002 Amendment Act 2004]

2.6 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

Appointment of committees, subcommittees and other subordinate decision-making bodies

2.6.1

"A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority."

[cl. 30(1) & (2), Schedule 7, LGA]

Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies

2.6.2

"Unless expressly provided otherwise in an Act, –

- (a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body."

[cl. 30(5) & (7), Schedule 7, LGA]

Committees and subordinate decision-making bodies subject to direction of local authority

2.6.3

"A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body."

[cl. 30(3), (4) & (6), Schedule 7, LGA]

2.7 JOINT COMMITTEES

Appointment of joint committees

2.7.1

"A local authority may appoint ... a joint committee with another local authority or other public body."

[cl.30(1), Schedule 7, LGA]

Status of joint committees

2.7.2

"A joint committee ... is deemed to be both a committee of the local authority and a committee of the other local authority or public body (subject to the law applicable to the committees of that other local authority or public body)."

[cl.30(8), Schedule 7, LGA]

Powers and responsibilities of joint committees

2.7.3

"So far as the joint committee is a committee of the local authority, [Part 1 of Schedule 7 of the Local Government Act] applies to that joint committee except that the powers to discharge any individual member and appoint another in his or her stead must be exercisable by the local authority or public body that made the appointment. The power conferred on the local authority under [Part 1 of Schedule 7 of the Local Government Act] to appoint a Chairperson or deputy Chairperson of a committee does not apply to a joint committee appointed under [clause 30 of Schedule 7 of the Local Government Act], but the joint committee may appoint and remove its own Chairperson or deputy Chairperson."

[cl.30(9) & (10), Schedule 7, LGA]

2.8 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

Appointment or discharge of committee members and subcommittee members	<p>2.8.1</p> <p>"A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee."</p> <p>[cl. 31(1) & (2), Schedule 7, LGA]</p>
Elected members on committees and subcommittees	<p>2.8.2</p> <p>"The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee."</p> <p>[cl. 31(3) & (4), Schedule 7, LGA]</p>
Local authority may replace members if committee not discharged	<p>2.8.3</p> <p>"If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members."</p> <p>[cl. 31(5), Schedule 7, LGA]</p>
Minimum numbers on committees and subcommittees	<p>2.8.4</p> <p>"The minimum number of members is 3 for a committee, and is 2 for a subcommittee."</p> <p>[cl. 31(6), Schedule 7, LGA]</p>

2.9 POWERS OF DELEGATION

Delegations to committees, subcommittees, subordinate decision-making bodies, community boards, members and officers	<p>2.9.1</p> <p>(1) "Unless expressly provided otherwise in [the Local Government Act], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except –</p> <ul style="list-style-type: none">(a) the power to make a rate; or(b) the power to make a bylaw; or(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
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- (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
- (e) the power to appoint a Chief Executive; or
- (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act] in association with the long-term council community plan or developed for the purpose of the local governance statement.

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (f) above].

(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation."

[cl.32(1), (2) & (3), Schedule 7, LGA] as amended by the LGA 2002 Amendment Act 2004

Use of delegated powers

2.9.2

"A committee, subcommittee, other subordinate decision-making body, community board or member or officer of the local authority to which or to whom any responsibilities, powers or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them."

[cl 32(4) Schedule 7, LGA]

Delegations related to bylaws and other regulatory matters

2.9.3

"A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters."

[cl 32(5) Schedule 7, LGA]

2.10 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

Proceedings not invalidated by vacancies or irregularities

2.10.1

"An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by a vacancy in the membership of the local authority or committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or committee, or that that person was or is incapable of being a member."

[cl. 29, Schedule 7, LGA]

2.11 GENERAL PROVISIONS AS TO MEETINGS

Meetings to be held	2.11.1 "A local authority must hold the meetings that are necessary for the good government of its region or district." [cl. 19(1), Schedule 7, LGA]
Right to attend meetings	2.11.2 "A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee." [cl. 19(2), Schedule 7, LGA]
Calling, public notification and conduct of meetings	2.11.3 "A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority." [cl. 19(3), Schedule 7, LGA]
Agenda to be sent to members	2.11.4 In the case of each meeting to which Standing Order 2.11.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl. 2.13.2 applies).
Meetings not invalid because notice not received	2.11.5 "A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless – (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and (b) the member concerned did not attend the meeting. A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member." [cl. 20(1), (2), Schedule 7, LGA]
Minutes of proceedings	2.11.6 "A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings." [cl. 28(1), (2), Schedule 7, LGA]

2.12 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS

Period for notice in writing	<p>2.12.1 "The Chief Executive must give notice in writing to each member of the time and place of an ordinary meeting – (a) not less than 14 days before the meeting; or (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule." [cl. 19(5)(a), (b), Schedule 7, LGA]</p>
Schedule of ordinary meetings	<p>2.12.2 "If a local authority adopts a schedule of ordinary meetings, – (a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and (b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment." [cl. 19(6), Schedule 7, LGA]</p>
Cancellation of scheduled meetings	<p>2.12.3 If it is necessary to cancel a scheduled meeting, all reasonable effort shall be taken to notify elected members and the public as soon as practicable of the cancellation and of the reasons for the cancellation.</p>
Consecutive meetings	<p>2.12.4 Any notice may provide that a meeting will commence at the conclusion of any prior meeting. When consecutive meetings have been arranged the Chief Executive will set a nominal commencement time for the subsequent meeting and that meeting will then start at the later of: (a) within 30 minutes of the conclusion of the prior meeting; or (b) the nominal commencement time.</p>
Delivery of Notices	<p>2.12.5 All notices required by these Standing Orders to be given or sent to members will be given in writing by the Chief Executive and will be deemed to have been delivered: (a) when delivered to the member personally (b) when left by messenger at a residential or business address nominated by the member; or (c) at noon on the second working day after it was posted to the address nominated by the member; or (d) when sent by facsimile to a number provided by the member; or (e) when sent by e-mail to an address provided by the member.</p>

2.13 EXTRAORDINARY MEETINGS

Extraordinary meetings may be called

2.13.1

"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –

(a) a resolution of the local authority; or

(b) a requisition in writing delivered to the Chief Executive and signed by –

(i) the Mayor or Chairperson; or

(ii) not less than one-third of the total membership of the local authority (including vacancies)."

[cl. 22(1), Schedule 7, LGA]

Notification of extraordinary meetings to members

2.13.2

"Notice in writing of the time and place of the meeting called under [Standing Order 2.13.1] and of the general nature of business must be given by the Chief Executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."

[cl. 22(3), Schedule 7, LGA]

Calling of extraordinary meetings at earlier time

2.13.3

"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.13.2], a meeting may be called by the Mayor or Chairperson; or if the Mayor or Chairperson are unavailable, the Chief Executive."

[cl. 22(2), Schedule 7, LGA]

Notification of extraordinary meetings held at earlier time

2.13.4

"Notice of the time and place of a meeting called under [Standing Order 2.13.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the Chief Executive at least 24 hours before the time appointed for the meeting."

[cl. 22(4)Schedule 7, LGA]

Public notice of resolutions of extraordinary meetings

2.13.5

"Where any resolution is passed at an extraordinary meeting of a local authority, the local authority must cause the resolution to be publicly notified as soon as practicable, unless the resolution was passed at a meeting or part of a meeting from which the public was excluded or the meeting was publicly notified at least five working days before the day on which the meeting was held."

[s. 51A, LGOIMA]

2.14 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.

Meetings normally to be open to the public	2.14.1 "Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media." [s. 47 & 49(a), LGOIMA]
Information to be available to public	2.14.2 All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded. [s. 5 & 49, LGOIMA]
Public notification about ordinary meetings	2.14.3 All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held. [s. 46, LGOIMA]
Public notification about extraordinary meetings	2.14.4 "Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.12.5 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances". [s. 46(3) & (4), LGOIMA]
Public notification additional requirements	2.14.5 The Chief Executive is to make any other arrangement for the notification of meetings including extraordinary meetings as the local authority may from time to time determine.
Meetings not invalid because not publicly notified	2.14.6 "No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.14.3 – 2.14.5]." [s. 46(5), LGOIMA]
Public notice of meetings not notified	2.14.7 "Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.14.3 – 2.14.5], the local authority shall, as soon as practicable, give public notice that that

meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified."
[s. 46(6), LGOIMA]

**Availability of
agendas and
reports**

2.14.8

"Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports*circulated to members of the local authority and relating to that meeting. The agendas –

(a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority's control; and

(b) shall be accompanied by either –

(i) the associated reports; or

(ii) a notice specifying the places at which the associated reports may be inspected.

...The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public... . Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances."

[s. 46A(1) – (6), LGOIMA]

**Exclusion from
reports to be
discussed with
public excluded**

2.14.9

The Chief Executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.

**Availability of
agendas and
reports for
meetings of
community boards**

2.14.10

Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these standing orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

**Agenda to be
made available to
public who are at
meetings**

2.14.11

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).

[s. 49, LGOIMA]

* Except non-public reports. However a request for information set out in a non-public report may be made pursuant to the Local Government Official Information and Meetings Act 1987.

List of committee members publicly available	2.14.12 The members of each committee are to be named on the relevant agenda.
Public entitled to inspect minutes	2.14.13 The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded. [s. 51, LGOIMA]
Requests for minutes of meetings in closed session	2.14.14 The Chief Executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987. [s. 51, LGOIMA]

2.15 REASONS TO EXCLUDE PUBLIC

Lawful reasons to exclude public	2.15.1 A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act (see Appendix B). [s. 48, LGOIMA]
Form of resolutions to exclude public	2.15.2 Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (For an example resolution refer to Appendix B).
Motion to exclude public to be put with the public present	2.15.3 Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority. [s. 48(4), LGOIMA]
Provision for persons to remain after public excluded	2.15.4 A resolution in accordance with Standing Order 2.15.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the Chief Executive and relevant staff during a public excluded session. [s. 48(5) & (6), LGOIMA]

Release of public excluded information **2.15.5**
A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

2.16 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION

Standing orders to apply **2.16.1**
Standing orders apply to meetings or parts of meetings from which the public has been excluded.

2.17 USE OF PUBLIC EXCLUDED INFORMATION

Public excluded business not to be disclosed **2.17.1**
Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

PART 3 MEETING PROCEDURES

3.1 APPLICATION OF STANDING ORDERS

Additional to or substitution of standing orders

3.1.1

Notwithstanding the generality of standing order 2.1.3, for any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices additional to, or in substitution of these standing orders for the conduct of the business to be transacted.

For example, committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.

[s.41, RMA]

Exclusions for meetings at which no resolutions or decisions are made

3.1.2

For the avoidance of doubt, any provision of these standing orders relating to the making of decisions and the passing of resolutions does not apply unless the meeting of the local authority or of any committee or subcommittee or other subordinate decision-making body of the local authority has been properly constituted as a meeting and a resolution or decision is made at that meeting under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

3.2 SUSPENSION OF STANDING ORDERS

Temporary suspension

3.2.1

A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension.

[cl. 27(4), Schedule 7, LGA]

3.3 CONDUCT OF MEETINGS

Mode of address for Chairperson

3.3.1

The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.

Chairperson to decide

3.3.2

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the Chairperson shall be held guilty of contempt (see Standing Orders 2.1.3, 3.12.7 and Appendix C).

Chairperson rising

3.3.3

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated, and members are to be silent so that the Chairperson may be heard without interruption.

