

TOQUAHT NATION GOVERNMENT

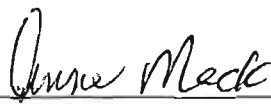
Enacted under the Council Rules of Order and Procedure Act section 14.6

**EXECUTIVE RULES OF ORDER AND
PROCEDURE REGULATION**

TNR 3/2011



This regulation enacted on April 1, 2011

Signed 
Anne Mack, Tyee Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON 01 / 04 / 2011

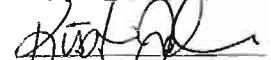

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** These regulations may be cited as the Executive Rules of Order and Procedure Regulation.

Application

- 1.2** This regulation governs
- (a) proceedings of the Executive,
 - (b) the duties and conduct of members of the Executive, and
 - (c) rules and procedures for the conduct of Executive meetings.

Definitions

- 1.3** In this regulation

“Act” means the Council Rules of Order and Procedure Act;

“incidental motion” means a motion referred to in Part 7;

“main motion” means a motion referred to in Part 5;

“privileged motion” means a motion or question of privilege referred to in Part 8;

“reconsider” means to reconsider in accordance with Part 9;

“subsidiary motion” means a motion referred to in Part 6.

PART 2 - GENERAL RULES

Equality of all members of the Executive

- 2.1** (a) Subject to this regulation and the Act, all members of the Executive are equal and their rights are equal.
- (b) Each member of the Executive has the right to
- (i) attend meetings,
 - (ii) make motions and speak in debate of motions, and
 - (iii) vote on motions.

Majority rule

- 2.2** (a) A decision reached by a majority of the members of the Executive present and voting is final, unless that motion is rescinded or amended in accordance with this regulation.
- (b) The minority view has the right to be respectfully expressed and respectfully heard, but once a decision has been reached by a majority of the members of the Executive present and voting, the minority view must respect and abide by the majority decision.

Honesty, good faith and ethical dealings

- 2.3** A member of the Executive has the same duties as a member of Council under Part 5 of the Act in relation to their role as a member of the Executive, with necessary changes to the details as circumstances require.

PART 3 - EXECUTIVE MEETINGS

General

3.1 The chairperson serves as the primary spokesperson for the Executive.

Responsibilities at Executive meetings

- 3.2**
- (a) The chairperson has the responsibility to serve as the presiding officer at meetings of the Executive and ensure that the appropriate issues are addressed.
 - (b) The chairperson must ensure that motions moved by members of the Executive are clear and not confusing.

Executive meeting agenda

- 3.3**
- (a) The chairperson must ensure
 - (i) a proper agenda is adopted and followed during meetings of the Executive,
 - (ii) the co-ordination of the agenda with invited guests or speakers, and
 - (iii) any information packages that may be required or related materials necessary for members of the Executive to have in order for the agenda to be followed is available prior to the beginning of the meeting.
 - (b) The chairperson may include in the agenda for the Executive the following topics which may be in the following order:
 - (i) call to order and determination of quorum;
 - (ii) opening prayer to the Creator;
 - (iii) minutes of the previous meeting of the Executive;
 - (iv) reports by administration;
 - (v) unfinished business;
 - (vi) new business;
 - (vii) announcements; and
 - (viii) adjournment.

Conducting the Executive meetings

- 3.4** (a) The chairperson must maintain order during Executive meetings and enforce this regulation and other parliamentary procedures with impartiality.
- (b) The chairperson must assign the floor to a member of the Executive by recognizing the member of the Executive who wishes to speak by name and indicating they have the floor.
- (c) Subject to this regulation, only the member of the Executive recognized by the chairperson as having the floor may speak and no member of the Executive may interrupt a member of the Executive that has been granted the right to speak by the chairperson.
- (d) The chairperson must rule out of order
- (i) any motion which does not directly relate to the pending motion,
 - (ii) all remarks of a personal nature concerning a member of the Executive, including remarks concerning the motives or personality of a member the Executive,
 - (iii) any members of the Executive engaged in private discussion or who are otherwise disruptive while another member of the Executive has the floor and is speaking, and
 - (iv) any motion by a member of the Executive which, in the reasonable opinion of the chairperson, is a misuse by the member of the Executive of procedure to deliberately delay or prevent the Executive from considering a pending question.

Guests at meetings of the Executive

- 3.5** (a) The Executive recognizes the value of having individuals who are not members of the Executive attend the Executive meetings to provide information and opinions to assist the members of the Executive in their deliberations.
- (b) The Executive, through the chairperson, may determine those individuals who are not members of the Executive who may attend Executive meetings and, for issues to be discussed by the Executive that fall within the terms of reference of a committee, a committee chair may also recommend to the chairperson those individuals who are not members of the Executive who may attend Executive meetings.
- (c) No individual who is not a member of the Executive may attend or table material at Executive meetings without prior approval of the chairperson.

