



COUNCIL

STANDING ORDERS

Operative: 25 September 2003

FOREWORD

The object of the provisions of the Education Act relating to educational institutions is:

"to give them as much independence and freedom to make academic, operational, and management decisions as is consistent with the nature of the services they provide, the efficient use of national resources, the national interest, and the demands of accountability" (section 160 of the Education Act).

In addition section 161 of the Education Act provides:

- "(1) It is declared to be the intention of Parliament in enacting the provisions of this Act relating to institutions that academic freedom and the autonomy of institutions are to be preserved and enhanced.*
- (2) For the purposes of this section, "academic freedom", in relation to an institution, means—*
- (a) The freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions:*
 - (b) The freedom of academic staff and students to engage in research:*
 - (c) The freedom of the institution and its staff to regulate the subject-matter of courses taught at the institution:*
 - (d) The freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning:*
 - (e) The freedom of the institution through its chief executive to appoint its own staff.*
- (3) In exercising their academic freedom and autonomy, institutions shall act in a manner that is consistent with—*
- (a) The need for the maintenance by institutions of the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards; and*
 - (b) The need for accountability by institutions and the proper use by institutions of resources allocated to them.*
- (4) In the performance of their functions the Councils and chief executives of institutions, Ministers, and authorities and agencies of the Crown shall act in all respects so as to give effect to the intention of Parliament as expressed in this section."*

The standing orders provide the Otago Polytechnic Council and its committees with procedures that enable them to govern their affairs effectively, efficiently and to be accountable in a way that is consistent with the provisions of the Education Act and Part 7 of the Local Government Official Information and Meetings Act.

CONTENTS

Forword	2
1. Introduction	4
2. Application of Standing Orders to Meetings and Members	4
3. Chairperson's Ruling Final.....	4
4. Appointment of Chairperson and Deputy Chairperson.....	4
5. Convening of Meetings	5
6. Public Notification of Meetings.....	5
7. Public Access.....	6
8. Disclosure of Interest by Members	6
9. Chairperson to Preside	7
10. Agendas.....	7
11. Order of Business	8
12. Items not on the Agenda.....	8
13. Time Limits for Meetings.....	8
14. Quorum	8
15. Apologies	8
16. Minutes	9
17. Confirmation of Minutes	9
18. Reports or Recommendations of Committees: Consideration by Council	9
19. Notices of Motion	10
20. Amendments.....	10
21. Rules of Debate	11
22. Procedural Motions	12
23. Voting.....	13
24. Conduct of Meetings	13
25. Maintenance of Public Order	13
26. Use of recording devices	13
27. Points of Order.....	14
28. Proceedings not invalidated.....	14
29. Supply of Information to Members.....	14
30. Breach of Standing Orders	15
Interpretation	16
Appendix A	17
Appendix B	18
Appendix C	20

1. **INTRODUCTION**

These Standing Orders have been adopted by the Otago Polytechnic Council under Section 178(11) of the Education Act which provides that:

"Except as provided by this section, a Council shall determine its own procedures."

These Standing Orders were adopted on and apply as from 25 September 2003. Any previous orders which conflict with or which duplicate any provision in these Standing Orders are repealed from that date.

These standing orders cite, or in some cases paraphrase provisions of the Education Act 1989 and the Local Government Official Information and Meetings Act 1987. Where direct quotations from the legislation are cited in these standing orders they are shown in *italics*.

2. **Application of Standing Orders to Meetings and Members**

These Standing Orders will apply to all meetings of the Otago Polytechnic Council, and, except where inconsistent with the context, meetings of all its Committees. They may be suspended by a majority of the members present at a meeting.

It should be noted that the requirements in Part 7 of the Local Government Official Information and Meetings Act discussed in these Standing Orders apply to meetings of Otago Polytechnic's Committees, as well as its Council. However they do not apply to any Council or Committee meeting at which no resolutions or decisions are made (section 45(2) of the Act).

3. **Chairperson's Ruling Final**

The Chairperson shall decide all questions of interpretation of these Standing Orders; or questions where these Standing Orders make no provision or insufficient provision.

