

# INTRODUCTION TO BASICS OF PARLIAMENTARY PROCEDURE

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# What is the fundamental principle of Parliamentary Law?

- One subject (question) can be considered at a time; once a motion is before the assembly.  
\*
- Must be adopted or rejected by vote \*\*  
(or)
- Assembly must take action disposing of the question in some other way before any other business (except certain “privileged questions”) can be brought up  
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# What can a deliberative assembly (such as Council) formally adopt?

- In basic terms – **written rules of procedure**. They can

- Confirm
- Add to (or)
- Deviate



(special rules of order )

# What is the importance of parliamentary Law? And why do most legally established deliberative assemblies adopt such authorities?

- Democratic Process
- Members speak freely
- Minority may present their case
- Majority decides
- Minority helps to carry out final decision

# MAIN MOTION

- What does the word *motion* refer to?
- It is a formal proposal by a Member, in a meeting, that the assembly **take certain action**.

# Handling a motion properly

- Six Steps in handling a motion
  - Three (3) steps bring the matter before the assembly (steps 1, 2 and 3)
  - Three (3) steps allow the matter to be dealt with (steps 4, 5, 6)

## Steps 1, 2 and 3

1. Member makes the motion
2. Another Member seconds the motion
3. **The Chair States the Question**

## Steps 4, 5 and 6

4. Members debate the question
5. **Chair puts the question to a vote**
6. **Chair announces the result of the vote**

Proper Handling of a Motion

- Steps 3, 5 and 6 are the most crucial steps from the perspective of the presiding officer
- A good chair will have total control of its assembly if they master these three critical steps and maintain the ability to have closure on controversial issues.



## Step 3 - The Chair States the question on the motion

- Important because it is the beginning of the presiding officer's efforts to focus the assembly on the specific motion that is to be discussed
- The statement of the motion by the presiding officer is a clear indication to all that, **that** specific motion, in its exact wording, is the only issue now open for discussion.

Step 3 – *STATING* the question

### Step 3 – *STATING* the question

- Clear statement on the motion in Step 3, makes it easier for the chair in Step 4 to keep discussion focused on exact motion stated.
- Conclusion of this step is the point in time when the ownership of the motion is transferred from the Member who made the motion to the assembly.
- This distinction is very important...because it has the ability to change or withdraw the motion.

## Step 4 - Debate on the motion

- When a main motion has been stated by the chair, it is said to be *pending* (or more commonly “on the floor”).
- It is now before the group for debate and action
- **Debate** mean discussion on the merits of the question...that is, whether the proposed action should or should not be taken
- Generally, after stating the question on a motion, the chair normally turns towards the maker of the motion to see if he/she wishes to be assigned the floor

### Step 4 – Debate

## Step 5 – The Chair puts the Question to a Vote

- Step 5 ensures that all Members of the assembly understand exactly what they are voting on.
- If step 5 is not properly executed by the Chair and once the question is *put*, all at once the assembly will duck down turn their head to the Member sitting next to them and ask “what are we voting on?”, or stand up and ask the Chair the same question.
- When the motion is clearly and objectively stated, just before the vote, it has a settling effect on the assembly and everyone will feel that the issue is about to be resolved using a fair, democratic process and the assembly is better able to accept the decision and then move on to the next item on the agenda.

Step 5 – *Putting the question*

## Step 6 – The Chair announces the result of the Vote

- Controversial or not, Step 6 is extremely important as part of the process and the Chair's announcement as part of the vote.
- Proper execution of Step 6 is always important and even more critical in controversial situations. It is as if this step gives the assembly permission to move on to the next issue, instead of rehashing the current issue.

Step 6 – *Announcing the result*

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- The Chair's complete announcement should include:
- If the vote was counted, the chair should first give the count before announcing the prevailing side.
- Declaration of whether the motion is adopted or lost
- Statement of the effect of the vote or, if appropriate, ordering its execution (ie) the ayes have it; the motion is adopted; “the treasurer will issue a...
- Announcement of the next item of business

Step 6 – *Announcing* the result

# A Council Member's part in a Productive Meeting

- **Obtaining the Floor (Q)** How can a Member obtain the floor?
  - (First the Member must be recognized by the presiding officer (while entitled to it.)
  - To claim the floor: Member rises and addresses the Chair. Member is recognized
    - Member speaks in debate or makes a motion
    - When finished, Member yields the floor by sitting

- If two Members rise at the same time, what is the general rule followed in identifying who gets recognized first?
- The Member who rose and addressed the Chair first, after the floor was yielded is entitled to be recognized first.

If the Chair makes a mistake and assigns the floor to the wrong person what can a Member do?



- A Member can raise a “*point of order*”
- *When preference in recognition was timely claimed or in any other case, the Chair’s attention can be called to it by a member raising a “point of order”, after which the chair should immediately correct it.*

# A Time and Place to Interrupt

- Normally it is improper to interrupt a business session or speaker. However, there are times when interrupting is the right thing to do.