Preparation of minutes

- 3.6** (a) The chairperson is responsible for ensuring an individual is appointed for taking and preparing the minutes of the meetings of the Executive.
- (b) The individual appointed under subsection (a) must record
- (i) the names of all members of the Executive in attendance at the meeting,
 - (ii) the names of all individuals reporting to the Executive, including Toquaht directors and committee chairs,
 - (iii) the names of all individuals who are not members of the Executive permitted by the chairperson to attend the Executive meeting,
 - (iv) the name of the member of the Executive who moved the motion,
 - (v) every approved and rejected motion, and
 - (vi) the number of votes to approve and the number of votes to reject every motion.
- (c) The individual appointed under subsection (a) need not record
- (i) the discussion on a motion or personal opinion of a member of the Executive,
 - (ii) motions withdrawn in accordance with this regulation, or
 - (iii) the content of reports given to the Executive.

Endorsement of minutes

- 3.7** (a) The individual appointed under section 3.6(a) must sign the minutes of the Executive meetings once the minutes have been approved by the Executive.
- (b) The individual appointed under section 3.6(a) must record on the approved minutes the date of that approval by the Executive.

PART 4 - GENERAL RULES CONCERNING MOTIONS

Question or matter must be moved

- 4.1** Subject to section 4.2, no question or matter may be considered by the Executive without first being moved.

Business of a routine nature

- 4.2** (a) Where business requiring consideration or approval of the Executive is of a routine nature or it is clear to the chairperson that a consensus of all members of the Executive exists on the business at hand, subject to subsection (b), the chairperson may waive the requirement for a formal motion on that business by asking the members of the Executive if there is any objection to the business being approved.
- (b) If a member of the Executive raises an objection under subsection (a), the chairperson must require the formal procedures set out in Part 4 through Part 10 be followed by the members of the Executive for that business.

One question at a time

- 4.3** The chairperson must rule out of order any motion that does not directly relate to the pending question or is otherwise permitted under this regulation.

Introducing and speaking to a motion

- 4.4** (a) Subject to this regulation, a member of the Executive
- (i) must request the chairperson to recognize him or her as having the floor in order to introduce or speak to a motion, and
 - (ii) must not interrupt another member of the Executive recognized by the chairperson as having the floor in order to introduce or speak to a motion.
- (b) The chairperson may require a long motion to be submitted in writing.
- (c) A motion moved by a member of the Executive need not be seconded.
- (d) The chairperson must state a motion moved by a member of the Executive before allowing the member of the Executive who moved the motion to speak to the motion.
- (e) A member of the Executive may modify his or her own motion before it is stated by the chairperson.

- (f) The member of the Executive who moved a motion may offer an amendment to that motion after it has been stated by the chairperson but before the motion has been stated by the chairperson to be open for debate.
- (g) A member of the Executive may withdraw his or her motion
 - (i) before it has been stated by the chairperson, or
 - (ii) only in accordance with section 7.12 after it has been stated by the chairperson.
- (h) The chairperson must open the floor for debate by the members of the Executive present all debateable motions immediately upon restating the motion by stating the motion is “open for debate” or “open for discussion” or similar words.
- (i) The maker of a motion has the first right to speak to the motion.
- (j) The maker of a motion may only speak in favour of his or her own motion.
- (k) When a main motion is on the floor, a member of the Executive must only speak to the pending motion, unless otherwise provided for in this regulation.

Debatable motions must receive full debate

- 4.5** (a) Subject to subsection (b), the chairperson must not put a debatable motion to a vote as long as a member of the Executive wishes to debate that motion.
- (b) Debate may only be suspended by the chairperson with the approval of two-thirds of the members of the Executive present and voting in accordance with section 6.6.

Restating the motion prior to being decided

- 4.6** The chairperson must restate the pending motion to the members of the Executive immediately prior to calling a vote of the members of the Executive on the pending motion.

Decided motions

- 4.7** Subject to Part 9, the chairperson must declare out of order any motion on a question already decided or a question substantially the same as a question already decided.

PART 5 - MAIN MOTIONS

Main motions described

- 5.1** (a) A main motion is any motion which introduces business for the Executive to do any of the following:
- (i) enact, amend or repeal a regulation or an order;
 - (ii) approve or amend the minutes of a previous meeting of the Executive;
 - (iii) approve or amend the agenda for the current meeting of the Executive;
 - (iv) approve or amend an authorized expenditure of funds;
 - (v) consider a main motion previously tabled under section 6.5 other than as unfinished business at the next meeting of the Executive;
 - (vi) adopt, accept or agree to a report presented to the Executive;
 - (vii) adopt special rules of order and procedure, including voting requirements, or waive a requirement under Part 4 through Part 10 of this regulation, if moved while no question is pending;
 - (viii) fix the time to adjourn the meeting of the Executive, if moved while no question is pending;
 - (ix) to take a recess, if moved while no question is pending;
 - (x) limit debate or extend limits previously placed on debate, if moved while no question is pending;
 - (xi) initiate or discontinue an authorized project;
 - (xii) postpone an event or action previously scheduled;
 - (xiii) express an opinion;
 - (xiv) otherwise engage in a consideration of any matter; or
 - (xv) otherwise take any action.
- (b) Only one main motion may be pending at a time.
- (c) For certainty, a main motion tabled under section 6.5, postponed to a specific time under section 6.8, referred to a committee under section 6.9 or postponed indefinitely under section 6.11 is not a pending motion as long as it remains