4. **Appointment of Chairperson and Deputy Chairperson**

4.1 The Council shall elect a Chairperson and a Deputy Chairperson by secret ballot from among its members (section 177(2) of the Education Act). The Chief Executive of Otago Polytechnic, and Council members who are staff or students of Otago Polytechnic are ineligible for these positions (section 177(3) of the Education Act).

4.2 A Chairperson or Deputy Chairperson holds office for one year, unless:

- (a) they resign, by giving a signed written resignation notice to the Chief Executive;
- (b) they cease to be a Council member;
- (c) they are appointed as the Chief Executive of Otago Polytechnic;
- (d) they become a staff member or student of Otago Polytechnic; or
- (e) the Council passes a resolution of no confidence in them (section 177(4) and 177(5) of the Education Act 1989).

4.3 After a Chairperson or Deputy Chairperson has held office for a year, they continue to hold office until the Council elects a new Chairperson or Deputy Chairperson (section 177(5) of the Education Act 1989). Otago Polytechnic Council holds its elections for a Chairperson and Deputy Chairperson annually at its first meeting each year.

- 4.4 There is no limit on how many times a Council member may be the Chairperson or Deputy Chairperson. The Council may re-elect a Chairperson or Deputy Chairperson (section 177(4)) of the Education Act.

5. **Convening of Meetings**

- 5.1 Council meetings are convened by the Chairperson, who is under a duty to "convene such meetings as he or she thinks necessary for the efficient performance of the functions of Council" (section 178(2) of the Education Act).

Meetings are held at such times and places as the Chairperson determines (section 178(1) of the Education Act). However it is agreed Council meetings should ordinarily be in the Otago Polytechnic's Council Room.

The Chairperson must convene a meeting if requested to do so (in writing) by 5 or more Council members (section 178(3) of the Education Act). The request shall specify the general nature of the business to be discussed at the meeting.

- 5.2 If, for any reason, the Chairperson of Council is not available, the Deputy Chairperson has the Chairperson's power and duty to convene meetings under order 5.1 (section 178(4) of the Education Act).

- 5.3 Meetings of Committees are to be held at places and times appointed by Council or the Committee's Chairperson. If the Chairperson of the Committee is not available, the Committee's Deputy Chairperson has the Chairperson's power to convene meetings.

6. **Public Notification of Meetings**

- 6.1 Section 46 of the Local Government Official Information and Meetings Act requires meetings of the Otago Polytechnic Council and its Committees to be publicly notified (see the Act's definition of "publicly notify" in the Interpretation section of these Standing Orders).

A list of all Council and Committee meetings to be held in a calendar month (including their dates, times and places) must be publicly notified at least 5 days before (but not more than 14 days before) the end of the previous month. However any meetings to be held on or after the 21st of the month, may **instead** be publicly notified at least 5 working days before (but not more than 10 working days before) the meeting is held.

The Act provides different public notification requirements for any extraordinary meetings (see sections 46(3), 46(4) and 51A of the Local Government Official Information and Meetings Act, reproduced in Appendix A).

There is no requirement to publicly notify a Council or Committee meeting at which no resolution or decisions are going to be made at (section 45(2) of the Local Government Official Information and Meetings Act).

- 6.2 No meeting is invalid if it was not notified in the required way. However, if the Council becomes aware that a Council or Committee meeting was not publicly notified it must give a public notice as soon as practicable stating:

- (a) that the meeting was not notified in the required way;
- (b) why the meeting was not notified in the required way; and
- (c) the general nature of business that was transacted at the meeting (section 46(6) of the Local Government Official Information and Meetings Act).

7. **Public Access**

7.1 All Council and Committee meetings must be open to the public (including the news media), unless:

- (a) the public has been validly excluded from the meeting (section 47 of the Local Government Official Information and Meetings Act); or
- (b) no resolutions or decision are going to be made at the meeting (section 45(2) of the Local Government Official Information and Meetings Act).