Members to speak in places and address the chair	<p>3.3.4 Members granted the right to speak at meetings are to address the Chairperson, and may not leave their place while speaking without the leave of the Chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority, at committee meetings or in non-public meetings.</p>
Priority of speakers	<p>3.3.5 When two or more members seek the right to speak, the Chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:</p> <ul style="list-style-type: none"> (a) Raise a point of order (see Standing Order 3.12.1), including any request to obtain a time extension for the previous speaker; (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.11.1); or (c) Make a point of explanation or request an indulgence of the Chairperson (see Standing Order 3.7.14).
Duration of meetings and time limits	<p>3.3.6 Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next ordinary meeting or extraordinary meeting.</p>
Reporting of meetings	<p>3.3.7 When a meeting of a local authority is open to the public the following provisions shall apply:</p> <ul style="list-style-type: none"> (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings. [s. 49(a) LGOIMA] (b) Any recording of meetings, may only occur with leave of the Chairperson and the knowledge of the meeting and must be carried out in an unobtrusive manner, and must not be distracting to members.
Disorderly members to withdraw	<p>3.3.8 Members called to order by the Chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the Chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the Chairperson may determine (see Appendix C).</p>
Members not to be disrespectful	<p>3.3.9 No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.</p>

Retraction of, or apology for, offensive or malicious language	3.3.10 The Chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.
Withdrawal from meeting	3.3.11 Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.
Disorder in meeting	3.3.12 The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.
Adjournment of meeting following disorder	3.3.13 Should the disorder continue, the Chairperson has the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.
Contempt to be recorded in minutes	3.3.14 A member, against whom a charge of contempt has been made, will be given the right to speak in their own defence. Following the exercise or waiver of this right, the member is to withdraw from the debate to a place where the proceedings can be heard and viewed, while the charge is debated. Every member held guilty of contempt by reason of any Standing Order or breach thereof shall be censured by the Chairperson, who may also order them, to leave the meeting in terms of 3.3.15. Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.
Removal from meeting	3.3.15 "A member of the police, or an officer or employee of the local authority, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member – (a) refuses or fails to leave the meeting; or (b) having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson." [cl. 16(2), Schedule 7, LGA]

3.4 FAILURE OF A QUORUM

Meeting lapses if no quorum	3.4.1 If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 15 minutes, the Chairperson is to vacate the chair and the meeting shall lapse.
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Lapsed business **3.4.2**
The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the Chairperson and notified by the Chief Executive.

Minutes to record failure of quorum **3.4.3**
If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.5 LEAVE OF ABSENCE AND APOLOGIES

Granting leave of absence **3.5.1**
The local authority may grant leave of absence to a member from an ordinary meeting or other meetings of the local authority or its committees upon application by the member. (Where an apology is the result of the member representing the local authority on other business the fact of this will be recorded).

Apologies at meetings **3.5.2**
If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

Recording of apologies **3.5.3**
The Chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

Absence without leave **3.5.4**
An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive ordinary meetings of the territorial authority, regional council or community board.

[cl. 5, Schedule 7, LGA]

3.6 ORDER OF BUSINESS

Adoption of order of business **3.6.1**
The order of business at every ordinary meeting of the local authority will be as follows, or as near to it as circumstances permit:

- (a) apologies
- (b) special announcements
- (c) confirmation of minutes
- (d) adjourned business
- (e) minutes of committees in chronological order
- (f) minutes from Community Boards
- (g) reports from officers
- (h) Notices of Motion
- (i) questions
- (j) extraordinary or urgent business raised under 'Confirmation of Agenda' (if not dealt with in conjunction with some other relevant item)

(k) Business to be considered with the public excluded

The order of business at every ordinary meeting of a Committee will be as follows or as near to it as circumstances permit:

- (a) public forum
- (b) apologies
- (c) special announcements
- (d) confirmation of agenda
- (e) confirmation of minutes where applicable
- (f) deputations
- (g) petitions
- (h) adjourned business
- (i) minutes of subcommittees in chronological order
- (j) matters referred by the Council
- (k) reports
- (l) Notices of Motion
- (m) extraordinary or urgent business raised under 'Confirmation of Agenda' (if not dealt with in conjunction with some other relevant item)
- (n) questions
- (o) business to be considered with the public excluded.

Priority of Business

3.6.2

Notwithstanding order 3.6.1 the Chief Executive, in preparing an agenda, and the local authority or Committee in considering the business before it, will give priority to:

- (a) matters known to be of special interest to members of the public in attendance
- (b) matters requiring presence of staff at the meeting
- (c) any other matter which the local authority or Committee decides should be given precedence. (Any such motion shall be put without debate).

Notwithstanding anything to the contrary contained in these Standing Orders and after the confirmation of the minutes of the previous meeting, the Chairperson as a matter of urgency, may accord precedence to any business set down on the order paper for consideration.

Agenda

3.6.3

The Chief Executive, in consultation with the Chairperson, is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the Chairperson accord precedence to any business set down on the agenda.

Public excluded items

3.6.4

The Chief Executive must place on a public excluded agenda any matters for which he/she considers the local authority or committee of the local authority is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

Chairperson's report

3.6.5

The Chairperson, by report, has the right to direct the attention of the local authority or the relevant committee as the case may be, to any matter or subject within the role or function of the local authority or committee respectively.

Items not on the agenda may be discussed

3.6.6

"An item that is not on the agenda for a meeting, may be dealt with at that meeting if –

- (a) The local authority by resolution so decides; and**
- (b) The presiding member explains at the meeting at a time when it is open to the public, –**
 - (i) the reason why the item is not on the agenda; and**
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting."**

3.6.6.1

Where an item is not on the agenda for a meeting, –

- (a) That item may be discussed at that meeting if –**
 - (i) that item is a minor matter relating to the general business of the local authority; and**
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but**
- (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."**

[s. 46A(7) & 46A(7A), LGOIMA] as amended by s3 LGOIMA Amendment Act 2004

Note:

Items not on the agenda may be dealt with at that meeting *if so resolved* and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting. The item may then be debated and resolutions made in respect to it.

If the Committee *does not so resolve* then the Committee is restricted to discussing the item only if it is a minor matter relating to general business, and no resolution or decision can be made at that meeting, except to refer it to a subsequent meeting for further discussion.

3.7 RULES OF DEBATE

Reserving speech

3.7.1

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

Irrelevant matter and needless repetition

3.7.2

In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the Chairperson's ruling is final and not open to challenge.

Limitation on speakers	<p>3.7.3 If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the Chairperson <i>may</i> call for a speaker to the contrary. Members speaking must, if so called upon by the Chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.</p>
Taking down words	<p>3.7.4 When any member objects to words used and desires his/her objection to be recorded in the minutes, the Chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken (see Standing Order 3.12.4).</p>
Reading of speeches	<p>3.7.5 Members shall not read their speeches, except with the permission of the Chairperson, but may refresh their memory by reference to notes.</p>
Time limits on speakers	<p>3.7.6 The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:</p> <ul style="list-style-type: none"> (a) Movers of motions when speaking to the motion, ten minutes; (b) Movers of amendments to motions, a maximum of five minutes; (c) Movers of motions, when exercising their right of reply, five minutes; (d) Movers of motions, when exercising their right of reply, a maximum of five minutes; (e) All other members, a maximum of five minutes; (f) With the consent of the majority of members present an extension of time may be granted which shall, unless the Council decides otherwise, be for a maximum period of three minutes in every case. <p>It will generally not be necessary for strict time limits to apply to members speaking at Committee meetings, however the above limits may be enforced at the discretion of the Chairperson.</p>
Member speaking more than once	<p>3.7.7 A member may not speak more than once to a motion, except:</p> <ul style="list-style-type: none"> (a) That this order does not apply to meetings of committees or subcommittees (but members will not be permitted to engage in tedious repetition of statements made earlier) (b) That a member may speak more than once with the consent of the majority of members present (c) In reply under order 3.7.10 (d) In explanation under order 3.7.13 or 3.7.14
Restating of motion	<p>3.7.8 Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.</p>
Dividing complicated questions	<p>3.7.9 The Chairperson may, and will if any member requests it, direct that complicated questions be divided into an appropriate number of separate issues.</p>

Right of reply	<p>3.7.10 The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the Chairperson has intimated his intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.</p>
When right of reply may be exercised	<p>3.7.11 The right of reply is governed as follows:</p> <ul style="list-style-type: none"> (a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion; (b) If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 3.7.10), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments. <p><i>Explanatory Note:</i> The mover of the original motion has a right of reply.</p> <ul style="list-style-type: none"> (a) Where no amendment has been moved, the mover may exercise their right of reply at the conclusion of the discussion on the motion. (b) Where an amendment(s) has been moved, the mover of the original motion may elect to exercise their right of reply at the end of the debate on the original motion or following debate on any amendments. Therefore the mover of an original motion may speak once to an original motion, and once to each amendment, as well as exercising their right of reply. (c) The mover must indicate to the meeting if they wish to exercise their right of reply following the original motion, or following any amendments.
Speaking only to relevant matters	<p>3.7.12 Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.</p>
Personal explanation	<p>3.7.13 Notwithstanding Standing Order 3.7.7, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.</p>
Explanation of previous speech	<p>3.7.14 With the permission of the Chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.</p>
Timing Device at Council Meetings	<p>3.7.15 At the discretion of the Chairperson all speakers at Council meetings may be timed using a suitable device operated by an officer nominated</p>

by the Chief Executive.

**Tendering
Statements when
not present.**

3.7.16

Members will be permitted to record dissent as a matter of record even when not present.

Members may not tender written statements for consideration at meetings, except:

- (a) to record dissent from a decision that is likely to be made at that meeting from which the member will be absent; or.
- (b) to record dissent from a decision made at an earlier meeting, where:
 - (i) the member was absent from the earlier meeting; and
 - (ii) the minutes of the earlier meeting are due to be confirmed at the meeting to which the statement is addressed.

Any written statement should be limited to a brief statement dissenting from the decision made or likely to be made. It should be provided to the Chief Executive prior to the meeting who will arrange for it to be tabled at the appropriate time. The statement will not be read to the meeting and will not be debated.

For meetings where the member is present refer to 3.13.5 in terms of the member's right to have their abstention or vote recorded.

**Cellphone use
during meetings**

3.7.17

It will be a breach of these Standing Orders for any member to have a cellphone on, or to receive or transmit a call or message on a cellphone during a meeting without leave of the Chairperson.

3.8 MOTIONS AND AMENDMENTS

**Requirement for a
seconder**

3.8.1

All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the Chairperson shall state the matter raised and propose it for discussion. A motion or amendment which is not seconded will lapse and will not be recorded in the minutes.

**Withdrawal of
motions and
amendments**

3.8.2

Once motions or amendments have been seconded and proposed to the meeting by the Chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

**Substituted
motion by
amendment**

3.8.3

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

Motions in writing	3.8.4 The Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
Motions expressed in parts	3.8.5 The Chairperson or any member may require a motion expressed in parts to be decided part by part.
Amendment once moved	3.8.6 When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion.
Amendment of a report	3.8.7 Any member moving or seconding the adoption of a report from a committee may also amend any item in the report if it is necessary to do so.
Who may speak to an amendment	3.8.8 Once seconded an amendment will be open for discussion as a new issue and every member may speak to it but not to the original motion except insofar as it is necessary to refer to the original motion in any remarks relating to the amendment.
Amendments and motions not seconded	3.8.9 Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	3.8.10 No further amendment may be allowed until the first amendment is disposed of, although members may notify the Chairperson of their intention to move further amendments and the tenor of their content.
Where amendment lost	3.8.11 Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.
Where amendment carried	3.8.12 Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.
Amendments to be relevant	3.8.13 All amendments must meet the following requirements: (a) Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost (b) No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion (c) An amendment may not be frivolous or vexatious.