tabled, postponed to a specific time, under consideration by the committee in accordance with the terms of its referral or postponed indefinitely.

Introduction of main motions

- 5.2**
- (a) A main motion must be introduced by a member of the Executive.
 - (b) Subject to subsection (g), a main motion may be debated.
 - (c) Subject to subsection (g), a main motion may be amended.
 - (d) Subject to subsection (e), a main motion requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (e) A motion contemplated in section 5.1(a)(vii) or 5.1(a)(x) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) Subject to subsection (g), the decision on a main motion may be reconsidered in accordance with Part 9.
 - (g) A motion contemplated in section 5.1(a)(v) may not be debated or amended and the decision on a motion contemplated in section 5.1(a)(v) may not be reconsidered in accordance with Part 9.

Main motions out of order

- 5.3** The chairperson must rule as out of order the following motions:
- (a) a motion that conflicts with Toquaht law;
 - (b) a motion that the subject of is beyond the jurisdiction of the Toquaht government;
 - (c) a motion that repeats a question already considered and decided by the Executive;
 - (d) a motion that conflicts with an already approved motion, except in accordance with Part 9; and
 - (e) a motion that appears to the chairperson to be intended solely as a delaying tactic, otherwise incorrect, frivolous or rude.

PART 6 - SUBSIDIARY MOTIONS

Subsidiary motions described

- 6.1** A subsidiary motion is any motion that assists the Executive in considering a main motion.

Introduction of subsidiary motions

- 6.2**
- (a) A subsidiary motion that relates to the main motion may be moved while the main motion is pending.
 - (b) For certainty, a subsidiary motion that relates to the main motion must be moved before the main motion has been decided.
 - (c) A subsidiary motion adheres to and takes precedence over the main motion to which it relates and must be decided before the main motion is considered further or decided.
 - (d) A subsidiary motion must only be used to expedite consideration of the main motion by disposing of the main motion other than by the Executive approving or rejecting the main motion.

Subsidiary motions subject to priorities

- 6.3**
- (a) All subsidiary motions are subject to the rankings of priority set out in section 6.4 and a subsidiary motion that ranks in higher priority to another subsidiary motion must be decided before a subsidiary motion that ranks in lower priority is considered further or decided.
 - (b) Any subsidiary motion that ranks in higher priority under section 6.4 may be moved while another subsidiary motion that ranks in lower priority is pending and has not yet been decided and that subsidiary motion that ranks in higher priority, once moved and seconded, adheres to and takes precedence over any other pending subsidiary motion that ranks in lower priority and must be decided before any other pending subsidiary motion that ranks in lower priority is considered further or decided.
 - (c) For certainty, a subsidiary motion that ranks in lower priority must not be moved while a subsidiary motion of higher priority is pending and the chairperson must rule as out of order any subsidiary motion of lower priority moved while a subsidiary motion of higher priority is pending.

Priority rankings

- 6.4** Subsidiary motions under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the lowest ranking of priority, and each subsidiary motion may be moved and must be determined in accordance with section 6.3:
- (a) a motion under section 6.5 to table the pending motion until the next meeting;
 - (b) a motion under section 6.6 to call for the vote on the pending motion, also known as calling the previous question;
 - (c) a motion under section 6.7 to extend or limit the time for consideration of the pending motion;
 - (d) a motion under section 6.8 to postpone consideration of the pending motion to a specific time;
 - (e) a motion under section 6.9 to commit or refer the pending motion to a committee;
 - (f) a motion under section 6.10 to amend the pending motion; and
 - (g) a motion under section 6.11 to postpone consideration of the pending motion indefinitely.

Motion to table

- 6.5**
- (a) A member of the Executive may move that consideration of the pending motion be delayed until the next meeting of the Executive.
 - (b) The chairperson must rule as out of order a motion made under subsection (a) that purports to delay consideration of the pending motion to any time later than the next meeting of the Executive.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if
 - (i) the motion was not approved in accordance with subsection (e), and

- (ii) something urgent has arisen that was not known by the members of the Executive when they rejected the motion.
- (g) A motion tabled under subsection (a) must be considered at the next meeting of the Executive as unfinished business.