7.2 The grounds for validly excluding the public from a meeting or part of a meeting are set out in section 48 of the Local Government Official Information and Meetings Act (which is reproduced in Appendix B of these Orders). The main grounds are if there is a "*good reason*" for withholding information that will be disclosed at the meeting from the public under the Official Information Act. Such a "*good reason*" exists if the public interest in making that information available is outweighed by the need to withhold the information for one of the following reasons:

- a. To protect individuals' privacy.
- b. So as not to prejudice the commercial position of the person who supplied the information to Otago Polytechnic.
- c. To enable the Polytechnic to carry on commercial negotiations without prejudice or disadvantage.

7.3 A resolution must be passed before the public can be excluded. The resolution must be in the form set out in Schedule 2A of the Local Government Official Information and Meetings Act (which is reproduced in Appendix C of these Orders). It must be put to the meeting at a time when the meeting is open to the public and the text of the resolution shall be available to members of the public, and shall form part of the meeting's minutes.

7.4 The Council is able to pass a resolution so that certain people can remain after the public has been excluded if they have knowledge that will assist the Council or the Committee (the procedure for doing this is discussed in Appendix C of these Orders) (section 4B of the Local Government and Meetings Act).

8. **Disclosure of Interest by Members**

8.1 Council members and Committee members must disclose if they have an interest in a matter being considered, or about to be considered by the Council or the Committee (Section 175 of the Education Act). As soon as possible after the relevant facts have come to the member's knowledge, they must disclose the nature of the interest at a meeting of the Council or Committee.

8.2 A Council or Committee member has an interest in a matter if, and only if:

- (a) they are the Chief Executive or a member of the staff of Otago Polytechnic and the matter relates to the conditions of their service; or
- (b) they have any other direct or indirect pecuniary interest in the matter (section 175(3) of the Education Act).

- 8.3 The disclosure must be recorded in the minutes of the meeting and the interested member must not:
- (a) be present during any deliberation of the Council or Committee with respect to that matter; or
 - (b) take part in any decision with respect to that matter,
- unless the Council decides otherwise.

- 8.4 A Council member (other than the Chief Executive) may be dismissed if they fail to disclose an interest without reasonable excuse (section 174(3)(d) of the Education Act).

9. **Chairperson to Preside**

- 9.1 The Chairperson presides at every meeting that he or she is present at. Meetings will be chaired by the Deputy Chairperson if the Chairperson is absent. If the Deputy Chairperson is also absent, the members present shall appoint one member to chair that meeting (Section 178(6)-(8) of the Education Act).

- 9.2 If the Deputy Chairman or another member is chairing a meeting they shall have the powers, duties and discretions that the Chairperson would have if they were chairing the meeting.

10. **Agendas**

- 10.1 An agenda for each Council meeting shall be prepared by the Secretary of Council, in consultation with the Council Chairperson and the Chief Executive. The agenda shall set out the business to be brought before the meeting.

- 10.2 The Secretary of each Committee shall prepare an agenda for each meeting of that Committee in consultation with the Committee's Chairperson.

- 10.3 The Secretaries to Council and Committees must indicate on every agenda the items that they reasonably expect will be discussed with the public excluded (section 46A(9) Local Government Official Information and Meetings Act).

- 10.4 At least 6 days before a meeting the Secretary shall provide each member with an agenda and all associated materials relevant to the business of the meeting. Every member is to give the Secretary an address to send agendas and other material relating to meetings to.

- 10.5 Agendas and associated reports must be made available for public inspection in accordance with section 46A of the Local Government Official Information and Meetings Act. It provides that members of the public must be able to:

- (a) inspect agendas and associated reports (and take notes from them) without paying a fee; and
- (b) be given a copy of agendas and associated reports if they pay the prescribed fee (if any);

at Otago Polytechnic's office during normal office hours from at least two working days before the meeting.

However, a report does not need to be available for public inspection if the Secretary reasonably expects that the report concerned will be discussed in a part of the meeting when the public is excluded.

10.6 During a meeting the Secretary must give a copy of its agenda to each member of the public that requests one (section 49(c) Local Government Official Information and Meetings Act).