Consequential Motion	<p>3.8.14 After a resolution has been carried, any number of resolutions regarding the implementation or clarification of a resolution may be carried in the normal way.</p>
Flow chart of motions and amendments	<p>3.8.15 A flow chart illustrating the process regarding motions and amendments is included in this Standard as Appendix D.</p>
Revocation or alteration of resolutions	<p>3.8.16 All or part of a resolution agreed at a meeting may be revoked or altered as follows:</p> <ul style="list-style-type: none"> ▪ On the recommendation of the Chairperson or Chief Executive as set out in 3.8.19; or ▪ by a notice of motion submitted and signed by that member and one other member <p>(a) Such notice of motion is to set out:</p> <ul style="list-style-type: none"> (i) The resolution or part thereof which it is proposed to revoke or alter; (ii) The meeting date when it was passed; and (iii) The motion, if any, that is intended to be moved in substitution thereof. <p>(b) Such notice is to be given to the Chief Executive at least 10 clear working days before the meeting</p> <p>(c) Where the Notice of Motion is accepted (for grounds for refusal see 3.9.2) the Chief Executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.</p> <p>(d) Standing Orders 3.9.1 to 3.10.2 also apply to Notices of Motion brought for the purpose of revoking or altering resolutions.</p>
Restriction on action to be taken on previous resolution	<p>3.8.17 Where a notice of motion has been given in terms of Standing Order 3.8.16, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the Chairperson:</p> <ul style="list-style-type: none"> (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if; (b) By reason of repetitive notices the effect of the notice is an attempt by a minority to frustrate the will of the local authority; <p>then, in either case, action may be taken as though no such notice to the Chief Executive had been given or signed.</p>
Revocation or alteration of resolution at same meeting	<p>3.8.18 If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.</p>
Local authority may revoke or alter any previous resolution	<p>3.8.19 A local authority meeting may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.</p>

Restating the motion	3.8.20 The Chairperson may, immediately prior to any division being taken, request the Chief Executive to restate the motion upon which the division is to be taken.
No speakers after reply or question has been put	3.8.21 Members may not speak on any motion once the mover has commenced replying or where the Chairperson has commenced putting the question.
Reflections on resolutions	3.8.22 In speaking in any debate no member may unduly criticise the validity of any resolution of the local authority except by a notice of motion to amend or revoke the same.

3.9 NOTICES OF MOTION

Notices of motion to be in writing	3.9.1 Notices of motion must be in writing signed by the member intending to move the motion and one other member, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least 10 clear working days before such meeting.
Refusal of notice of motion	3.9.2 The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which: <ul style="list-style-type: none"> (a) Is disrespectful or which contains offensive language or statements made with malice; or (b) Is not related to the role or functions of the local authority; or (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive may make; or (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned. (e) Is frivolous or vexatious <p>Reasons for refusing a notice of motion should be provided to the proposer.</p> <p>Where a Notice of Motion is accepted the Chief Executive must then give members at least two (2) clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.</p>
Mover of notice of motion	3.9.3 Notices of motion may not proceed in the absence of the mover, unless moved by another member authorised in writing by the mover to do so.
Alteration of notice of motion	3.9.4 A notice of motion may be altered only by the mover or the mover's nominee with the consent of the meeting.

When notices of motion lapse **3.9.5**
Notices of motion not moved on being called for by the Chairperson, shall lapse.

Referral of notices of motion to committees **3.9.6**
Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the Chief Executive.

3.10 REPEAT NOTICES OF MOTION

First repeat where notice of motion rejected **3.10.1**
When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the Chairperson, is substantially the same in purport and effect may be accepted within the next 6 months.

No repeats where notice of motion adopted **3.10.2**
Where a notice of motion has been considered and adopted by the local authority, no notice of any other motion, which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

3.11 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

Members may move procedural motions to terminate or adjourn debate **3.11.1**
Any member who has not spoken to the motion under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:
(a) That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or
(b) That the item of business being discussed be adjourned to a time and place to be stated; or
(c) That the motion under debate be now put (a "closure motion"); or
(d) That the meeting move directly to the next business, superseding the item under discussion; or
(e) That the item of business being discussed does lie on the table,; or
(f) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority.

Chairperson may accept closure motions **3.11.2**
The Chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the Chairperson's opinion, it is reasonable to do so.

Procedural motions to terminate or adjourn debate to take precedence **3.11.3**
Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately. A closure motion must be put without discussion or debate. Other procedural motions may be debated.

Voting on procedural motions to **3.11.4**
All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost,

terminate or adjourn debate	a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.
Closure motion to be put if no further speaker	3.11.5 Notwithstanding Standing Order 3.11.4, a closure motion shall be put if there is no further speaker in the debate.
Closure motion on amendment	3.11.6 When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.
Right of reply following closure	3.11.7 If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.
Debate on items previously adjourned	3.11.8 The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.
Adjourned items taken first	3.11.9 Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
Other business not superseded	3.11.10 The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.
Referral or referred back to committee	3.11.11 Business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified
Item laid on the table	3.11.12 Any matter "laid on the table" under order 3.11.1 (e) may be taken up at the next ordinary meeting by a majority resolution of those present. If an issue is not taken up at the next ordinary meeting it will lapse.
Table of procedural motions	3.11.13 A table of procedural motions is included in this Standard as Appendix E.

3.12 POINTS OF ORDER

Members rising to points of order	3.12.1 Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.
Stating subject matter of point of order	3.12.2 The member rising is to state without explanation precisely the subject matter of the point of order.
Points of order during division or	3.12.3 No point of order may be raised during a division or voting except by

voting	the permission of the Chairperson.
Types of points of order	<p>3.12.4</p> <p>The following are recognised as substance for points of order:</p> <p>(a) Where disorder is drawn to the attention of the Chairperson; or</p> <p>(b) Use of disrespectful, offensive or malicious language; or</p> <p>(c) Discussion of a question not before the local authority; or</p> <p>(d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or</p> <p>(e) The breach of any standing order; or</p> <p>(f) A request that words objected to be recorded in the minutes.</p>
Only one point of order	<p>3.12.5</p> <p>Only one point of order may be raised and dealt with at any one time.</p>
Contradiction not point of order	<p>3.12.6</p> <p>Rising to express a difference of opinion or to contradict a statement of a previous speaker, (except as allowed under 3.12.4(d)) does not constitute a point of order.</p>
Decision of Chairperson final	<p>3.12.7</p> <p>The Chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. Any member may, however, have their dissent recorded in the minutes.</p>

3.13 VOTING

Decisions to be decided by majority votes	<p>3.13.1</p> <p>"Unless otherwise provided for in the Local Government Act or in these Standing Orders, the acts of a local authority must be done and the questions before the local authority must be decided at a meeting by vote and the majority of members that are present".</p> <p>[cl. 24, Schedule 7, LGA]</p>
Open voting	<p>3.13.2</p> <p>"An act or question coming before the local authority must be done or decided by open voting".</p> <p>[cl. 24(3), Schedule 7, LGA]</p>
Voting	<p>3.13.3</p> <p>Every member present when a motion is put will either vote or record an abstention unless precluded by law or these Standing Orders from doing so. Every member who abstains from voting may give a reason for that abstention.</p>
Voting may be deemed	<p>3.13.4</p> <p>Every member present will be deemed to have voted in favour of a resolution unless a contrary intention is plainly signified in accordance with these Standing Orders.</p>
Members may have their votes recorded	<p>3.13.5</p> <p>Any member's vote or abstention must be recorded in the minutes if so requested by that member.</p>

Method of voting	<p>3.13.6 The method of voting shall be as follows:</p> <p>(a) The Chairperson in putting the motion shall call for an expression of opinion on the voices (yes and no)* or take a show of hands, the result of either of which, as announced by the Chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson shall call a division. <i>*Amended by the Council 20/02/06 to (aye and no).</i></p> <p>(b) The Chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.</p> <p>(c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the Chairperson who shall declare the result.</p>
Division	<p>3.13.7 When a division is called, the Chief Executive or officer nominated by the Chief Executive shall take down the names of the members voting for and against the motion and abstentions and declare the result. The result of the division shall be entered into the minutes.</p>
Second division	<p>3.13.8 The Chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.</p>
Casting Vote	<p>3.13.9* The Chairperson is entitled to a deliberative vote on any issue and in the case of an equality of votes may record (in the Chairperson's absolute discretion) a second (or casting) vote. The Chairperson in exercising a casting vote may state the reasons which will be recorded in the minutes.</p>
Pecuniary interest	<p>3.13.10 No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public. [s. 6(1), Local Authorities (Members' Interests) Act]</p>
Declaration of pecuniary interest	<p>3.13.11 Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes. [s. 6(1), Local Authorities (Members' Interests) Act]</p>
Pecuniary interest a reason for leaving room	<p>3.13.12 Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.13.10, should consider leaving the meeting room for the full duration of discussion on such matters.</p>

* Standing Order 3.13.9 applies to all meetings including those of the Hearings Committee.

The Waipori Fund 3.13.13

The Dunedin City Council may only divest all or any part of the capital of the Waipori Fund by a three-quarters majority of the members present and voting.

For the purpose of this clause 'divest' means converting, in any way whatsoever, the Waipori Fund for a use other than as set out in the Waipori Fund Statement of Objectives and Policies as approved by the Dunedin City Council on 15 February 1999 and as may be amended from time to time in accordance with this Standing Order.

3.14 QUALIFIED PRIVILEGE

Qualified privilege relating to agenda and minutes 3.14.1

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.

[s. 52, LGOIMA]

Qualified privilege relating to oral statements 3.14.2

Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

[s. 53, LGOIMA]

Qualified privilege additional to any other provisions 3.14.3

The privilege conferred by Standing Order 3.14.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

For further information refer to Appendix H.

3.15 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

Chairperson may require members of the public to leave meeting 3.15.1

The Chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

[s. 50, LGOIMA]

Removal of members of public 3.15.2

If any member of the public who is required in accordance with Standing Order 3.15.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson, any police officer or employee of the local authority may, at the request of the Chairperson,

remove or exclude that member of the public from the meeting.

3.16 MINUTES OF PROCEEDINGS

Minutes to be evidence of proceedings

3.16.1

**"(1) A local authority must keep minutes of its proceedings.
(2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings."**

[cl. 28, Schedule 7, LGA]

Keeping of minutes

3.16.2

The Chief Executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the Chairperson; apologies tendered and accepted (where an apology is the result of the member representing the local authority on other business the fact of this will be recorded); arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes ; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 2.15.3, 3.3.14, 3.4.3, 3.5.3, 3.7.4, 3.13.3, 3.13.5 and 3.13.11). In the case of Committees and Community Boards, the reasons for decisions shall be recorded if they differ from the recommendations set out in any report forming part of the agenda or are requested to be noted by any member of a Committee.

No discussion on minutes

3.16.3

The minutes of every meeting of the local authority will be circulated to members in advance of, and may be taken as read, at the next ordinary or extraordinary meeting of the local authority, as appropriate. No discussion shall arise on the substance of the minutes of the meeting except as to their correctness.

3.17 MINUTE BOOKS

Inspection of minute books

3.17.1

The minute books of the local authority must be kept by the Chief Executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act (see Standing Order 2.14.13 and 2.14.14).

[s.51, LGOIMA]

Minutes of last meeting before election

3.17.2

The Chairperson and the Chief Executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.

3.18 QUESTIONS

Questions to officers during debate

3.18.1A To the extent permitted by the Local Government Official Information and Meetings Act 1987, any member may, at any ordinary meeting at the appointed time put a question to the Chairperson or through the Chairperson to any member or appropriate officer present for the purposes of clarifying any matter in a report under consideration at that meeting.

And:

3.18.1B

To the extent permitted by the Local Government Official Information and Meetings Act 1987 and subject to 3.18.2 to 3.18.6, any member may, at any ordinary meeting at the appointed time put a question to the Chairperson or through the Chairperson to any member or officer present concerning any matter relevant to the functions of the local authority (except that in the case of a Committee or Subcommittee meeting the question must be relevant to the delegations of that Committee or Subcommittee) that does not appear on the agenda nor arises from any report or recommendation submitted to that meeting.

Obtaining relevant information through the Chair

3.18.2

Before putting a question of the type set out in 3.18.1B above at a meeting a member shall, in the first instance, first try to get relevant information through the Mayor or the Chairperson of the appropriate committee or from the Chief Executive.

Member has not received satisfactory answer

3.18.3

If a member, after following the procedures in orders 3.18.1B and 3.18.2, has not received an answer or is not satisfied with an answer, the member has the right to raise the matter by way of question at any ordinary meeting of the local authority or a Committee provided that in the former the Mayor may refer a question to an appropriate Committee.

Where questions to be in writing

3.18.4

Wherever applicable, such question shall be in writing and may be accompanied by an explanatory note, and will be given to the Mayor, the Chairperson of the committee, and the member or officer who is to answer it prior to the commencement of the meeting at which they are to be asked.

Questions and answers to be brief

3.18.5

Questions and answers shall be submitted as briefly and concisely as possible. No discussion shall be allowed upon any questions or answer except so far as this is necessary to explain the question or the answer.