Motion to call for the vote

- 6.6**
- (a) A member of the Executive may move that consideration of the pending question cease and that the pending question be put to an immediate vote of the members of the Executive, also known as calling the previous question or calling question.
 - (b) The chairperson must rule out of order a motion made under subsection (a) if
 - (i) the pending question is a motion that may be debated and no member of the Executive has spoken to that motion, or
 - (ii) another member of the Executive has the floor when the motion under subsection (a) is made.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 10.4 and, for certainty, may not be conducted by a voice vote under section 10.3.
 - (g) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9 but if the motion was approved in accordance with subsections (e) and (f), that reconsideration may only take place prior to the vote contemplated in subsection (h).
 - (h) If a motion made under subsection (a) is approved in accordance with subsections (e) and (f), the chairperson must immediately call the vote on the pending question.

Motion to limit or extend time

- 6.7**
- (a) A member of the Executive may move to
 - (i) limit or extend the period of time during which members of the Executive may speak to the pending motion,

- (ii) limit or extend the number of members of the Executive who may speak to the pending motion, or
 - (iii) have the vote on the pending motion held at a specific time during the current meeting.
- (b) A motion made under subsection (a) may not be debated.
- (c) A motion made under subsection (a) may be amended, but only as to
 - (i) the length of the period of time referred to in subsection (a)(i),
 - (ii) the number of members of the Executive referred to in subsection (a)(ii), or
 - (iii) the specific time during the current meeting referred to in subsection (a)(iii).
- (d) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (e) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 10.4 and, for certainty, may not be conducted by a voice vote under section 10.3.
- (f) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if
 - (i) the motion was approved in accordance with subsections (d) and (e) and the subject matter of the motion has not yet been exhausted, or
 - (ii) the motion was not approved in accordance with subsections (d) and (e).

Motion to postpone to specific time

- 6.8**
- (a) A member of the Executive may move that consideration of the pending question be delayed until a fixed time during the current meeting.
 - (b) A motion made under subsection (a) may be debated, but only as to the appropriateness of postponing consideration of the question or the appropriateness of the time during the current meeting when the question will be brought back to the floor to be considered again.
 - (c) A motion made under subsection (a) may be amended, but only as to the time during the current meeting when the question will be brought back to the floor to be considered again.

- (d) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (e) The decision of a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Motion to refer to committee

- 6.9**
- (a) A member of the Executive may move that consideration of the pending motion be referred to a standing committee of Council to consider and report back to the Executive on the pending motion.
 - (b) A motion made under subsection (a) may be debated, but only as to the appropriateness of referring the question to the standing committee.
 - (c) A motion made under subsection (a) may be amended, but only as to which committee to refer the pending motion to.
 - (d) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (e) The decision on motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the committee to which the question was referred has not begun its consideration of the question.

Motion to amend

- 6.10**
- (a) If the pending motion is a motion that may be amended under this regulation, a member of the Executive may, subject to subsections (b) and (c), move to amend the pending motion by
 - (i) adding words, phrases or paragraphs to the motion,
 - (ii) striking out words, phrases or paragraphs in the motion,
 - (iii) substituting words, phrases or paragraphs in the motion by striking out those words, phrases or paragraphs and inserting new words, phrases or subsections in their place, or
 - (iv) substituting all of the motion with a new motion, also known as a motion to substitute.
 - (b) A motion made under subsection (a)
 - (i) must relate to the pending motion which it seeks to amend,
 - (ii) must not make the pending motion incoherent, and

- (iii) must not be used introduce new business for the Executive to consider.
- (c) If the pending motion to be amended is a motion that may be debated under this regulation, a motion made under subsection (a) may be debated.
- (d) Subject to subsection (e), a motion made under subsection (a) may be amended.
- (e) Only one motion may be made under subsection (a) (in this subsection the “secondary amending motion”) to amend a previous motion made under subsection (a) (in this subsection the “primary amending motion”) to amend an earlier motion and, for certainty, a secondary amending motion must be decided before another motion may be made under subsection (a) to amend the primary amending motion and any motion made under subsection (a) to amend a pending secondary amending motion must be ruled out of order by the chairperson.
- (f) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved and, for certainty, if the pending motion to be amended is a motion that requires a two-thirds or higher majority of the members of the Executive present and voting to vote in favour of that motion for it to be approved, a motion made under subsection (a) to amend that motion does not require that two-thirds or higher majority of the members of the Executive present and voting to vote in favour of that motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Motion to postpone indefinitely

- 6.11**
- (a) A member of the Executive may move that consideration of a pending main motion be postponed indefinitely, also known as killing the motion.
 - (b) A motion made under subsection (a) may only be moved when no other motions are on the floor, other than the pending main motion.
 - (c) A motion made under subsection (a) may be debated and that debate may include consideration of the merits of the main motion to which the motion made under subsection (a) applies.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) Only a decision approving a motion made under subsection (a) may be reconsidered in accordance with Part 9.