11. Order of Business

At meetings the business will be dealt with in the order set out on the agenda unless the Chairperson agrees to change the order of business, or a motion is carried without debate to give a matter precedence.

12. Items not on the Agenda

Only business on the Agenda may be transacted at any Council or Committee meeting with one exception. The Council or Committee may discuss matters not on the agenda if:

- (a) the Chairperson explains (at a time when the meeting is open to the public) why discussion on that matter cannot be delayed to a subsequent meeting and why the matter is not on the agenda; and
- (b) the Council or Committee passes a resolution to discuss that matter at that meeting; and
- (c) the matter is a minor matter relating to the general business of the Polytechnic.

However the matter may only be discussed. No resolution, decision or recommendation may be made, except to refer the matter to a subsequent meeting for further discussion (sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act).

13. Time Limits for Meetings

Unless the meeting resolves otherwise, a meeting may not continue for more than 3 hours (excluding any meal breaks). Any business incomplete at that time will be set down for attention at the next meeting.

14. Quorum

14.1 No business shall be transacted at a meeting unless a quorum is present. Quorum is a majority of the members then holding office (section 178(5) of the Education Act).

14.2 A meeting will lapse if:

- (a) a quorum is not present within 30 minutes of the time appointed for a meeting; or
- (b) if, after a meeting has commenced, a quorum is lost and it would not be possible to restore quorum within 10 minutes;

The outstanding business will be adjourned to a time, date and place to be fixed by the Chairperson. The public notification rules above apply to any adjourned meeting.

15. Apologies

15.1 A Council member may tender an apology for any meeting to the Chief Executive. A Committee member may tender an apology for any meeting to the Committee's Secretary.

15.2 Apologies shall be recorded in the minutes of a meeting.

15.3 A Council member (other than the Chief Executive) may be dismissed if they have failed to attend 3 consecutive Council meetings without having given prior notice to the Chief Executive (section 174(3)(c) of the Education Act).

16. Minutes

16.1 The Secretary to Council shall arrange for minutes of all of Council's proceedings to be kept and for their safe custody. The Secretary to a Committee shall arrange for minutes of all of the Committee's proceedings to be kept and for their safe custody.

16.2 The minutes of every meeting shall record:

- (a) the mover and seconder of each motion and amendment at the meeting;
- (b) the decisions taken at the meeting;
- (c) procedural matters such as the time and place of the meeting, members attending, voting and declarations of interest; and
- (d) in the case of Committees, the reasons for decisions taken at the meeting if the reasons differ from the recommendations set out in any report forming part of the agenda or a Committee member requests that the reasons be noted.

16.3 The minutes of every Council and Committee meeting are to be available for public inspection in accordance with section 51 of the Local Government Official Information and Meetings Act. The section provides that members of the public must be able to:

- (a) inspect the minutes (and take notes from them) without paying a fee; and
- (b) be given a copy of the minutes if they pay the prescribed fee (if any);

at Otago Polytechnic's office during normal office hours.

However the public is not entitled to inspect or copy minutes from any part of a meeting that the public was excluded from. If a person requests a copy of minutes from a public-excluded part of a meeting the request is deemed a request for access to official information under the Official Information Act and Otago Polytechnic is to deal with the request accordingly (section 51(3) Local Government Official Information and Meetings Act).

17. Confirmation of Minutes

The minutes of every meeting of the Council will be circulated to members in advance of the next meeting of the Council. At that next meeting no discussion shall arise about the minutes except as to their correctness.

18. Reports or Recommendations of Committees: Consideration by Council

18.1 The minutes of every Committee meeting are to form a report to Council. They are to be circulated to Council members with the agenda of the meeting at which they are to be considered.

18.2 When the Council is considering a decision or recommendation that is in a Committee meeting's minutes it must either:

- (i) approve the decision or recommendation;
- (ii) refer the decision or recommendation back to the Committee for further consideration together with any directions from the Council; or
- (iii) substitute its own decision for that of the Committee.