Agenda Item

3.18.6

If an answer to the question cannot be given at that meeting it shall, at the discretion of the Chairperson, be placed on the Agenda for the next ordinary meeting of the local authority or, if it requires investigation, it may be answered as subsequently appropriate by:

- (a) a memorandum circulated to all members, or
- (b) a report to the next meeting of the local authority.

Questions recorded	3.18.7 Any question that is made in writing will be recorded in the appropriate manner in any minutes of the meeting at which it is asked or answered.
Question during debate	3.18.8 In the course of any debate at any meeting, any member may, at the Chairperson's discretion, ask any question of the relevant officer on any matter under debate. Such questions shall be directed through the chair. (See Appendix H and I3 regarding qualified privilege).

3.18.9 SUMMARY TABLE – MAJORITIES REQUIRED

For ease of reference this table summarises the votes required for various motions.

3.13.1 Decisions to be decided by majority votes	"Unless otherwise provided for in the Local Government Act or in these standing orders, the acts of a local authority must be done and the questions before the local authority must be decided at a meeting by vote and the majority of members that are present".
3.13.13 Waipori Fund	The Dunedin City Council may only divest all or any part of the capital of the Waipori Fund by a three-quarters majority of the members present and voting. For the purpose of this clause 'divest' means converting, in any way whatsoever, the Waipori Fund for a use other than as set out in the Waipori Fund statement of objectives and policies as approved by the Dunedin City Council on 15 February 1999 and as may be amended from time to time in accordance with this Standing Order.
2.1.2 Alteration of Standing Orders	"After the adoption of the first Standing Orders of the local authority, an amendment of the Standing Orders or the adoption of a new set of Standing Orders requires, in every case, a vote of not less than 75% of the members present."
3.2.1 Temporary suspension of Standing Orders	A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension.

<p>3.11.4 Procedural Motions</p>	<p>All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate may not be moved by any member within the next 15 minutes.</p>
<p>3.8.18 Revocation or alteration of resolution at same meeting</p>	<p>If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.</p>
<p>Appendix F: Public Forum</p>	<p>Standing Orders may be suspended on a vote of not less than 75% of those present and voting, to extend the period of public participation or the period any speaker is allowed to speak. Where a request to speak to an item on the agenda is received after 4pm on the previous working day permission to speak may be granted on a vote of not less than 75% of those present and voting.</p>

APPENDIX A

MEETINGS – ADDITIONAL PROVISIONS

(Requirements)

A1 Nominations and Appointments

A1.1 Mayor's Recommendation

At the first meeting of the Dunedin City Council after each triennial local government election (and at any other time when these appointments arise) the Mayor will recommend:

- (a) the appointment of and proposed functions, duties and powers of such standing committees, special committees and subcommittees as are considered appropriate and in terms of the Local Government Act;
- (b) nominations for the Deputy Mayor, Chairpersons and members of those committees and subcommittees;
- (c) joint committees agreed with other local authorities or public bodies in terms of the Act; and
- (d) Council representatives on any other body.

(Note: Any other member may offer nominations for any position at the meeting. Refer also standing order 2.5 Voting Systems for Certain Appointments).

A1.2 Committee Structure and Delegations

The membership of committees, their functions, duties and powers, as approved by the Council from time to time will be recorded in the manual of Committee Structure and Delegations.

A1.3 Committee Use of Delegated Powers

Every committee to which any powers or duties are delegated may, without confirmation by Council, exercise or perform the same in like manner and with the same effect as the Council could itself have exercised or performed the same.

A1.4 Delegation to Subcommittees

Any committee may, with the consent of Council, delegate any of the functions, duties or powers of the committee to any subcommittee appointed by the committee.

A1.5 Mayor and Deputy Mayor ex-officio members

The Mayor and Deputy Mayor will be members of every committee by virtue of office except the Hearings Committee, and any other statutory committee where specific appointments are required.

A1.6 Power to Co-opt

The Council may co-opt to any committee or subcommittee unless otherwise prevented by statute from doing so, any person who by reason of knowledge or experience is likely to assist the committee in its activities and may authorise any committee to co-opt accordingly.

A2 Venue and Schedule of Ordinary Meetings

A2.1 Meetings in Municipal Chambers

Ordinary meetings of the Council and its standing committees will be held at such places and times as Council from time to time appoints. Unless Council decides otherwise, all meetings of the Council will be held in the Municipal Chambers, Dunedin.

A2.2 Schedule of Meetings

- (a) The Council will each year adopt a schedule of ordinary meetings for Council and its standing committees no later than December of the preceding year.
- (b) Unless that schedule is altered by the Council, those meetings will be the only ordinary meetings for that year. All other meetings will be extraordinary meetings.
- (c) The schedule will be circulated to members not less than ten working days before the first listed meeting and will be deemed to be notice of every meeting listed. Separate notification of any amendment to the schedule will be given.

A2.3 Ordinary Meetings

Ordinary meetings of Special Committees and Subcommittees will be held at such places and times as the Council, Committee or Subcommittee from time to time appoints.

A2.4 Availability of Agendas and Reports

- (a) The Chief Executive shall, not less than two clear working days before any ordinary meeting of the Council and its Standing Committees, circulate:
 - (i) an agenda for the meeting including the time and place of the meeting
 - (ii) any papers relevant to the matters set out on that agenda.

For schedule of meetings refer to A2.2 above

A2.5 Lists of Committee Members

Lists of members on each committee, subcommittee and working party of which Councillors are members shall be available at the office of the Chief Executive.

A2.6 Public Notification

A copy of the schedule in order A2.2 and the documents in order A2.4 will also be made available to the public and local media representatives. Public notification will be given in terms of orders 2.14.3 & 4 and subject to orders 2.14.5 - 7.

A3 Reports of Committees: Consideration by Council

A3.1 The minutes of every meeting of a Committee will form a report and be circulated to all members in advance of the Council meeting at which they are to be considered except that it may be agreed on the grounds of urgency under "Confirmation of the Agenda" that the minutes of any extraordinary meeting may be tabled where advance circulation cannot be achieved.

A3.2 Any clause in a Committee report to which any member wishes to speak will be taken separately.

A3.3 When the Council is considering the report or recommendation of a Committee it may:

- (a) note or approve the report or recommendation (*Note: any member moving the adoption of a report from a Committee may seek leave to correct or amend any item in the report if it is necessary to do so*);

- (b) refer a matter which is the subject of a recommendation back to the Committee for further consideration together with any directions the Council may wish to give, or, except for the decisions of the Hearings Committee, substitute its own decision for that of the Committee;
- (c) if a matter is within the delegated authority of a Committee, record its disagreement with the decision and instruct the Committee to take what steps it can to comply with the Council's wishes (Note: the Council is not entitled to rescind or amend a decision made by a Committee pursuant to a delegation authorising the making of the decision). (Refer also orders 3.8.16 to 3.8.19),

A3.4 Any matter referred back to a committee will be considered at the next ordinary meeting of that committee.

A.3.5 Adoption or noting by the Council of the minutes of a Committee meeting shall constitute confirmation of those minutes.

A.4 Reports of Community Boards: Consideration by Council

A4.1 The minutes of every meeting of a Community Board will form a report and be circulated to all members in advance of the Council meeting at which they are to be considered.

A4.2 Any clause in a Community Board report to which any member wishes to speak will be taken separately.

A4.3 When the Council is considering the report or recommendation of a Community Board it may:

- (a) note or approve the report or recommendation; (note: any member moving the adoption of a report from a Community Board may seek approval to ask the Board to correct or amend any item in the report if it appears necessary to do so);
- (b) refer a matter which is the subject of a recommendation or requires an amendment back to the Community Board for further consideration.

A4.4 Any matter referred back to a Community Board will be considered at the next ordinary meeting of that Community Board.

A5 Meetings of committees: attendance by elected members, community board members and officers

A5.1 *All Members of Council may Attend*

Members who are not members of a committee may attend any meeting of any committee with the exception of those provided for in order A5.4 and may put questions to the Chairperson for the purpose of obtaining information and may take part in debate in accordance with these Standing Orders, but only members of a committee may vote.

Members who are not members of a committee will:

- (a) be invited to speak after members who are members of the committee;
- (b) where requested, sit in a place reserved for them.

A5.2 *Chairpersons of Community Boards May Attend*

- (a) In terms of the Charter, the Chairpersons of Community Boards (or the Deputy Chairperson or other community board member if the Chairperson is unable to attend and where requested by the Chairperson) may attend any meeting of any committee with the exception of those listed in order A5.4 and shall have full speaking but not voting rights.
- (b) The Chairperson of a Community Board may at the invitation of the Mayor and with the consent of Council, be given the right to speak to any matter before a Council meeting which is the subject of a minute from the Community Board concerned.

A5.3 *Attendance of Officers*

Unless otherwise directed by the Committee, the Chief Executive will arrange for the appropriate officers to attend any meeting of a Committee at which they may be required.

A5.4 *Exceptions*

Attendance at meetings of the Hearings Committee (and any other Committee where appointments are required by statute), the Performance Appraisal Committee and the Conduct Committee is restricted to those members specifically appointed *and such staff members as are specifically required by the Chair of those committees to be in attendance*. The Council may also from time to time by resolution designate any other Committee at which attendance is restricted to members only.

A5.5 *Legal Advice/Surrender of Documents*

When issues of legal complexity are being discussed at Council or Standing Committee meetings attendance of a legal advisor will be arranged and provision for speaking rights will be granted.

Council may, by resolution in respect of any matter involving legal advice to Council or any other matter where good reason exists under the Local Government Official Information and Meetings Act 1987 to maintain confidentiality, require Councillors to surrender all papers relating to such matters to the Chief Executive (or nominee) at the close of the meeting and for all copies (excluding the original) to be destroyed.

A6 **General Provisions relating to Public Forum, Deputations and Petitions and Hearing of Submissions**

A6.1 *Committees Not to Act Immediately*

Committees should not act on matters raised in a public forum, by a deputation, or by petition without the benefit of considered advice from officers and reasonable time to reach a decision.

A6.2 *Chairperson May Terminate*

The Chairperson may terminate any forum, deputation or submission in progress which is disrespectful or offensive or where the Chairperson believes that any statements are being made with malice.

A6.3 *Council May Form Committee of the Whole to Hear Submissions*

For the purpose of hearing submissions under the Special Consultative Procedures contained in the Local Government Act in relation to a proposal being an intention to act or draft a plan or policy, the Mayor may move that the Council form into the Committee of the Whole.

- (a) The motion must be seconded, put without debate and carried by the majority of members present.
- (b) When the Committee of the Whole is formed, orders relating to "Speaking More

than Once" and "Time Limits" will not apply and submissions will be considered and dealt with in terms of order A6.4.

- (c) Any resolutions of the Council sitting as the Committee of the Whole in terms of this order must be reported to and confirmed by the Council when it resumes in formal meeting.

A6.4 *Hearing of Submissions*

- (a) Any person who makes *written submissions* on any proposal within the period specified shall be given a reasonable opportunity to speak to their written submissions at a meeting of the Committee to which the Special Consultative Procedure has been delegated.
- (b) Individual speakers will have a maximum of five minutes each and one or more speakers representing a group will have a maximum of 10 minutes, except that additional time may be granted at the discretion of the Chairperson where in the circumstances this is considered fair and reasonable.
- (c) Speakers tabling additional material will be required to provide sufficient copies for each member of the committee, the number to be ascertained from the Governance Support Officer.

APPENDIX B

GROUNDINGS TO EXCLUDE THE PUBLIC FROM MEETINGS

(Requirements) *Refer to Section 48 of the Local Government Official Information and Meetings Act 1987*

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- B1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- B2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information:
 - (i) Would disclose a trade secret or
 - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
 - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied or
 - (ii) Would be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through:
 - (i) The free and frank expression of opinions by, or between, or to members or officers or employees of any local authority, or any persons to whom section 2(5) of the Local Government Official Information and Meetings Act 1987 applies, in the course of their duty¹; or
 - (ii) The protection of such members, officers, employees, and persons from improper pressure or harassment; or

¹While B2(g) is a reason for refusing to disclose information under the Official Information Act it is not an adequate reason for exclusion of the public at a meeting - s48(a)(i) Local Government and Official Information Act 1987

- (h) Maintain legal professional privilege; or
- (i) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where B2 of this Appendix applies the public may be excluded, unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- B3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.