**(Q) Can anyone indicate what is a question of privilege?**

# Use of Subsidiary Motions

- **Lay on the Table**
- *To interrupt the pending business as to permit doing something else immediately.*
- The motion to *Lay on the Table* enables the assembly to lay the pending question aside temporarily ***when something else of immediate urgency has arisen***

- **Previous Question**

- *Immediately to close debate and the making of subsidiary motions except the motion to Lay on the Table.*

- This motion is used to bring the assembly to an immediate vote on one or more pending questions

- Immediately closes debate on, and stops amendment of, the immediately pending question and such other pending questions; and prevents the making of any other subsidiary motions except the higher-ranking Lay on the Table.

- **Limit or extend debate**

- *One of two motions by means of which an assembly can exercise special control over debate on a pending question or on a series of pending questions.*
  - Reduces the number or length of speeches permitted
  - Requires that, at a certain later hour or after debate for a specified length of time, debate shall be closed and the question shall be put to vote.
  - a specified length of time, debate shall be closed and the question shall be put to vote. When adopted, it is said that the assembly has adopted an “order”

- **Postpone to a certain time** (definitely or postpone)
- Is a motion to put off, within limits, to a definite day, meeting or hour, or until after a certain event.
- Note: The expression to ***defer*** should be avoided, since it is often subject to vague usage.

- **Commit or refer**

- Generally used to send a pending question to a relatively small group of selected persons – a committee – so that the question may be carefully investigated and put into better condition for the assembly to consider).

- **Amend**

- What is an amendment?

- Amend is a motion to modify the wording – within certain limits of the meaning – of a pending motion, before the pending motion is acted on.



- How many amendments can be introduced?
  - Two – the Primary Amendment and the Secondary Amendment.
  
- Amend is the most widely used of the subsidiary motions. Its adoption does **not** adopt the motion thereby amended but rather that motion remains pending in its modified form.

- Rejection of the motion to amend leaves the pending motion worded as it was before the amendment was offered.
- An amendment must always be **germane**...closely related to or having bearing on the subject of the motion to amend.
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- **What does it mean to be germane?**
  - An amendment must in some way involve the same question that is raised by the motion to which it is applied.
  - A secondary amendment must relate to the primary amendment in the same way.
  - An amendment cannot introduce an independent question but an amendment can be hostile to, or even defeat, the spirit of the original motion and still be germane.

# Friendly Amendment !

- How do you deal with a friendly amendment?

- Often while a motion is being debated, someone will get up and offer what he or she terms a “friendly amendment” to the motion. The maker of the original motion will “accept” the amendment, and the chair will treat the motion as amended. – **WRONG**

- Once a motion has been stated by the chair, it is **NO LONGER** the property of the mover, but of the assembly. Any amendment, “friendly” or otherwise, must be adopted by the full body, either by a vote or by unanimous consent.

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- **Postpone indefinitely**

- *To drop the main motion with a direct vote on it*

- *(Q) does anyone make use of this type of motion?*

- *(Q) what is your understanding of it?*

- a. This motion is one that the assembly decline to take a position on the main question.
- b. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question.
- c. Useful for disposing of a badly chosen main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.
- d. Can be applied **ONLY** to a main motion and only while a main motion is pending.



- **Addressing all remarks through the chair**
- Members of an assembly cannot address one another directly, but must address all remarks through the chair. (if a member wishes to address a question, while a member is speaking...the member should rise and address the chair, proceeding as explained under *a Point of Information*).

- **Refraining from speaking against one's own motion**
- In debate, the maker of a motion, while he can vote against it, is not allowed to speak against his own motion. He need not speak at all, however if he does he is obliged to take a favorable position.
- If he changes his mind while the motion he made is pending, he can, in effect advise the assembly of this by asking permission to withdraw the motion.

# Chair's Participation in Debate

1. As a Member and as an individual, has the same *rights* in debate as any other member.
2. MUST maintain impartiality while presiding
3. Should have nothing to say on the merits of pending question

# Chair's Participation in Debate

4. On RARE occasions, the chair may believe that crucial factor relating to such a question has been overlooked and that his obligation as a member to call attention to the point outweighs his duty to preside at the time.
5. To participate in debate, must relinquish the chair and not return until all pending questions have been disposed.
6. **Exception:** in debate on an appeal or point of order, that the chair has submitted to the judgment of the assembly, above rules do not apply and the presiding officer does not leave the chair, since his participation in debate relates to the function of presiding.

# Chair's Participation in Debate

- **AS PRESCRIBED UNDER THE MUNICIPAL ACT OF ONTARIO THROUGH THE FOLLOWING SECTIONS:**
- **243.** Except as otherwise provided, every member of a council shall have one vote.
- **Tie votes**
- **245.** Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- **Recorded vote**
- **246. (1)** If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote.
- **Failure to vote**
- **(2)** A failure to vote under subsection (1) by a member who is present at the meeting

**QUESTIONS?**