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Points of Order & Points of Privilege

This information has been prepared by the City Clerk's Office as a guide to procedure under Chapter 27, Toronto Municipal Code, Council Procedures.

The rules for points of order and points of privilege are contained in Article X of the Council Procedures, Chapter 27 of the Toronto Municipal Code.

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.
- **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.
- **Announcement** – to bring to the attention of the meeting news of something unrelated to the agenda of the meeting such as introduction of visitors, anniversaries, achievements or events.

Points of Order

- A point of order is used to point out an error in procedure.
- Examples include:
 - "The motion is out of order"
 - "This item is not within the jurisdiction of this committee"
 - "We did not have the opportunity to ask questions of officials"
 - "The order of voting on these motions is not correct"

Point of Privilege

- 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.

Rights and Privileges of the Assembly (i.e., Council or committee)

- These include things like heating, ventilation, sound, lighting, comfort and security.
- They also include the dignity and integrity of the assembly and its proceedings, or obstructions to it carrying out its functions.

Rights and Privileges of a Member – "personal privilege"

- These include:
 - Requests for personal assistance
 - Objections to personal remarks or wrongful accusations made by another person at the meeting
 - Relief from any obstruction or interference with a Member performing his or her duties

Announcement

- Do not use a point of order or a point of privilege to make an announcement. This includes introduction of visitors, birthday wishes, refreshment availability etc.
- An announcement is not urgent and should not interrupt another Member who has the floor
- At Council meetings an opportunity is provided for announcements at the beginning of each day.
- If you wish to make an announcement, you should alert the Chair and make arrangements to be called upon at a suitable break in the proceedings.

How to Raise a Point of Privilege or Point of Order

Obtaining the floor

- Stand and address the Chair and say that you have a point of order or a point of privilege.
- A point of privilege or a point of order 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, he or she may allow the current speaker continue and return to you at the end of that speech.

State your point

- State your point briefly and succinctly.

Examples – Point of Order

- "I believe this matter was decided recently and requires a re-opening before it can be considered"

Examples – Point of Privilege

- "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 behind me. Can you ask the Sergeant-at-Arms to ask people to move"
- "I have been wrongly accused of doing something I did not. I request that the Member withdraw that accusation and apologize."

Sit down and await the ruling of the Chair

- The Council Procedures require you to take your seat after making a point of privilege or a point of order.

No debate

- There is no debate or amendment of a point of privilege or a point of order.
- A Member making a point of privilege or a point of order 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.
- After a point or privilege or point of order is stated, the next step is for the Chair to rule.

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 privilege or a point of order immediately and gives reasons for the ruling.
- The ruling is not debateable 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 City Clerk or other City officials before making a 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 a Chair's ruling, a member 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:
 - Asks the members, "Is the ruling of the Chair upheld?"; and
 - Immediately puts 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.

Advice for Chairs

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

1. *Does the interruption meet the definition of a point of order or 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. *Does the point of order or privilege require 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 of order.
- Otherwise, if the point is urgent, you should consider the matter immediately and return to the current speaker afterwards.

3. *Make your ruling promptly*

- You should 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 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 City Clerk, other City officials, the Council Procedures or Robert's Rules of Order.
- 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?"; and
- Immediately put the motion to appeal to a vote.
- Do not allow speaking, rebuttal or questioning on your ruling

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
- Sit down after stating a point of order or point of privilege
- Wait for the chair to rule
- Appeal the ruling the Chair
- Consult with the chair for an appropriate break in the proceedings to make announcements

Don't:

- Raise another point of order or privilege 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
- Use a point of order or a point of privilege to make an announcement (do that during routine matters or at another time by mutual agreement of the Chair).
- Argue with the Chair over his or her ruling (simply appeal the ruling if you wish)
- Raise the same point of privilege after the Chair has ruled unappealed, or the Chair is appealed and Council decides.