

REPORT OF THE MAYOR

1. POINTS OF ORDER

At the July 2001 Council meeting there were a number of instances where points of order were raised during the course of the meeting and where the Mayor held that those points of order had no basis.

The Mayor considers it timely that Councillors be reminded of the provisions in the standing orders relating to points of order, and when they are validly made.

In general terms a point of order is an allowable interjection which directs the chairperson's attention to an apparent or alleged breach of procedure or the manner of a speech, rather than the substance of what is being said.

A point of order is raised validly where it draws attention to an irregularity or impropriety in the proceedings, or some defect in the constitution of the meeting. This general legal position is reflected in the Council's Standing Order 2.21.4 which provides:

"The following shall be recognised as substance for points of order:

- (a) discussion of a question not before the local authority, or*
- (b) use of offensive or malicious language, or*
- (c) the breach of any standing order, or*
- (d) misrepresentation of any statement made by a member or by an officer or employee of the local authority, or*
- (e) request that words objected to be recorded in the minutes."*

Calling a point of order simply to express a difference of opinion, or contradict a statement of a speaker is not a valid point of order.

As is stated in the text "Meetings – Procedure, Law and Practice" by Horsley and Paul (New Zealand Edition) at page 59:

"A point of order is not something to be raised because a person wishes to contradict, disagree with or object to what is being said or implied, or to contend that it is untrue or misrepresents the facts. Debate should not be subjected to interruption under cover of what has been described in Parliament as "fraudulent points of order" by the insertion of brief, improper speeches which immediately contradict or disclaim what has been said by another speaker."

While it is valid to claim a point of order in respect of the misrepresentation of a statement made by a Councillor, it is not valid to claim a point of order when contending that the statement made by another Councillor is untrue.

So in summary:

- (a) If a Councillor believes that a statement personally made by that Councillor in the course of debate has been misrepresented by another Councillor, then a point of order can be made.
- (b) If there is no misrepresentation of a Councillor's own statement, but a Councillor believes that a statement by the speaker is untrue, or misrepresents the facts, then that is not grounds for making a point of order.

CONSIDERED THIS 23RD DAY OF AUGUST 2001

MAYOR