PART 7 - INCIDENTAL MOTIONS

Incidental motions described

7.1 An incidental motion is any procedural motion that deals with this regulation or other procedural requirements, including the enforcement of proper parliamentary procedure, correcting errors and verifying votes.

Introduction of incidental motions

- 7.2**
- (a) An incidental motion may be moved at any time by any member of the Executive recognized by the chair as having the floor or as otherwise provided by this regulation.
 - (b) Subject to this regulation providing otherwise, an incidental motion, once moved, must be decided before consideration of the previously pending question can resume.
 - (c) For certainty but subject to section 8.2(c), an incidental motion
 - (i) once moved in accordance with this regulation, takes precedence over all other motions except a privileged motion, and
 - (ii) may not be moved while another incidental motion is pending.

Incidental motions not subject to priorities

7.3 For certainty, one incidental motion has no ranking of priority over another incidental motion.

Point of order

- 7.4**
- (a) A member of the Executive who believes the chairperson has failed to enforce the requirements of Part 4 through Part 10 or parliamentary procedure properly may move a point of order for the chairperson to rule on.
 - (b) A motion made under subsection (a) must include the specific section of this regulation or rule of parliamentary procedure relied on by the member of the Executive moving the point of order under subsection (a).
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to move a point of order under subsection (a).
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may not be amended.

- (f) A motion made under subsection (a) may not be voted on.
- (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
- (h) The chairperson must immediately provide a response and render a ruling on the point of order raised in the motion made under subsection (a).

Appeal chairperson's decision or ruling

- 7.5**
- (a) A member of the Executive may move to appeal a decision or ruling of the chairperson, including a ruling of the chairperson under section 7.4.
 - (b) The chairperson must rule as out of order any member of the Executive's criticism of a decision or ruling made by the chairperson that is expressed before a motion to appeal is made under subsection (a).
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion to appeal under subsection (a).
 - (d) A motion made under subsection (a) may be debated, but
 - (i) the chairperson may speak to the motion first in defence of the decision or ruling,
 - (ii) a member of the Executive may only speak to the motion once, and
 - (iii) the chairperson may again speak to the motion immediately prior to holding the vote on the motion.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) The chairperson must hold a vote on a motion made under subsection (a).
 - (g) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to reverse that decision or ruling of the chairperson.
 - (h) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Point of information

- 7.6**
- (a) A member of the Executive may move a point of information to request additional information relevant to the pending question, but unrelated to the requirements of Part 4 through Part 10 or parliamentary procedure and is

- (i) necessary or desirable to assist the member of the Executive in consideration of the pending question, and
 - (ii) readily available to the chairperson to obtain and provide to that member of the Executive.
- (b) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made under subsection (a).
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) may not be voted on.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) As soon as reasonably practicable, the chairperson must make reasonable efforts to provide the additional information referred to in a motion made under subsection (a).

Executive inquiry

- 7.7**
- (a) A member of the Executive may move a question of Executive inquiry relevant to the pending question for the chairperson to answer regarding the requirements of Part 4 through Part 10 or parliamentary procedure to assist the member of the Executive in moving a motion, raising a proper point of order, understanding the requirements of Part 4 through Part 10 or parliamentary procedure or the effect of the pending motion.
 - (b) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) must not be voted on.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) The chairperson must make reasonable efforts to immediately and adequately respond to the question referred to in a motion made under subsection (a).

- (h) The chairperson's response under subsection (g) may not be appealed under section 7.5.

Division of the vote

- 7.8**
- (a) Immediately upon the chairperson announcing the result of a vote on a motion, a member of the Executive may move a division of the vote to require the chairperson to verify the results of the vote.
 - (b) A motion made under subsection (a) may not be moved until the chairperson has announced the results of the vote and must be made before any other motion is moved.
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) may not be debated.
 - (f) A motion made under subsection (a) must not be voted on.
 - (g) If a member of the Executive makes a motion made subsection (a), the chairperson must immediately hold a revote on the question last voted and if the first vote on that question was held by a voice vote under section 10.3, the revote must be held by a show of hands vote under section 10.4.
 - (h) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.

Ballot voting

- 7.9**
- (a) A member of the Executive may move that the vote
 - (i) on the pending motion, or
 - (ii) on the motion decided last, provided another motion has not yet been stated by the chairperson,be conducted by secret ballot in accordance with section 10.5.
 - (b) A motion made under subsection (a) may not be debated.
 - (c) A motion made under subsection (a) may be amended.
 - (d) A motion made under subsection (a) is subject to a motion to table under section 6.5.

- (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (f) A motion made under subsection (a) may be reconsidered in accordance with Part 9.