18.3 Any matter referred back to a Committee is to be considered at the next ordinary meeting of that Committee.

19. Notices of Motion

19.1 Any member may bring a matter before Council or a Committee by delivering a notice of motion to the Secretary. All notices of motion shall be in writing, signed by the mover and state the meeting at which it is proposed that the notice of motion be considered. Any background material for discussion must also be provided with the notice of motion.

19.2 Every notice must be delivered to the Secretary not less than 14 clear days before the meeting at which the motion is to be introduced.

19.3 The Chairperson may direct the Secretary to refuse to accept a notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is frivolous or vexatious;
- (c) is not within the scope of the role or functions of the Council or the Committee;
- (d) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution; or
- (e) does not comply with these Standing Orders.

The fact that the Secretary has declined to accept a notice of motion will be reported to the next meeting of the Council or the Committee.

19.4 Any notice of motion received by the Secretary to Council referring to any matter ordinarily dealt with by a Committee may be referred directly to that Committee by the Secretary.

19.5 At the meeting, the notice of motion will lapse and shall not be recorded in the minutes if it is not presented when the Chairperson calls it.

19.6 Every motion must be seconded. Until a motion has been seconded, only the mover may speak to it. A motion which is not seconded will lapse and shall not be recorded in the minutes. A member may second a motion without speaking to it, reserving the right to speak later in the debate.

19.7 Once a motion has been seconded it may be debated in accordance with these Standing Orders. It can only be withdrawn with the consent of the majority of the members present and voting.

20. Amendments

20.1 Any motion which has been moved and seconded may be the subject of an amendment moved by a member who has not spoken to the original motion. The Chairperson may require the mover of an amendment to put it in writing.

20.2 A proposed amendment must be relevant to the motion it is intended to amend and must not:

- (a) be of the same effect as an amendment which has already been carried or defeated; or

- (b) be of the same effect as negating the motion; or
 - (c) be frivolous or vexatious.
- 20.3 Every amendment must be seconded. An amendment which is not seconded will lapse and shall not be recorded in the minutes. A member may second an amendment without speaking to it, reserving the right to speak later in the debate.
- 20.4 Once an amendment has been seconded it may be debated in accordance with these Standing Orders. It can only be withdrawn with the consent of the majority of the members present and voting.
- 20.5 Once an amendment has been seconded it will be open for discussion as a new issue and every member (except the mover and seconder of the original motion) may speak to it but not to the original motion except as is necessary to refer to the original motion in any remarks relating to the amendment.
- 20.6 Until an amendment has been disposed of, no further amendment will be accepted by the Chairperson. However a member intending to move a further amendment may notify the meeting of their intention to do so.
- 20.7 Once an amendment has been disposed of another amendment may be moved and seconded by any member who has not spoken to the original motion. The mover and seconder of all previous amendments will be entitled to speak to any new amendment (but not to move further amendments).
- 20.8 When an amendment is carried it will be put as a substantive motion and be capable of further amendment by any member, other than the mover or seconder of the original motion or any earlier amendment that has carried.
- 20.9 The above procedure will be followed until a final resolution is obtained.
21. **Rules of Debate**
- 21.1 **Irrelevant Matters:** In speaking to any motion or amendment, members shall confine their remarks strictly to that motion or amendment. They must not introduce irrelevant matters or be repetitious.
- 21.2 **Members Wishing to Speak:** Members wishing to speak will indicate this to the Chairperson and, if called upon to do so, will state the nature of the statement they wish to make.
- 21.3 **Procedural Matters:** Members who wish to raise procedural matters (discussed in order 22) will be heard before speakers wishing to raise substantive matters.
- 21.4 **Speaking More than Once:** Council members may not speak more than once to a motion except with the consent of the majority of members present. Members of Committees are not limited as to the number of times they may speak on any issue.
- 21.5 **Dividing Complicated Questions:** The Chairperson may direct that a complicated question be divided into separate issues.
- 21.6 **Explanation of Previous Speech:** A member who has already spoken may, with the consent of the Chairperson, give an explanation of some material part of that speech but may not introduce any new matter.