- B4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of a local authority named or specified in the First Schedule to this Act).

- B5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a local authority where:
 - (i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings or
 - (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

(Information)

Section 48, Local Government Official Information and Meetings Act 1987

I move that the public be excluded from -

- * (a) The whole of the proceedings of this meeting; or
- * (b) The following parts of the proceedings of this meeting, namely:

[[State Agenda Items

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
-	-	-
-	-	-
-	-	-

* This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:
[Give particulars]

* I also move that *[Name of person or persons]* be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because..... .

***Delete if inapplicable]]**

NOTE

Section **48(4)** of the Local Government Official Information and Meetings Act 1987 provides as follows:

- "(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
 - (a) Shall be available to any member of the public who is present; and
 - (b) Shall form part of the minutes of the local authority."

APPENDIX C

POWERS OF THE CHAIRPERSON

(Requirements)

This Appendix is intended to separately set out the Chairperson's powers which are contained in various parts of the Standing Orders of the Dunedin City Council.

The provisions in the Standing Orders of the Dunedin City Council shall be authoritative. The relevant Standing Orders are referred to in brackets.

C1 Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

(See Standing Order 3.3.2)

C2 Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

(See Standing Orders 3.12.3 and 3.12.7)

C3 Items not on the agenda may be discussed

Items not on the agenda may be dealt with at that meeting *if so resolved* and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting. The item may then be debated and resolutions made in respect to it.

If the Committee *does not so resolve* then the Committee is restricted to discussing the item only if it is a minor matter relating to general business, and no resolution of decision can be made at that meeting except to refer it to a subsequent meeting for further discussion.

(See Standing Orders 3.6.6 and 3.6.6.1)

C4 Chairperson's report

The Chairperson, by report, has the right to direct the attention of the meeting to any matter or subject within the role or function of the local authority.

(See Standing Order 3.6.5)

C5 Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote.

(See Standing Order 3.13.9)

C6 Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

(See Standing Order 3.8.4)

C7 Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

(See Standing Order 3.8.5)

C8 Notice of motion

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Is frivolous or vexatious

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

(See Standing Orders 3.9.2 and 3.10.2)

C9 Action on previous resolutions

If in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, until the proposed notice of motion has been dealt with by the local authority, would be equivalent to revocation of the resolution, or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the local authority, action may be taken as though no such notice had been given.

(See Standing Order 3.8.17)

C10 Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion.

(See Standing Order 3.10.1)

C11 Revocation or alteration of previous resolution

A Chairperson may recommend in a report the revocation or alteration of all or part of any resolution previously passed, and the meeting may act on such a recommendation.

(See Standing Order 3.8.19)

C12 Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next ordinary meeting;
- (b) May requisition an extraordinary meeting to be held at a specified time and place, in order to conduct specified business.

(See Standing Orders 3.4.2, 2.13.1 and 2.13.2)

C13 Irrelevant matter and tedious repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matter or indulging in needless repetition is final and not open to challenge.

(See Standing Order 3.7.2)

C14 Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

(See Standing Order 3.7.4)

C15 Reading of speeches

The Chairperson may permit members who request permission to do so, to read their speeches.

(See Standing Order 3.7.5)

C16 Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

(See Standing Orders 3.7.13 and 3.7.14)

C17 Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

(See Standing Order 3.3.3)

C18 Members may leave places

The Chairperson may permit members to leave their place while speaking.

(See Standing Order 3.3.4)

C19 Priority of speakers

The Chairperson shall determine the order in which members may speak when two or more members indicate their wish to speak.

(See Standing Order 3.3.5)

C20 Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

(See Standing Orders 3.16.1 and 3.17.2)

C21 Questions of speakers

The Chairperson may permit members to ask questions of speakers at a public forum at a Committee meeting for the purpose of obtaining information or clarification on matters raised by the speaker.

C22 Withdrawal of offensive or malicious expressions

(a) The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

(See Standing Order 3.3.10)

(b) Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time

specified by the Chairperson.
(See Standing Order 3.3.11)

C23 Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.
(See Standing Orders 2.1.3 and 3.3.2)

C24 Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
(See Standing Orders 3.3.12 and 3.15.1)
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.
(See Standing Orders 3.3.13 and 3.3.14)

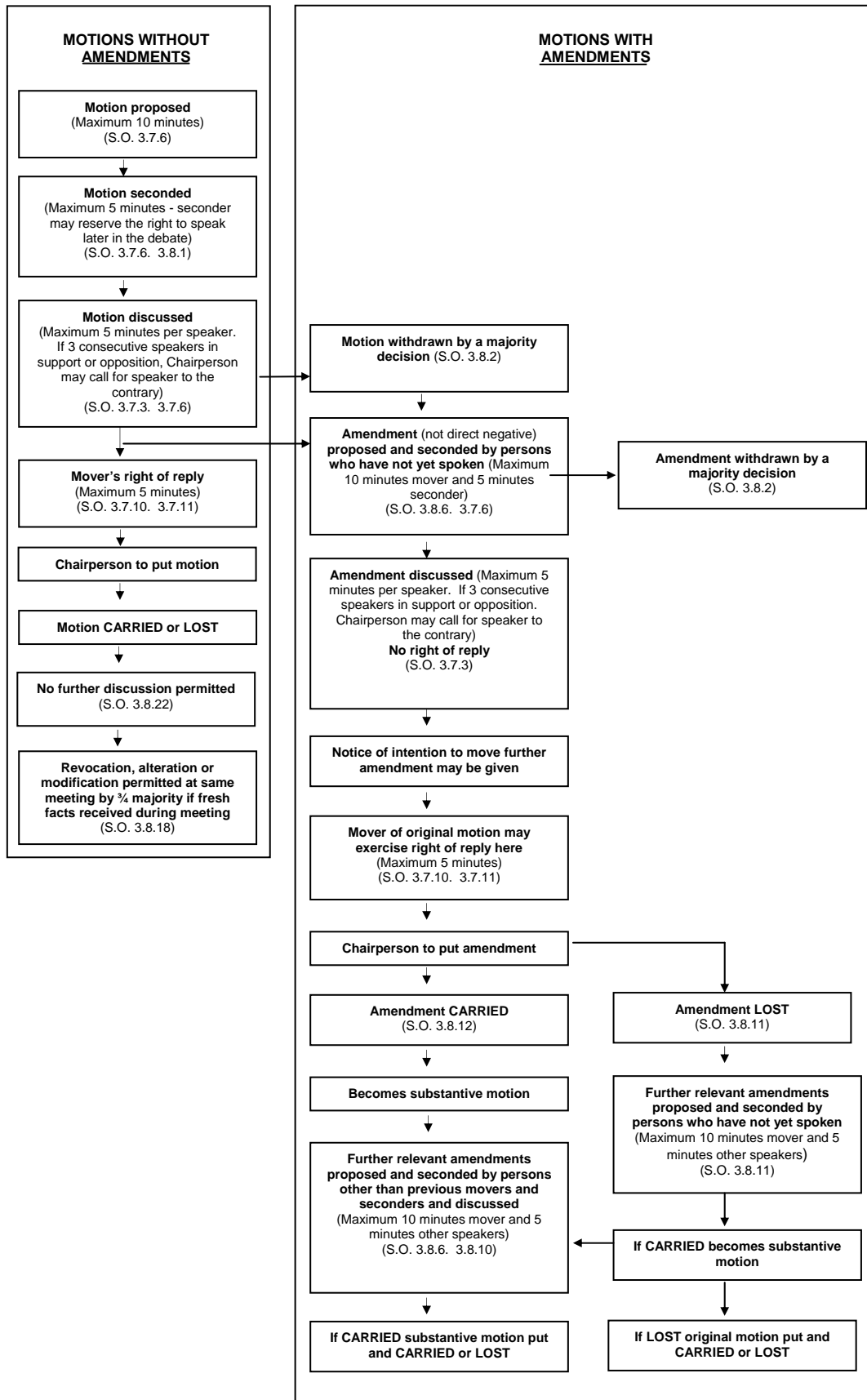
C25 Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.
(See Standing Orders 3.3.15 and 3.15.2)

APPENDIX D

MOTIONS AND AMENDMENTS

(Normative)



APPENDIX E

TABLE OF PROCEDURAL MOTIONS

(Normative)

(See Standing Orders 3.11.1 to 3.11.13 and 3.12.1 to 3.12.7)

Motion	Has the Chair discretion to refuse this motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	Yes	As to time and date only.	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again
(b) "That the item of business being discussed be adjourned to a stated time and place.	No	Yes	Yes	As to time and date only.	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	

Motion	Has the Chair discretion to refuse this motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(c) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, only the amendment is put.	If carried, only the procedural motion is put.	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put.
(d) "That the meeting move directly to the next business, superseding the item under discussion"	No	Yes	Yes	No	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned	
(e) "That the item of business being discussed does lie on the table"	No	Yes	Yes	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table.	Motion not in order.	
(f) "That the item of business being discussed be referred to the relevant committee"	No	Yes	Yes	As to committee, time for reporting back etc. only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Points of order."	No – but may rule against.	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.11.1 to 3.11.7

APPENDIX F

PUBLIC FORUM

(Requirements) **(For Community Boards refer to page 97 in the attachments)**

Public Forums are intended to allow individuals to communicate freely with members of the Council on any issue, idea or matter of public interest relevant to the activities of the Council. Emphasis will be on the views of those members of the public wishing to present to the council.

With the permission of the Chairperson, Elected Members may ask questions or engage in discussion with the member of the public presenting their view, for the purpose of clarification or information sharing or to further explore the relevant subject. Debate will not be permitted.

Quorum: Eight Councillors. The Chairperson and Deputy Chairperson of the Standing Committee with responsibility for the areas to which the "theme" or topic relates will use their best endeavours to ensure that they are present. The relevant Chairperson (or in their absence the Deputy) will chair and facilitate the Public Forum. In the absence of the relevant Chairperson or Deputy Chairperson, the meeting will be chaired by the Mayor or Deputy Mayor.

Minutes: Minutes of the Public Forum will not be taken except to record: the theme of the Forum, the names of Councillors present and any apologies, and the names and general topics of discussion by the members of the public speaking. The Public Forum Co-ordinator will also record any action points or requests for information arising as directed by the Chairperson and these will be referred to the appropriate Standing Committee and/or General Manager for consideration and report back.

Theme: Each Public Forum will have a theme or topic that relates to one of the Council's scope of activity. The theme and other relevant detail will be advertised in the Otago Daily Times' "Council Notice Board" prior to the Public Forum. The selection of, and scheduling of themes will be determined by the Mayor in consultation with the Chief Executive and the Chairperson of the relevant Standing Committee.

F1 Public forum

A period of up to two hours, will be set aside for a Public Forum on a date as determined by the Council after the last Standing Committee Meeting (usually Finance and Strategy) in each meeting round but before the Council meeting.

At a Public Forum members of the public are encouraged to speak to the 'theme' or topic, and priority will be given to those members of the public who choose to do so. However members of the public may speak freely on matters relevant to the scope of activity of the Council.

- a) individual speakers may speak for five minutes each; groups with more than one speaker will have a maximum of 10 minutes
 - b) repetitive statements of the same facts or opinion should be avoided;
 - c) those wishing to speak at the Public Forum must advise the Public Forum Co-ordinator by 4.00 pm on the Thursday prior to the Public Forum;
 - d) every member and officer of the Council will direct members of the public who wish to make a presentation to a Public Forum to the most appropriate procedure based on the circumstances of each case.
-

F2 Time extension

The period of Public Forum or the period any speaker is allowed to speak may be extended by a majority vote of the Councillors present.

F3 Subjects of Public Forum

The public forum is to be confined to those items falling within the scope of activities of the Council provided the matter is not sub-judice.

NOTE – The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the Council, committee or subcommittee sits in a quasi-judicial capacity.

F4 Chairpersons: discretion to take speakers

The Chairperson of the Public Forum retains the discretion to invite any member of the public to speak at the commencement of the Forum.