Division of the question

- 7.10**
- (a) A member of the Executive may move that a pending question containing several parts be divided into separate questions and that the Executive consider and decide each question separately.
 - (b) A motion made under subsection (a) may only be made if the Executive is able to consider and decide each separate question independent of the others.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The decision on a motion made under subsection (a) may not be reconsidered in accordance with Part 9.

Objection to the consideration of a question

- 7.11**
- (a) A member of the Executive may move that the Executive not consider or decide a main motion because the member of the Executive believes it is strongly undesirable for the main motion to come before the Executive.
 - (b) A motion made under subsection (a) may only be made prior to whichever of the following is applicable:
 - (i) the chairperson opening debate on the main motion to which it relates; or
 - (ii) a subsidiary motion on the main motion being moved.
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may not be amended.

- (f) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the motion was approved in accordance with subsection (f).

Permission to withdraw a motion

- 7.12**
- (a) A member of the Executive who moved a motion may move to withdraw the motion so the motion is not considered or decided by the Executive.
 - (b) A motion made under subsection (a) may not be debated.
 - (c) A motion made under subsection (a) may not be amended.
 - (d) A motion made under subsection (a) requires all members of the Executive present and voting to vote in favour of the motion for the motion to be approved.
 - (e) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the motion was not approved in accordance with subsection (d).

PART 8 - PRIVILEGED MOTIONS

Privileged motions and questions of privilege described

- 8.1** (a) A privileged motion or question of privilege is any motion or matter relating to the personal welfare of the members of the Executive in session.
- (b) A privileged motion or question of privilege need not relate to the pending motion.

Introduction of privileged motions and questions of privilege

- 8.2** (a) A privileged motion may be moved or a question of privilege may be raised at any time by a member of the Executive.
- (b) Despite any provision of this regulation to the contrary, if a privileged motion or question of privilege is made at a time when there is not a main motion on the floor, that privileged motion or question of privilege may be amended or debated.
- (c) Subject to section 8.3, a privileged motion or question of privilege takes precedence over any other pending motion and must be decided before any other pending motion is considered further or decided.
- (d) The member of the Executive recognized by the chairperson as having the floor immediately prior to the privileged motion being moved or question of privilege being raised must again be recognized by the chairperson as having the floor immediately upon the privileged motion being decided or the chairperson responding to the question of privilege.

Privileged motions and questions of privilege subject to priorities

- 8.3** (a) All privileged motions and questions of privilege are subject to the rankings of priority set out in section 8.4 and a privileged motion or question of privilege that ranks in higher priority to another privileged motion or question of privilege must be decided before a privileged motion or question of privilege that ranks in lower priority is considered further or decided.
- (b) Any privileged motion or question of privilege that ranks in higher priority under section 8.4 may be moved or raised while another privileged motion or question of privilege that ranks in lower priority is pending and has not yet been decided and that privileged motion or question of privilege that ranks in higher priority, once moved and seconded, if required by this regulation, or raised takes precedence over any other pending privileged motion or question of privilege that ranks in lower priority and must be decided before any other pending privileged motion or question of privilege that ranks in lower priority is considered further or decided.

- (c) For certainty, a privileged motion or question of privilege that ranks in lower priority must not be moved or raised while a privileged motion or question of privilege of higher priority is pending or remains unanswered and the chairperson must rule as out of order any privileged motion or question of privilege of lower priority moved or raised while a privileged motion or question of privilege of higher priority is pending or unanswered.

Priority rankings

8.4 Privileged motions and questions of privilege under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the lowest ranking of priority, and each privileged motion or question of privilege may be moved or asked and must be determined in accordance with section 8.3:

- (a) a motion under section 8.5 to adjourn the Executive meeting;
- (b) a motion under section 8.6 to recess the Executive meeting for an intermission;
and
- (c) a question of privilege under section 8.7.

Motion to adjourn

- 8.5**
- (a) A member of the Executive may move to adjourn the meeting of the Executive.
 - (b) A motion made under subsection (a) may only be made if
 - (i) another future meeting of the Executive has previously been scheduled, or
 - (ii) the motion to adjourn includes a date and time for the next meeting of the Executive.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended, but only as to the date and time for the next meeting of the Executive.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) Any unfinished business of the Executive when a motion made under subsection (a) is approved must be resumed at the next the Executive meeting as unfinished business.

Motion to recess

- 8.6**
- (a) A member of the Executive may move to have a short intermission in the Executive meeting for a specific period of time.
 - (b) A motion made under subsection (a) must state
 - (i) the purpose of the recess, and
 - (ii) the length of time for the recess or the time for reconvening the Executive meeting.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended, but only as to the length of time for the recess or the time for reconvening the Executive meeting.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion to be approved.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) A motion made under subsection (a), if approved, suspends consideration of the pending motion until the Executive resumes its business after the recess.