- 21.7 **Right of Reply:** The mover of a motion shall have the right of reply which shall close the debate. In reply the mover of a motion must not introduce any new matter and shall confine themselves strictly to answering previous speakers. After the reply no other member shall speak on the motion.
- 21.8 **Time Limits:** It will generally not be necessary for strict time limits to apply to members speaking at Council or Committee meetings, however the following limits may be enforced at the Chairperson's discretion:
- (a) movers of motions may speak to the motion for a maximum of 5 minutes;
 - (b) movers of amendments may speak to the amendment for a maximum of 2 minutes;
 - (c) movers of motions, when exercising their right of reply, may speak for a maximum of 2 minutes; and
 - (d) all other members may speak for a maximum of 2 minutes.
- 21.9 **No Discussion After Question Put:** No member may speak on an issue after a motion has been put and a vote taken. However, after a resolution has been carried, further resolutions (for example resolutions regarding the implementation of the resolution or clarifying the resolution) may be carried in the normal way.
22. **Procedural Motions**
- 22.1 A member who has not spoken during debate on any motion may move one of the following procedural motions to terminate or adjourn debate:
- (i) that the motion be adjourned to the next meeting or the meeting be adjourned;
 - (ii) that the motion be now put;
 - (iii) that the meeting move directly to the next business, superseding the motion under discussion, which will then lapse; or
 - (iv) that the motion lie on the table, and not be further discussed at that meeting.
- 22.2 Any of the motions in clause 22.1 must:
- (i) be seconded;
 - (ii) be put without debate;
 - (iii) not be moved within 10 minutes of an earlier motion to the same effect;
 - (iv) if an amendment is being debated, relate only to that amendment;
 - (v) be dealt with before any substantive motion.
- 22.3 When a debate on an adjourned motion is resumed, order 21.4 regarding speaking more than once will apply as if the debate had not been adjourned.
- 22.4 Any matter "laid on the table" under order 22.1(iv) may be taken up at the next meeting by a majority resolution of those present. If an issue is not taken up at the next meeting it will lapse.

23. **Voting**

23.1 Every question before a meeting shall be decided by a majority of the votes cast on it by members present (section 178(a) of the Education Act).

23.2 Voting may be conducted in any one (or more) of the following ways and may be done at the request of a member:

- (i) on the voices – in which each member will vote 'Aye' or 'Noe' at the appropriate time;
- (ii) on a show of hands; or
- (iii) on division, whereby each Council member's vote is recorded in the minutes.

23.3 The Chairperson will determine whether the motion is carried or defeated. If in the opinion of the Chairperson there has been confusion or an error in the taking of any vote, the vote may be abandoned and a new vote taken.

23.4 The Chairperson of the Council has a deliberative vote on every question. On any question where the deliberative votes for and against are equal the Chairperson of the Council also has a casting vote (Section 178(10) of the Education Act).

24. **Conduct of Meetings**

24.1 No member will use offensive or malicious language at any meeting. In addition, no member will impute improper motives, or make offensive remarks about other Council members or staff members.

24.2 Members called to order by the Chairperson shall stop speaking. Should any member refuse to obey, the member may be directed by the Chairperson to withdraw from the meeting. Should the disturbance or disorder continue the Chairperson may adjourn the meeting for 15 minutes. At the end of that time the meeting will resume and a motion put, without debate, concerning whether the meeting should proceed or be further adjourned.

25. **Maintenance of Public Order**

Section 50 of the Local Government Official Information and Meetings Act 1987 provides:

- " (1) *The person presiding may, if that person believes, on reasonable grounds, that the behaviour of any member of the public attending that meeting is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting, require that member of the public to leave the meeting.*
- (2) *If any member of the public who is required, pursuant to subsection (1) of this section, —*
- (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 person presiding at the meeting,—*
any constable, or any officer or employee of the local authority, may, at the request of the person presiding at the meeting, remove or, as the case may require, exclude that member of the public from the meeting."

26. **Use of recording devices**

No person may use any audio or visual recording device without the consent of the Chairperson and the knowledge of all members present.

27. Points of Order

27.1 Any breach of these Standing Order may be raised as a point of order.

27.2 Only one point of order may be raised and dealt with at any one time.

27.3 The Chairperson shall decide all points of order. 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 will not be open to any discussion and shall be final. Any member may, however, have their dissent to a ruling recorded in the minutes.