The Chairperson of any Standing Committee will retain the discretion to invite a speaker or speaker(s) to speak at a meeting of the Committee on any matter which is on the agenda for that meeting and in terms of Standing Order G4: Deputations where heard.

APPENDIX G

PETITIONS AND DEPUTATIONS

(Requirements) (For Community Boards refer to page 98 in the attachments)

Petitions

G1 Form of petitions

A petition consists of a written statement supported by the signatures of one or more individuals.

A petition may be presented:

- (a) at a public forum;
- (b) as part of a deputation; or
- (c) by a member who will give notice of any intention to present a petition at the beginning of a meeting.

Any person may petition a committee of the Council in regard to a matter of public interest within the committee's jurisdiction.

Every petition presented to a Council committee, must be in a form that is easily understood, allows the petitioners to be readily identified and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.14.1 and 3.14.2 regarding qualified privilege) and states the remedy sought.

G2 Petition where presented by members

Any member of the Council, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.

G3 Petition where presented by petitioner

Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.14.1 and 3.14.2 regarding qualified privilege). If the Chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the Chairperson shall terminate presentation of the petition.

G4 Representations, Deputations and Petitions

Representations, Deputations or Petitions relating to an agenda item may be received by any Committee of the Council provided a verbal or written application has been lodged with the Chief Executive by 4.00 pm on the last working day before the date of the meeting concerned, and has been subsequently approved by the Chairperson of the Committee concerned. The Chief Executive may, in consultation with the Chairperson concerned, decline to accept any application for a submission or deputation. The Chief Executive will report the decision to decline any application to the next meeting of the Committee.

Every application will:

- state the agenda item to which it relates;
- if possible, provide 17 copies of any written material that the person or group wishes to have circulated to elected members;
- be heard by the appropriate committee.

The Chairperson of the Committee will determine the timing for the hearing of any submission or petition or receiving of a delegation.

G5 Urgency or major public interest

Notwithstanding Standing Order G4 where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received.

G6 Procedures for deputations

Except with the approval of the committee, not more than 3 members of a deputation may address the meeting (one speaker to introduce the deputation who may speak for up to two minutes; and two speakers who may each speak for up to five minutes). After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.14.2 regarding qualified privilege).

G7 Termination of presentation if disrespectful

The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice (see Standing Order 3.14.2 regarding qualified privilege).

G8 Time limit on presentation

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 12 minutes in total for the 2 speakers (including the two minute introduction set out in G6 above).

APPENDIX H

QUALIFIED PRIVILEGE

(Information)

H1 Privilege in meetings

Essentially, elected members should regard this whole area of very complex law with considerable caution and exercise due care accordingly.

Legal advice from the City Solicitors alerts us to some important points and distinctions which, in summary, are:

- (a) Privilege is attached not to content but to occasion or form.
- (b) Elected members do not have the protection of absolute privilege which gives a speaker total immunity from defamation.
- (c) The limited immunity offered by qualified privilege is forfeited by any abuse of the occasion where a statement is made or where it is made maliciously. (Referring to case law, "malicious" has been held to be where a statement is vindictive, is known to be untrue, is used to demean a person in the eyes of their peers, or is made with reckless disregard as to whether the statement is true or not and is subsequently found not to be.)
- (d) Any statement must have been made in accordance with Standing Orders. This requirement must be satisfied before any privilege is attached.
- (e) Privilege is only attached to specific documents relating to any meeting and the meeting and the documents must be public.
- (f) Privilege attaches only to oral statements made at meetings - not to any statements made outside meetings. Note that where no recommendations or decisions are made, the meeting is not deemed to be a meeting in accordance with the Act and privilege provisions do not apply.
- (g) Note that where there may be malicious publication of a particular statement, for example, in the media, the speaker would still have the protection of privilege if the occasion on which the statement was made was protected, ie. the speaker made the statement in good faith and without malicious intent.

A full explanation of "Privilege in Meetings" follows:

H2 Concept

The concept of privilege is one which is linked to the law of defamation. Whilst that law seeks to protect an individual's reputation, it also recognises that in certain situations persons should be allowed to speak as of right without restraint, even at the expense of another's good name and character. These are called privileged occasions. Privilege is attached not to content but to occasion or form.

H3 Absolute Privilege

Two classes of privilege exist. The first provides the speaker with total immunity from defamation and is accordingly known as Absolute Privilege. This type of privilege attaches to what a Member of Parliament says on the floor of the House of Representatives. Absolute Privilege covers both verbal and written speech, such as a document tabled in the House. Solicitor/client communications, statements made between married persons and statements made in the course of judicial proceedings are all absolutely privileged. Accordingly any defamatory statement made in those situations is not actionable by the person whose reputation is harmed.

H4 Qualified Privilege

In addition to these absolutely privileged occasions, the law recognises situations where publication of a defamatory statement is made to serve the legitimate purpose of the privileged occasion to which it relates (and not to some ulterior motive). In those circumstances privilege may protect the maker of the statement if the furtherance of the legitimate purpose to which the occasion relates can be demonstrated or at least imputed. Such occasions give rise to privilege, which is qualified rather than absolute. There are a wide variety of situations, which may give rise to qualified privilege. Generally the occasion must be one where the person who makes the communication has an interest or duty, legal, social or moral, to make it to the person to whom it is made and the person to whom it is so made has a corresponding interest or duty to receive it. Qualified privilege only attaches to a defamatory statement if it is made in pursuit of the performance of the duty to which it is related. The immunity is forfeited by an abuse of the occasion or where the statement is made with improper motive (ie. maliciously). It is this type of privilege which is made available to local authorities by virtue of the statute discussed below.

H5 Local Government Official Information And Meetings Act 1987 ("the Meetings Act")

Sections 52 and 53 of the Act codify the qualified privilege associated with local authority meetings. The privilege granted by these Sections is qualified to the extent that it applies only to statements which are made without malice. In addition there is an additional criterion in respect of Section 53 that the statement must be made "in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings". This requirement imposes a further criterion which must be satisfied before the privilege will attach to any particular statement.

H6 Agendas and Minutes

Section 52 of the Meetings Act operates so as to confer privilege on any defamatory matter included in the agenda and minutes of a local authority meeting (or in the future statements or particulars for the purpose of indicating the nature of any item in the agenda and minutes of the meeting). The Section further requires that the meeting be open to the public and that a copy of the document containing the defamatory matter be made available to the public. Essentially this enables the local authority to prepare agendas and related documents for public meetings and to disseminate those documents without fear of an action brought against the local authority for defamation. The point to note is that the privilege granted by this Section is quite narrowly constrained by the limited range of documents to which it applies and the type of meeting to which it applies (ie. a public meeting). In addition publication must be made without malice as mentioned above.

Councillors should be alerted to the fact that the privilege granted by this Section carries these limitations and should not be relied upon to provide privilege for documents other than those prescribed by the Section.

H7 Oral Statements

Section 53 is complementary to Section 52 in providing privilege for oral statements made at meetings of local authorities. It is much wider in scope, being limited only by the requirements that the statement be made with absence of malice and that statement be made in accordance with the rules (ie. Standing Orders). Clearly it does not extend to statements made outside of the meeting.

It should also be noted that the term "meeting" is given a very wide definition in the Meetings Act. That definition includes (in certain circumstances) meetings of committees and subcommittees. However if no resolutions or decisions are made the meeting is not a meeting for the purposes of the Act and the privilege provisions would accordingly not apply.

H8 Malice

As noted above, qualified privilege will be lost if the defamatory statement is published for an improper purpose. This is commonly expressed by saying that the publication must not have been "malicious". It should be noted that the term "malice" includes not only spiteful or vengeful

motive on the part of the speaker, but includes the misuse of the privileged occasion for some other purpose (eg. to discredit a particular religion or particular doctrine or to deliberately sensationalise a new story in order to heighten its reader appeal).

Where one party asserts that a statement has been made with malice (and that therefore the qualified privilege is lost) that party must produce evidence showing that the defendant not only harboured a desire to serve some ulterior purpose but also that it influenced him/her to make the defamatory statement. The existence of personal animosity as between the speaker and the defamed person will not necessarily defeat the qualified privilege. If however the speaker lacks genuine belief in the truth of his or her statement then the privilege will be lost. This is also true where the speaker shows reckless indifference as to the truth of the statement. On the other hand the lack of reasonable grounds on which to base the statement will not necessarily amount to malice. The issue as to whether or not a statement is made maliciously is one which can only be determined by having full regard to all of the circumstances relating to the making of the statement.

H9 Additional privileges

The privileges conferred by Sections 52 and 53 of the Meetings Act are in addition to common law privileges which may attach to any particular statement. The existence or otherwise of common law qualified privilege in respect of a statement made by a Councillor or local authority employee can only be determined by considering all of the circumstances surrounding the making of the statement. Whether any particular statement is defamatory and whether or not any privilege attaches to the statement or defences are available is a complex mix of fact and law requiring a close analysis of the circumstances of any particular case.

H10 Summary

Whilst a degree of privilege is made available to Sections 52 and 53 of the Meetings Act, care must be exercised to ensure that due regard is had to the limitations which those Sections contain. Section 52 grants qualified privilege of statements made in agendas and the accompanying documents together with the minutes of the meeting. It does not impose a blanket privilege on all documents which the local authority might produce.

Insofar as oral statements are concerned, the privilege granted is wider in nature than the "agenda" privilege. It is however qualified in that a statement must be made in accordance with Standing Orders and at a "meeting" as defined.

APPENDIX I

USE OF INFORMATION

(Requirements)

(Reference to the Mayor in this appendix means the Mayor, irrespective of whether the matter relates to a Community Board and/or a Community Board member.)

I 1 Public excluded Information not to be disclosed

I 1.1 Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member, officer or other person shall disclose to any person other than a member or officer of the Council, any information which has been presented to, or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded, nor shall any discussion, deliberations or decisions be divulged following any such meeting except by way of release of the information by the resolution of Council or by an authorised person.

- I 1.2** (a) No information will be made public by a member or officer without authority.
- (b) Authority to release documents or make statements will arise where:
- (i) the release of the information or document is required by law;
 - (ii) the information or document has already been made public
 - (iii) the information is released with the specific or general authority of the Council or a relevant standing committee.

I 1.3 The following persons are authorised to make statements consistent with clause I 1.1:

- (a) the Mayor; or in the Mayor's absence the Deputy Mayor or acting Deputy Mayor
- (b) the Chairpersons of Committees in regard to matters within the Committee's jurisdiction
- (c) the Chief Executive or any officer authorised by the Chief Executive;
- (d) a member or officer authorised by resolution of the Council

I 2 Supply of information to members

I 2.1 Every member has the same right as the public generally to request information under the Local Government Official Information and Meetings Act 1987. The same grounds for refusing information under Section 7 of the Act and the same rights to charge for information will also apply.

I 2.2 Information required by members for the conduct of the Council's business shall be supplied to them by the Chief Executive, and when such information is supplied in writing, a copy shall also be supplied to the Mayor and the Chairperson of the appropriate Committee.

I 2.3 If the information required affects the confidential business of the Council and/or is public excluded pursuant to Order I 1.1, and the Chief Executive is uncertain that it should be supplied, he/she shall refer the matter to the Mayor who will decide the extent to which such information may be given.

12.4 The Chief Executive is authorised, where in his/her view, information is highly confidential or legally privileged, to make this available to members under privilege and in any reasonable manner to protect the security of information. Pursuant to Section 7 of the Local Government Official Information and Meetings Act 1987, no members shall disclose such information or copies or extracts therefrom to any person.

12.5 No information obtained by any member including pursuant to orders 12.3 and 12.4 shall be used for purposes other than the proper discharge of functions as a member.

Explanatory Note to Orders 12.3 and 12.4

The purposes which justify the withholding of information as set out in Section 7 of the Local Government Official Information and Meetings Act 1987 apply with equal force when that information is held by a member.

An elected member who may have doubts, queries or criticism about any information, advice or opinion provided in terms of Orders 12.3 and 12.4 must therefore seek any further advice, reports or opinions from the Council. In the first instance this should be done through the Mayor and/or Chief Executive,

Permission to make limited disclosure of protected information for specific purposes affecting a Councillor individually must also be sought from Council in the same way.