Questions of privilege

- 8.7**
- (a) Subject to subsection (b), a member of the Executive may raise a question of privilege to the chairperson that relates to the rights of the Executive or the rights of a member of the Executive.
 - (b) A question of privilege raised under subsection (a) must relate to the comfort, dignity, safety or reputation of the Executive or a member of the Executive in session and may be of general privilege, relating to the Executive as a whole, or of personal privilege, relating to the member of the Executive posing the question of privilege.
 - (c) A question of privilege raised under subsection (a) may include, as examples only, any of the following:
 - (i) the approved agenda is not being followed;
 - (ii) a motion moved by the member of the Executive has been adjourned to a specific time under section 6.8 and that time has arrived;

- (iii) noise or inadequate ventilation makes it difficult for a member of the Executive to participate in the meeting; or
 - (iv) confidential information concerning a member of the Executive has been or is about to be introduced into the meeting and guests are present.
- (d) If there is a pending question, a member of the Executive does not have to be recognized by the chairperson as having the floor in order to raise a question of privilege under subsection (a).
 - (e) A question of privilege raised under subsection (a) may not be debated.
 - (f) A question of privilege raised under subsection (a) may not be amended.
 - (g) A question of privilege raised under subsection (a) may not be voted on.
 - (h) A question of privilege raised under subsection (a) may not be reconsidered in accordance with Part 9.
 - (i) The chairperson must rule on the admissibility of the question of privilege raised under subsection (a) and, if admissible, respond as best as possible to the question of privilege or take the reasonable action necessary to deal with the question of privilege.
 - (j) A member of the Executive must not use a question of privilege to speak to a pending motion and the chairperson must rule such behaviour out of order.

PART 9 - RESTORATIVE MOTIONS

General

- 9.1** (a) A question already decided, or a question substantially the same as a question already decided, by the Executive must not be considered by the Executive.
- (b) Despite subsection (a), if this regulation provides that a decision of the Executive may be reconsidered in accordance with this Part, a member of the Executive may move a motion in accordance with this Part and, if that motion is approved in accordance with this Part, the members of the Executive may reconsider that decision in the manner described in this Part.
- (c) In this Part,
- “previous decision” means a decision of the Executive that this regulation provides may be reconsidered under this Part;
- “previous question” means the question voted on that gave rise to the previous decision.

Motion to rescind or amend previous decision

- 9.2** (a) A member of the Executive may move a motion to rescind or amend a previous decision provided that
- (i) no action has been taken by any person in reliance of the previous decision,
- (ii) any action taken by any person in reliance of the previous decision can reasonably be undone without cost or liability attaching to the Toquaht Nation that the Toquaht Nation is not prepared to assume, or
- (iii) the previous decision did not involve the
- (A) acceptance of a resignation and that resignation has been acted upon,
- (B) election or appointment of an individual to a committee, the Executive or some other office and that individual was present or officially notified, or
- (C) expulsion of an individual from a committee, the Executive or some other office and that individual was present or officially notified.

- (b) For certainty, any member of the Executive may move a motion made subsection (a) regardless of how they voted on the previous question.
- (c) A motion made under subsection (a) may only be made if there is no other pending question on the floor and must yield the floor to any subsidiary, incidental or privileged motion moved in accordance with this regulation.
- (d) A motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (e) A motion made under subsection (a) may be amended.
- (f) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with this Part if the motion was not approved in accordance with subsection (f).
- (h) A motion made under subsection (a) approved in accordance with subsection (f) serves to rescind or amend the previous decision in the manner and to the extent set out in the motion made under subsection (a).

Motion to reconsider

- 9.3** (a) A member of the Executive may move a motion to reconsider a previous decision provided that
- (i) the member of the Executive moving the motion made this section voted with the prevailing side on the previous question,
 - (ii) if the previous decision related to a subsidiary motion or an incidental motion that was
 - (A) applied to a main motion, that main motion is still pending, or
 - (B) applied to another subsidiary motion or an incidental motion, that other subsidiary motion or an incidental motion is still pending, and
 - (iii) the motion made this section is made on the same day that the previous decision was made.
- (b) For certainty and for purposes of interpreting subsection (a)(i), a member of the Executive voted with the prevailing side of the previous question if that member of the Executive voted

- (i) in favour of approving the previous question and the previous question was approved, or
 - (ii) in opposition to approving the previous question and the previous question was rejected.
- (c) The chairperson must rule as out of order a motion made under subsection (a) where
- (i) the previous decision approved the previous question and the provisions of the previous question have been partly carried out,
 - (ii) the previous decision approved the previous question, the previous question involved a contract and a party to the contract has been notified of the previous decision,
 - (iii) the previous decision caused something to be done that is impossible to undo,
 - (iv) the previous decision was on a motion made under subsection (a), or
 - (v) practically the same result desired can be obtained by some other motion.
- (d) Subject to subsection (e), the making of a motion made under subsection (a) has priority over all other motions but the consideration of a motion made under subsection (a) has the same priority as that of the previous question.
- (e) A motion made under subsection (a) is subject to
- (i) a motion made under
 - (A) section 6.8 to postpone consideration of the motion made under subsection (a) to a specific time,
 - (B) section 6.7 to limit or extend the time to debate the motion made under subsection (a), and
 - (C) section 6.6 to call for the vote on the motion made under subsection (a),if the previous question is a question that this regulation provides may be debated, and
 - (ii) a motion made under section 6.5 to table the motion made under subsection (a).

