

Appendix D

Schedule C to By-law

Points of Order and Points of Privilege Guidance Document

1. At a Glance – Which is Which?

Point of Order – to point out an error in procedure or a breach of the rules and ask that the rules be followed.

A point of order is used to bring attention to an error in procedure. Examples include:

- “The motion is out of order.”
- “This item is not within the jurisdiction of this committee/Council.”
- “We did not have the opportunity to ask questions of the delegation/staff.”
- “The order of voting on these motions is not correct.”

Point of Privilege – to request immediate action on a matter affecting the rights and privileges of (a) Council or committee as a whole, or (b) a committee or Council Member.

A point of privilege is used to request immediate action on a matter affecting the rights and privileges of Council or a committee as a whole, or one or more Council or committee Members.

Examples of points of privilege concerning the rights and privileges of Council committee include:

- Heating, ventilation, sound, lighting, comfort and security;
- The dignity and integrity of the Council or committee and its proceedings; or obstructions to carrying out its functions.

Examples of rights and privileges of Members - “Personal Privilege” include:

- Requests for personal assistance;
- Objections to personal remarks or wrongful accusations made by another person at the meeting; or
- Relief from any obstruction or interference with a Member performing their duties.

2. How to Raise a Point of Order or Point of Privilege

Step 1: Obtaining the Floor

- Address the Chair and say that you have a point of order or point of privilege.
- A point order or a point of privilege may interrupt a speaker who has the floor if the Chair determines the matter is of an urgent nature.

- If the Chair determines that the matter is not urgent, they may allow the current speaker to continue and return to you at the end of that speech.

Step 2: State your Point

- Be brief and succinct in stating your point of order or privilege.

Point of Order Examples:

- “I believe this matter was decided recently and requires Council to rescind its previous decision before it can be dealt with again.”

Point of Privilege Examples:

- “It is very warm in the room. Can we get someone to do something about it?”
- “I can’t hear the debate because of the activity in the gallery. Can you please ask people to leave the Chambers.”
- “I have been wrongly accused of doing something I did not. I request that the Member withdraw that accusation and apologize.”

Step 3: Wait for the Ruling of the Chair

Once you have made your point of order or point of privilege Council procedures require that the Chair make a ruling.

3. Procedural Rules

No Debate

- There is no debate or amendment of a point of order or point of privilege.
- A Member making a point of order or point of privilege is not entitled to make a speech in support of the point raised.
- Other Members are not entitled to speak or question or make amendments to the point of order or point of privilege.

One Point at a Time, Please!

- Do not raise another point of order or point of privilege while one is already being considered by the Chair.

Chair’s Ruling

- The Chair rules on a point of order or point of privilege immediately and gives reasons for the ruling.
- The ruling is not debatable or amendable.
- Alternatively, the Chair may decide to put the matter to the assembly by way of a yes-or-no vote.
- The Chair may recess the meeting briefly to consult with the Clerk or other City officials before making the ruling.

- If it will not hold up debate or interfere with the proceedings, the Chair may reserve the right to rule later in the meeting if additional consultation or research is required.

Appealing the Chair's Ruling

- Immediately following the Chair's ruling, the Member who made the point of order or point of privilege may make a motion to appeal that ruling, despite another Member having the floor.
- Members cannot debate or amend a motion to appeal.
- When a Member makes a motion to appeal, the Chair shall ask the Members, "is the ruling of the Chair upheld?" and immediately put the motion to appeal to a vote.
- A Chair's ruling that is not appealed, or is supported on appeal by majority vote is final.
- When the Chair's ruling is not supported on appeal, Council's decision or the committee's decision is final.

4. Advice for Chairs

When a Member raises a point of order or point of privilege:

- 1. Ask yourself whether the interruption meets the definition of a point of order or point of privilege?**
 - If the interruption does not meet the definition of a point of order or point of privilege, you should not allow the interruption.
 - If it does meet the definition of one or the other, you must deal with the point.
- 2. Ask yourself whether the point of order or point of privilege requires immediate disposal?**
 - If the point interrupts another Member who has the floor and, if the point does not need to be heard and ruled upon before the current speaker is finished, you can wait until the current speaker is finished before considering the point.
 - If the point is urgent, you should consider the matter immediately and return to the current speaker afterwards.
- 3. Consider and make a ruling on a point of order or privilege immediately**
 - You should rule before any other business is conducted, including additional points of order or points of privilege.
 - As an alternative, you can also decide to put a point of order to the committee or Council for a yes or no vote. Consider doing this if the rules are not clear and you wish to seek the direction of the body.
 - You may call a short recess to consult with the Clerk, other City officials and the procedure by-law.

- You may also reserve your ruling until later in the meeting, but only if the delay does not hold up debate or otherwise interfere with the proceedings.

4. Give reasons for your ruling

- You are required to give reasons for your ruling.
- If your reasons are clear, this should eliminate the need for any questions of clarification which should ordinarily not be entertained.

5. If your ruling is appealed, deal with it promptly and without debate

- Ask the Members, "Is the ruling of the Chair upheld?"
- Immediately put the motion to appeal to a vote.
- Do not allow speaking, rebuttal or questioning on your ruling.

5. Do's and Don'ts

Do:

- Use a point of order to draw to the Chair's and the meeting's attention an error in procedure or a breach of the rules.
- Use a point of privilege to request immediate action on something affecting the rights and privileges of the meeting or a Member.
- Wait for the Chair to rule.
- Appeal the ruling of the Chair if you do not agree with it.

Don't:

- Raise another point of order before the Chair has ruled on the first.
- Make a speech in support of your point of order or point of privilege.
- Ask or answer questions about your point.
- Argue with the Chair over their ruling (simply appeal the ruling if you wish).
- Raise the same point of privilege after the Chair has ruled unappealed, or the Chair's ruling is appealed and Council decides.