If a member, after following these procedures, is not satisfied with the response/s received, the member has the right to require the matter to be placed on the agenda for determination at the next ordinary meeting of the Council.

12.6 Nothing in these Standing Orders will prevent any Chairperson of a committee from obtaining any required information from the Group Manager who would normally report to that committee.

12.7 The requirements of 12.3 and 12.4 are in addition to the rights conferred on members in 12.1. Where such information is made available to any member as *publicly available information*, that member may use it in the same way as any member of the public.

12.8 Information obtained by a member under these Standing Orders may only be used in discussion or debate at any meeting of the Council if the source of the information is disclosed at the outset.

13 Qualified Privilege

13.1 Section 52 of the Local Government Official Information and Meetings Act 1987 states:

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and -

(a) There is supplied to a member of the public a copy of the agenda for the meeting with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda; or

(b) The minutes of that meeting or part are produced for inspection by any member of the public or a copy thereof is given to any member of the public, -

the publication thereby of any defamatory matter included in the agenda or in the further statements or particulars or in the minutes shall be privileged unless in any

proceedings for defamation in respect of that publication, the plaintiff proves that, in publishing the matter, the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication."

13.2 Section 53 of the Local Government Official Information and Meetings Act 1987 states:

"1. Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings shall be privileged unless in any proceedings for defamation in respect of that publication, the plaintiff proves that, in publishing the matter, the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication."

2. The privilege conferred by subsection (1) of this section is in addition to and not in substitution for or derogation of any of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority."

(Refer attached Schedule H for guidance on the application of this clause.)

14 Pecuniary Interests by members

14.1 The provision of the Local Authorities (Members Interest) Act 1968 and any other act affecting the rights of members to attend meetings shall be observed refer to orders 3.13.10 and 3.13.11.

15 Misuse of Information

15.1 The misuse, including any disclosure not authorised by resolution of the Council, of public excluded, confidential or legally privileged information supplied to members by Council in terms of Orders I1.1, I2.4 and I2.5 (including information supplied outside formal meetings) will be held to be a breach of these Standing Orders.

15.2 Appointment of Conduct Committee

The Conduct Committee shall be comprised as set out in the Committee Structure and Delegations Manual.

Procedure where an allegation of misuse of information is raised by an elected member

15.3 Alleged Misuse of information by a member

(a) If the Mayor is satisfied that there are reasonable grounds for believing that information supplied to any member subject to Standing Order I5.1 has been misused, the Mayor may² refer the matter to the Conduct Committee for investigation. Where a matter is reported to the Conduct Committee the

² *The Mayor is not required to refer the matter unless he or she is satisfied that there are reasonable grounds for believing that information supplied to any member subject to Standing Order I5.1 has been misused. The Mayor is also entitled to take into consideration the amount of time that has elapsed since the alleged breach before referring the matter to the Conduct Committee and may decline to refer the matter if as a result of the time elapsed since the alleged breach the Mayor is of the view that it would be unfair to do so. Prior to reporting the matter to the Conduct Committee the Mayor may attempt to mediate a solution between the member raising the matter and the member who is the subject of the allegation. Where a solution is agreed between the Mayor, the member raising the matter and the member who is the subject of the allegation the matter will not be referred to the Conduct Committee.*

Mayor must advise the Council at the next ordinary meeting of the Council.

- (b) Any member wishing to raise an alleged breach of Standing Orders shall refer the matter to the Mayor in writing at the earliest opportunity and wherever practicable before the next ordinary meeting of the Council.

Consideration of an alleged breach of Standing Orders/Procedure where an allegation of misuse of information is raised by the Mayor

15.4 Procedure

If the Mayor is satisfied that:

- (a) Any matter that has come to the Mayor's attention, involves an alleged breach of a Standing Order(s), or
- (b) That it appears that any breach of Standing Order 15.1 has occurred

the Mayor *may* refer the matter to the Conduct Committee for investigation³. Where a matter is reported to the Conduct Committee the Mayor must advise the Council at the next ordinary meeting of the Council.

Procedure where an allegation of breach of standing orders is made against the Mayor

15.6 Alleged Breach of Standing Orders (including misuse of information)

- (a) Any member wishing to raise an alleged breach of Standing Orders against the Mayor shall refer the matter to the Deputy Mayor in writing at the earliest opportunity and wherever practicable before the next ordinary meeting of the Council.
- (b) If the Deputy Mayor is satisfied that:
- (c) A matter that has come to the Deputy Mayor's attention, involves an alleged breach of a Standing Order(s) by the Mayor; or
- (d) There are reasonable grounds for believing that information supplied to the Mayor subject to Standing Order 15.1 has been misused,

the Deputy Mayor may refer the matter to the Conduct Committee for investigation. Where a matter is reported to the Conduct Committee the Deputy Mayor must advise the Council at the next ordinary meeting of the Council.

Any allegation of a breach of a Standing Order(s) including misuse of information must be in writing, make a specific allegation of a breach, and provide corroborating evidence.

Membership of the Conduct Committee to be maintained

15.7 Where a conflict of interest arises because a member of the Conduct Committee has either brought an allegation or had an allegation made against them, the Council must appoint an elected member to act as a replacement in the matter so that the membership of the Conduct Committee is maintained.

³ *The Mayor may first seek to mediate a solution in the first instance. Where a solution is agreed between the Mayor, and the member who is the subject of the allegation the matter will not be referred to the Conduct Committee. The Mayor is also entitled to take into consideration the amount of time that has elapsed since the alleged breach before referring the matter to the Conduct Committee and may determine not to refer the matter if as a result of the time elapsed since the alleged breach the Mayor is of the view that it would be unfair to do so.*

All Members to be informed

15.8 *Members to be Informed of Allegations Against Them*

- (a) Any member raising an alleged breach of Standing Orders which involves another member of the Council shall, as soon as reasonably practicable after raising the matter, fully inform that other member of the matter which has been raised.
- (b) The Mayor or Deputy Mayor shall not report to Council that a matter involving another member involves an alleged breach of Standing Orders without first informing that member that this is intended.

15.9 *Public Excluded*

The Committee may conduct its enquiries with the public excluded in terms of the Local Government Official Information and Meetings Act 1987 s.48 1(a), 47 2(a), 2(f)(ii) and 2(g) and in terms of its delegated authority.

15.10 *Duty Elected Members to Provide All Information to Conduct Committee*

- (a) It shall be the duty of all elected members to meet with the Conduct Committee as required and to provide all information and documents held by or on behalf of each of them relating to the matter under investigation to the Committee.
- (b) Failure to comply with any requirement of the Conduct Committee or Subcommittee shall itself be a breach of Standing Orders.
- (c) Nothing in this Order shall derogate from the right of any elected member under the New Zealand Bill of Rights Act 1990 to refuse to answer any question or to produce any document on the grounds that to do so would or might incriminate such elected member in respect of the matter under investigation.

APPENDIX J

CODE OF CONDUCT

(Requirements)

(Reference to the Mayor in this appendix means the Mayor, irrespective of whether the matter relates to a Community Board and/or a Community Board member.)

J1 Introduction

The Code of Conduct sets out the values, understandings and expectations agreed amongst members of the Dunedin City Council about the manner in which they conduct themselves while acting in their capacities as elected members. It includes understandings on behaviour towards one another, towards staff and towards the public.

As well as being used to promote ethical behaviours, encourage teamwork and facilitate effective local democracy, the code will be of value to the Council as:

- An orientation tool for new councillors;
- A guide to prospective candidates;
- A resource support for existing councillors;
- An aid to the public—enabling the public to evaluate behaviour.

The Code is divided into the following sections:

- J1 Introduction
- J2 Roles and Responsibilities
- J3 Relationships and Behaviours
- J4 Compliance and Review
- J5 Legislation Bearing on the Role and Conduct of Elected Members

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Dunedin City Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code does not apply to members of the Chalmers, Mosgiel Taieri, Otago Peninsula, Saddle Hill, Strath Taieri and Waikouaiti Coast Community Boards unless adopted by those boards. The boards may prepare their own code and are encouraged either to adopt this code or to use this code as the basis for their own code.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the City of Dunedin
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in J2)
- agreed general principles of conduct (recorded in J3) specific codes of conduct

applying to particular circumstances or matters (also recorded in J3).

Elected members are primarily accountable to the electors of the city through the democratic process, however members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- | | |
|-------------------------------|---|
| Public interest | Members serve only the interests of the city as a whole and should never improperly confer an advantage or disadvantage on any one person. |
| Honesty and integrity | Members should not place themselves in situations or behave in such a manner where their honesty and integrity may be questioned. |
| Objectivity | Members' decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire city. |
| Accountability | Members be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office. |
| Openness | Members should be as open as possible about their actions and those of the Council, and be prepared to justify their actions. |
| Personal judgment | Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions. |
| Respect for others | Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff. |
| Duty to uphold the law | Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them. |
| Stewardship | Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations. |
| Leadership | Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community. |

J2 Roles and responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

J2.1 *Elected Members*

Elected members, acting as the Council, are responsible for:

- Monitoring the performance of the Council against its stated objectives and policies
- Prudent stewardship of Council resources
- Employment of the Chief Executive
- Representing the interests of the residents and ratepayers of the Dunedin City Council.
- The development and adoption of Council policy

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each member has one vote. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

J2.2 *Mayor*

The Mayor as one of the elected members shares the same responsibilities as other members of the Council. The Mayor also has the following roles as a:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- Ceremonial head of the Council;
- Providing leadership and feedback to other elected members on teamwork and chairmanship of committees; and
- The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

J2.3 *Deputy Mayor (and Acting Deputy Mayor in the absence of the Deputy Mayor and the Mayor)*

The Deputy Mayor must be elected by the members of the Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members. The Deputy Mayor will perform all the duties and functions of the Mayor with the consent of the Mayor, during the temporary absence of the Mayor or without that consent:

- At any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of the Mayor;
- Or while there is a vacancy in the office of the Mayor.

The Deputy Mayor may be removed from office by resolution of the Council. If the position of Deputy Mayor becomes vacant for any reason the Council will elect a new Deputy Mayor at its next ordinary meeting.

J2.4 *Committee Chairpersons*

The Council may create one or more committees of Council. The Chairperson also has the following roles:

- Presiding member at Committee meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings as set out in the Council's Delegations Manual, Standing Orders and this Code of Conduct.
- Providing leadership and feedback to other elected members on teamwork and chairmanship of subcommittees and working parties.
- Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of the Council.

J2.5 *Chief Executive*

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- Implementing the decisions of the Council
- Providing advice to the Council and community boards
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- Managing the activities of the local authority effectively and efficiently
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- Providing leadership for the staff of the local authority
- Employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

An effective working relationship between elected members and officers is critical to the success of the Council.

The Chief Executive delegates tasks and authority to other Council officers. An elected member will often work closely with Council officers on specific committees or projects. The officers will provide services as agreed with the Chief Executive. These services may include information, advice and secretarial services.

Officers that provide advice to the Council must ensure that their advice is unbiased and professional, and where possible offer alternative ways of achieving the Council's objectives. Officers should understand that elected members often need to take into account other factors before reaching a decision.

A distinction needs to be drawn between the effectiveness of any policy and the management or implementation of that policy.

Elected members may comment publicly on the effectiveness of any policy, while concerns about the management or implementation of that policy should be discussed in the first instance with the Chief Executive. (For example, where an individual private development is approved by Council officers, in accordance with provisions of the District Plan, it is reasonable for an elected member to express reservations about the District Plan rules and whether those rules should be reviewed. It is not acceptable for the elected member to criticise the staff member for approving the individual application).

If elected members have concerns about the performance of any officer or contractor, these concerns should be directed to the Chief Executive. It is not appropriate for elected members to approach staff and contractors directly regarding their performance, nor is it appropriate for elected members to comment publicly on the individual management or staff of the Dunedin City Council.

Likewise, Council officers are expected to show respect for the office of the elected members and ensure that their comments enhance the reputation of the Council as a whole.

Refer also to the document "A Working Relationship for Elected Members and Council Officers".