- (f) If the previous question is a question that this regulation provides may be debated, a motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (g) A motion made under subsection (a) may not be amended.
- (h) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved, regardless of the approval threshold required for the previous question.
- (i) The decision on a motion made under subsection (a) may not be reconsidered in accordance with this Part, except if a motion made under subsection (a) is not approved in accordance with subsection (h), it may be reconsidered as provided in this section with the unanimous consent of all the members of the Executive present.
- (j) A motion made under subsection (a) approved in accordance with subsection (h) serves to bring the previous question back on the floor and the chairperson must immediately open the floor for debate on the previous question, if the previous question is one that this regulation provides may be debated, and thereafter hold a revote on the previous question.

PART 10 - VOTING

General

- 10.1** (a) When the chairperson calls for the vote on a pending question, the chairperson must
- (i) firstly, call for those members of the Executive who are in favour of the question being approved to indicate their approval in the applicable manner,
 - (ii) secondly, call for those members of the Executive who are opposed to the question being approved to indicate their opposition in the applicable manner, and
 - (iii) thirdly, call for those members of the Executive who wish to abstain from the vote to indicate their wish to abstain in the applicable manner.
- (b) Only those members of the Executive in favour of the question being approved and those members of the Executive opposed to the question being approved are to be counted in the vote held on the question to determine whether or not the question is approved or rejected and, for certainty, those members of the Executive who indicate their wish to abstain from the vote must not be included in the counting of the vote.
- (c) After the members of the Executive present have all had an opportunity to vote or indicate their wish to abstain from the vote, the chairperson must rule as to whether or not the question is approved or rejected by the members of the Executive and may indicate so with the words “carried” for an approved motion or “lost” for a rejected motion.
- (d) A vote that results in a tie, with the same number of voting members of the Executive in favour of the question being approved as the number of voting members of the Executive opposed to the question being approved, results in the motion being rejected by the members of the Executive.
- (e) For certainty, the chairperson is not compelled to vote to break a tie vote.
- (f) A member of the Executive may vote against his or her own motion.

Voting on routine business

- 10.2** (a) Where business requiring approval of the Executive is of a routine nature or it is clear to the chairperson that a consensus of all members of the Executive has been reached, subject to subsection (b), the chairperson may waive a formal vote on

that business by asking the members of the Executive if there is any objection to the business being approved.

- (b) If a member of the Executive raises an objection as contemplated in subsection (a), the chairperson must put the matter to a vote of the members of the Executive.

Voice vote

- 10.3**
- (a) If the chairperson calls for a voice vote, a member of the Executive must indicate orally when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
 - (b) The words used by the member of the Executive to indicate their favour or opposition to the motion or their desire to abstain from the vote must be clear and unequivocal and may include such words as “yes”, “no”, “aye”, “nay”, “I approve”, “I object”, “I am in favour”, “I am opposed”, “I abstain” or such other words the member of the Executive chooses that unequivocally expresses their position on the question.
 - (c) The chairperson may call for a voice vote on any motion that requires only a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.

Show of hands vote

- 10.4**
- (a) If the chairperson calls for a vote by show of hands, a member of the Executive must indicate by raising their hand when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
 - (b) For certainty, a member of the Executive may use either their right hand or their left hand to indicate their position on the question.
 - (c) The chairperson may call for a vote by show of hands on any motion which requires a vote to be held.

Ballot vote

- 10.5**
- (a) If a member of the Executive has moved a motion to require a secret ballot vote under section 7.9 and that motion has been approved in accordance with section 7.9(e), the chairperson must conduct that vote by secret ballot under this section.

- (b) If the chairperson conducts a vote by secret ballot, each member of the Executive in attendance at the meeting must indicate by marking on the ballot provided to them by the chairperson in accordance with subsection (c) when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (c) The chairperson must indicate to the members of the Executive the manner in which they must mark their ballot to indicate their position on the question and that manner may include marking an “X” on the ballot beside and in response to questions or statements printed on the ballot or writing “yes”, “no” or “abstain” on the ballot in response to a question posed by the chairperson.
- (d) The chairperson must provide clear and unequivocal instructions to the members of the Executive concerning the proper manner to mark their ballots and what would constitute a spoiled ballot under this section.
- (e) The chairperson may call a short recess to allow for the counting of ballots marked under this section.