28. Proceedings not invalidated

Section 171(9) Education Act provides that:

"No act or proceeding of, or of any committee of, a Council is invalidated because of—

- (a) A defect in the appointment, election or co-option of a member of the Council or of the committee; or*
- (b) A disqualification of a member of the Council or of the committee; or*
- (c) A defect in the convening of a meeting; or*
- (d) A vacancy or vacancies in the membership of the Council or of the Committee."*

29. Supply of Information to Members

29.1 Information that is required by Council or Committee members to perform their role shall be supplied to them by the Secretary.

29.2 Every Council or Committee member has the same right as the public generally to request information under the Official Information Act. A member who has doubts, queries or criticism about any information, advice or opinion that they have been provided with should seek further information, advice or opinions. In the first instance such a request should be made through the Secretary. If the Secretary reasonably believes that information to be supplied to Council or Committee members is highly confidential or legally privileged, he or she may make the information available in a manner that reasonably protects the security of the information.

29.3 If a member, after requesting information, is not satisfied with the responses received, the member has the right to require the matter to be placed on the agenda for determination at the next Council meeting.

29.4 The purposes which justify the withholding information from the public in the Local Government Official Information and Meetings Act and the Official Information Act apply with equal force when that information is held by a Council or Committee member.

29.5 No information is to be made public by a member or officer of the Council without authority. Authority to release documents or make statements will arise:

- (a) where the release of the information or document is required by law;
- (b) where the information or document has already been made public;
- (c) by resolution of Council.

29.6 The misuse (including any disclosure that has not been authorised) of public excluded, confidential or legally privileged information supplied to members by Council (including information supplied outside formal meetings) will be held to be a breach of these Standing Orders.

30. BREACH OF STANDING ORDERS

30.1 The Education Act gives the Otago Polytechnic Council the power to determine its own procedures (except as provided in Section 178 of the Act). Where a Council Member breaches these Standing Orders, the Chairperson may take whatever actions he or she regards as appropriate.

30.2 If Council regards a breach of these Standing Orders as serious, it may convene a Standing Orders Committee to investigate the matter.

The Standing Orders Committee shall consist of three members appointed by Council including the Chairperson of Council (except in the situation where the Chairperson is implicated in a breach to be investigated by the Standing Orders Committee) and shall have the powers and functions delegated to it by Council.

30.3 A breach of these Standing Orders may expose Otago Polytechnic to civil sanctions. In addition, in some circumstances actions may be taken against individual Council members who have breached these Standing Orders. Section 183 of the Education Act provides that Council members will not be personally liable for any act or omission they have made, of that the Council has made, so long as the act or omission is made

- a. in good faith; and
- b. in intended pursuance of the functions of the Polytechnic or the Council.

In circumstances other than these a Council member may be personally liable.

INTERPRETATION

In these Standing Orders, unless inconsistent with the context:

Council means the Otago Polytechnic Council.

Chairperson where appropriate, includes any person acting as the Chairperson of any Committee.

Committee includes a Committee that comprises of all the members of the Council.

Local Authority in these Standing Orders means the Otago Polytechnic Council and its Committees, which are defined as local authorities in section 2 of the Local Government Official Information and Meetings Act 1987.

Meeting means any meeting of Council or of any Committee (section 45 Local Government Official Information and Meetings Act).

Member means any person elected or appointed to the Council or to a Committee and includes the Council or Committee's Chairperson.

Minutes means any minutes or other record of the proceedings of any meeting of the Council of committees (section 45 Local Government Official Information and Meetings Act).

Public Excluded Information includes

- (a) Information which:
 - (i) is currently before a public excluded session; or
 - (ii) is proposed to be considered at a public excluded session; or
 - (iii) had previously been considered at a public excluded session (other than information subsequently released by the Council as publicly available information); and
- (b) Any minutes (or portions of minutes thereof) of public excluded sessions (other than those subsequently released by the Council as publicly available information); and
- (c) Any other information which has not been released by the Council as publicly available information.