J3 Relationships and Behaviours

This part of the code sets out the Council's agreed standards of behaviour. Further guidance is also set out in the document "A Working Relationship for Elected Members and Council Officers". Copies are available from the Governance Team. Elected members also need to be aware of the legislative requirements regulating their behaviour. Refer to the attachment to this appendix: JA1.

J3.1 Relationships with Other Members

Critical to the success of any democratically elected organisation is that mutual respect exists between members. With this in mind elected members shall conduct their dealings with each other in ways that:

- (a) Maintain public confidence in the office to which they have been elected
- (b) Are open and honest
- (c) Focus on issues rather than personalities
- (d) Avoid aggressive, offensive or abusive conduct.

J3.2 Relationships with Staff

The effective performance of the Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members shall:

- (a) Recognise that the Chief Executive is the employer (on behalf of the Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- (b) Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- (c) Treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- (d) Observe any guidelines that the Chief Executive puts in place regarding contact with employees, which are agreed with elected members
- (e) Not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- (f) Avoid publicly criticising any employee in a manner that reflects on the competence and integrity of the employee
- (g) Raise issues involving employees only with the Chief Executive, or with the Chief Executive and Mayor at the same time
- (h) Raise issues involving the Chief Executive with him or her directly, or if appropriate with the Mayor or the Performance Appraisal Committee, or at any formal or informal meeting of elected members of Council where it is appropriate to address such issues.
- (i) Raise issues involving Dunedin City Holdings Limited or other Council Controlled Organisations with the Chief Executive of the Dunedin City Council

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

J3.3 Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

J3.4 *Contact with the Media*

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of the Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. This part of the code deals with the rights and duties of Councillors when speaking to the media on behalf of the Council, or in their own right.

The following rules shall apply for media contact *on behalf of the Council*:

- (a) The Mayor or relevant committee Chairperson is the first point of contact for the official view on any issue. Where the Mayor or Chairperson is absent, any matters will be referred to the Deputy Mayor, Acting Deputy Mayor, committee Chairperson or where the committee Chairperson is absent, the relevant deputy Chairperson
- (b) The Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- (c) No other member may comment *on behalf of the Council* without having first obtained the approval of the Mayor or the Council

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- (d) Media comments must not state or imply that they represent the views of Council
- (e) Where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must make it clear that his or her statements represent a majority view
- (f) Media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

J3.5 *Confidential Information*

In the course of their duties members will receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Staff and Chairpersons will ensure that confidential material distributed at formal and informal meetings is clearly identified as confidential⁴.

Elected members must not use or disclose confidential information received from any source for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions will impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

For the purpose of this part of the code "disclose confidential information":

- (a) In relation to information disclosed from outside the Council to the member in his or her capacity as an elected member on a confidential basis, means "disclose confidential information to any other person". (These circumstances will arise only very rarely.)

⁴ *Non-public minutes, reports and agendas are usually distributed on grey paper.*

- (b) In relation to information disclosed to the member in a public excluded meeting of the Council or a committee, means "disclose confidential information to any person who was not present at that publicly excluded meeting"
- (c) In relation to any other information disclosed to the member in his or her capacity as an elected member, means "disclose confidential information to any other person who is not a member or employee of the Council" (but with any disclosure to a member or employee being made on a "need to know" basis).

Refer also to Appendix I: Use of Information

J3.6 *Conflicts of Interest*

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Additionally, elected members are prohibited from participating in any local authority discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

J3.7 *Ethics*

Dunedin City Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of the Council developed in accordance with that determination
- Not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests
- Not use Council resources for personal business (including campaigning)

- Not solicit, demand, or request any gift, reward or benefit by virtue of their position
- Notify the Chief Executive if any gifts are accepted
- Where a gift to the value of \$100 or more is offered to a member, immediately disclose this to the Chief Executive.

J3.8 *Disqualification of Members from Office*

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

J3.9 *Declaration of Bankruptcy*

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

J3.10 *Dress Code*

Elected members should maintain an appropriate standard of dress at meetings of Committees and the Council. It is recognised that the standard of dress will be in accordance with the level of formality of the meeting they are attending.

J4 **Compliance and Review**

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

J4.1 *Compliance*

Elected members must note that they are bound to comply with the provisions of this Code of Conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix JA1 to this code.

Compliance will be monitored by the Conduct Committee. This committee will be constituted at the first meeting after triennial elections as set out in the Committee Structure and Delegations Manual.

Where a conflict of interest arises because a member of the Conduct Committee has either brought an allegation or had an allegation made against them the Council must appoint an elected member to act as a replacement in the matter so that the membership of the Conduct Committee is maintained.

All alleged breaches of the code will be reported to the Mayor or if the Mayor is the subject of the alleged breach to the Deputy Mayor in the first instance. If the Mayor or Deputy Mayor is satisfied that there are reasonable grounds for believing that a provision of the Code has been breached the Mayor or Deputy Mayor may refer the

matter to the Conduct Committee for investigation⁵. Where a matter is referred to the Conduct Committee for investigation the Mayor/Deputy Mayor must advise the Council at the next ordinary meeting of the Council. (See also Appendix I).

Members to be Informed of Allegations Against Them

- (a) Any member raising an alleged breach of the Code of Conduct which involves another member of the Council shall, as soon as reasonably practicable after raising the matter, fully inform that other member of the matter which has been raised.
- (b) The Mayor or Deputy Mayor shall not report to Council that a matter involving another member involves an alleged breach of Code of Conduct without first informing that member that this is intended.

Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

The Conduct Committee will investigate the alleged breach and prepare a report for the consideration of the Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of an elected member, a member of staff or of the general public.

J4.2 *Responses to breaches of the code*

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968
- Breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- Breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.
- In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action by means of a resolution with a three-fourths majority of those present to that effect:

- (a) Request an appropriate apology from the elected member
- (b) Censure
- (c) Suspension from specified Council committees and/or other representative type bodies for a defined period of time to be recommended by the Conduct Committee in its report on the investigation of the alleged breach. (Suspension is defined as loss of voting rights and payment (in the event that any meeting

⁵ *The Mayor/Deputy Mayor may seek to mediate a solution in the first instance. Where a solution is agreed through mediation the Mayor/Deputy Mayor will not be required to refer the matter to the Conduct Committee. The Mayor/Deputy Mayor is also entitled to take into consideration the amount of time that has elapsed since the alleged breach before referring the matter to the Conduct Committee, and may decline to refer the matter if as a result of the time elapsed since the alleged breach, the Mayor/Deputy Mayor is of the view that it would be unfair to do so.*

fees apply) for attendance at that committee).

- (d) Dismissal of the elected member from a position as Deputy Mayor or Chairperson or Deputy Chairperson of a committee.

J4.3 *Review*

Once adopted, a Code of Conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Council present.

The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the Council for their consideration and decision.

ATTACHMENT JA1: Legislation Bearing On The Role And Conduct Of Elected Members

This is a summary of the legislative requirements that impact on the duties and conduct of elected members. Copies of these statutes can be found in the Council's libraries or copies can be requested from the Governance Team. Refer also to the legislation summary distributed to elected members at the start of each triennium or contact staff for advice.

JA1.1 *Local Authorities (Members' Interests) Act 1968*

This Act⁶ regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

JA1.2 *Local Government Official Information and Meetings Act 1987*

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking
- Be disrespectful when they refer to each other or other people
- Use offensive language about the Council, other Councillors, any employee of the Council or any member of the public.

JA1.3 *Secret Commissions Act 1910*

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to the Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, or fined up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

⁶ The Audit Office publication *Financial Conflicts of Interests of Members of Governing Bodies* (2001) provides further guidance on this Act.

JA1.4 *Crimes Act 1961*

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.
- These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

JA1.5 *Securities Act 1978*

The Securities Act 1978 essentially places elected members in the same position as company directors whenever the Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Notes**Documents/Acts Referred to above, and other Recommended Reading****DCC Material (available on Knowledge Base)**

Committee Structure and Delegations Manual

Council Policy for Community Boards

DCC Human Resources Manual

DCC Standing Orders

Guidelines for Staff Attending Dunedin City Council, Standing Committee or Community Board Meetings

Media List

Staff Delegations and General Procedures Manual

Working Relationship for Elected Members and Council Officers

Publications

Audit Office: A Guide to The Local Authorities (Members' Interests) Act 1968

Local Government New Zealand: Elected Members' Handbook

Acts

Local Government Act

Local Government Official Information and Meetings Act

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ATTACHMENTS

APPENDIX F – COMMUNITY BOARD

PUBLIC FORUM

(Requirements)

Public Forums are intended to allow individuals who are unfamiliar with meeting procedures to communicate freely with members of a local authority committee on any matter of public interest relevant to that committee. Emphasis will be on the views of those addressing the committee. Elected Members, if they need to ask questions, will keep them brief and to the point. Statements or debate will not be permitted.

F1 Public forum

A period of up to 30 minutes, or such other time as the local authority may determine, will be set aside for a public forum at the commencement of ordinary meetings of standing committees which are open to the public (except the Hearings Committee, any other Statutory Committee, or any other Committee which the Council may from time to time designate by resolution). At a public forum members of the public may speak freely on matters relevant to the scope of activity of that committee, or at a special committee or subcommittee meeting if relevant to an agendaed item.

- (a) individual speakers during the public forum section of a meeting, may speak for five minutes each; groups with more than one speaker will have a maximum of 10 minutes
- (b) repetitive statements of the same facts or opinion should be avoided;
- (c) those wishing to speak at a public forum shall advise the Chief Executive (by contacting the relevant Governance Support Officer) by 4pm on the previous working day;
- (d) every member and officer of the Council will direct members of the public who wish to make a presentation to a Council committee to the most appropriate procedure based on the circumstances of each case.

F2 Time extension

Standing orders may be suspended on a vote of not less than 75% of those present, to extend the period of public participation or the period any speaker is allowed to speak.

F3 Subjects of public forum

In respect of local authority, committee and subcommittee meetings, the public forum is to be confined to those items falling within the terms of reference of that meeting, provided the matter is not sub-judice.

NOTE – The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the Council, committee or subcommittee sits in a quasi-judicial capacity.

F4 Questions of speakers during public forum

With the permission of the Chairperson, members may ask questions of speakers during the period reserved for a public forum. Questions are to be confined to obtaining information or clarification on matters raised by the speaker.

APPENDIX G – COMMUNITY BOARD

PETITIONS AND DEPUTATIONS

(Requirements)

Petitions

G1 Form of petitions

A petition consists of a written statement supported by the signatures of one or more individuals. A petition may be presented:

- (a) at a public forum;
- (b) as part of a deputation; or
- (c) by a member who will give notice of any intention to present a petition at the beginning of a meeting.

Any person may petition a committee of the Council in regard to a matter of public interest within the committee's jurisdiction.

Every petition presented to a Council committee, must be in a form that is easily understood, allows the petitioners to be readily identified and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.14.1 and 3.14.2 regarding qualified privilege) and states the remedy sought.

G2 Petition where presented by members

Any member of the Council, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.

G3 Petition where presented by petitioner

Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.14.1 and 3.14.2 regarding qualified privilege). If the Chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the Chairperson shall terminate presentation of the petition.

G4 Deputations where heard

Deputations may be received by any Committee of the Council provided an application for admission setting forth the subject, has been lodged with the Chief Executive at least 5 clear days before the date of the meeting concerned, and has been subsequently approved by the Chairperson. The Chief Executive may in consultation with the Chairperson concerned, decline to accept any application for a deputation. The Chief Executive will report that an application for a deputation has been declined to the next meeting of the Committee.

Every application will:

- state in detail the subject of the deputation;
- if possible provide 20 copies of any written material which the person or group wishes to have circulated to elected members;
- be heard by the appropriate Committee.

G5 Urgency or major public interest

Notwithstanding Standing Order G4 where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received.

G6 Procedures for deputations

Except with the approval of the committee, not more than 3 members of a deputation may address the meeting (one speaker to introduce the deputation who may speak for up to two minutes; and two speakers who may each speak for up to five minutes). After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.14.2 regarding qualified privilege).

G7 Termination of presentation if disrespectful

The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice (see Standing Order 3.14.2 regarding qualified privilege).

G8 Time limit on presentation

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 12 minutes in total for the 2 speakers (including the two minute introduction set out in G6 above).