Public excluded session refers to those meetings or parts of meetings from which the public is excluded by Council or a Committee as provided for in the Local Government Official Information and Meetings Act.

Publicly notified means notified to members of the public by notice in some newspaper circulating in the district of the Otago Polytechnic (section 2 Local Government Official Information and Meetings Act).

Secretary means the Secretary to Council or to a Committee, as the case may be.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's Birthday, Waitangi Day and Anniversary 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 (section 2 Local Government Official Information and Meetings Act).

Appendix A

The following section set out the notice requirements for any extraordinary Council meeting:

Section 46(3) and (4) of the Local Government Official Information and Meetings Act:

- "(3) *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 this section, 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.*
- (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 subsection (3), the local authority or person calling the meeting must cause to be given such public notice of the meeting and the business to be transacted at the meeting as is reasonable in the circumstances."*

Section 51A of the Local Government Official Information and Meetings Act:

"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."

Appendix B

Section 48 of the Local Government Official Information and Meetings Act provides that:

- (1) Subject to subsection (3) of this section, 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:
- (a) 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 for which good reason for withholding would exist...under section 6 or section 7 or section 9 (except section 9(2)(g)(i)) of the Official Information Act 1982:
 - (b) 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—
 - (i) Be contrary to the provisions of a specified enactment; or
 - (ii) Constitute contempt of Court or of the House of Representatives:
 - (c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under... section 30(1) or section 35(2) of the Official Information Act 1982....:
 - (d) 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 any proceedings to which this paragraph applies.
- (2) Paragraph (d) of subsection (1) of this section applies to—
- (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...”

The relevant sections of the Official Information Act provide:

- "6. Conclusive reasons for withholding official information—**
Good reason for withholding official information exists...if the making available of that information would be likely—
- (a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
 - (b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
 - (i) The government of any other country or any agency of such a government; or
 - (ii) Any international organisation; or
 - (c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (d) To endanger the safety of any person; or
 - (e) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to—
 - (i) Exchange rates or the control of overseas exchange transactions;
 - (ii) The regulation of banking or credit;
 - (iii) Taxation;

- (iv) *The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes:*
- (v) *The borrowing of money by the Government of New Zealand:*
- (vi) *The entering into of overseas trade agreements.*

9. Other reasons for withholding official information—

- (1) *Where this section applies, good reason for withholding official information exists, for the purpose of section 5 of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.*
- (2) *This section applies if, and only if, 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*
 - (ba) *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*
 - (c) *Avoid prejudice to measures protecting the health or safety of members of the public; or*
 - (d) *Avoid prejudice to the substantial economic interests of New Zealand; or*
 - (e) *Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or*
 - (f) *Maintain the constitutional conventions for the time being which protect—*
 - (i) *The confidentiality of communications by or with the Sovereign or her representative;*
 - (ii) *Collective and individual ministerial responsibility;*
 - (iii) *The political neutrality of officials;*
 - (iv) *The confidentiality of advice tendered by Ministers of the Crown and officials; or*
 - (g) *Maintain the effective conduct of public affairs through—...*
 - (ii) *The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or*
 - (h) *Maintain legal professional privilege; or*
 - (i) *Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or*
 - (j) *Enable a Minister of the Crown or any Department or organisation 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."*

Appendix C

This is the form that any resolution to exclude the public from a meeting, or part of a meeting is to take (as set out in Schedule 2A of the Local Government Official Information and Meetings Act). The resolution must state the general subject of everything that will be considered when the public is excluded, the reason for passing the resolution and the specific grounds on which that resolution is based (section 48(3) of the Local Government Official Information and Meetings Act).

"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, [list agenda items to be considered].*

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 is resolution are as follows:

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

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 or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: [Give particulars]"

Note that section 48(5) and (6) provide that the resolution may also provide for specified people to remain after the public has been excluded if they have knowledge that will assist the meeting. The resolution must state the knowledge that those people have, and how it is relevant to the matters to be discussed. If that option is taken the following can be added to the resolution to exclude the public:

I also move thatbe 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