

PART XXXIII

COMMITTEES OF THE WHOLE HOUSE

287. Parliament resolves itself into committee - A committee of the whole House shall, where necessary, be appointed by a motion, “That Parliament resolve in itself into a committee of the whole House”, for a purpose specified in the motion.

288. Quorum in committee - A quorum in a committee of the whole House shall consist of the same number of members as is requisite to form a quorum of Parliament.

289. Committee to consider only matters referred - A committee of the whole House may consider such matters only as shall have been referred to it by Parliament.

290. Members may speak more than once in committee - In a committee of the whole House, members may speak more than once to the same question; but when more than one member rises to speak, the Chairman may give preference to a member who has not previously spoken to the same question.

291. Motion or amendment not required to be seconded - A motion or amendment proposed in a committee of the whole House shall not require to be seconded.

292. Committee may not adjourn - A committee of the whole House may not adjourn its own sitting, or the consideration of any matter, to a future sitting.

293. Notice in committee not required - In a committee of the whole House any member may move a motion or amendment relevant to the business of the committee without previous notice.

294. Time limit of speeches in committee - In a committee of the whole House no member shall speak for more than 10 minutes at any one time or more than 3 times on any question before the committee:

- (a) A Minister or member in charge of a Bill, motion or other matter;
or
- (b) A Minister in charge of a class of Estimates, in regard to the number of his speeches.

295. Divisions in committee - Divisions may be called for and shall be taken in committee in the same manner as in Parliament itself.

296. Report - Except as provided under Order 252, when all matters referred to a committee of the whole House have been considered a Minister or member shall move that the resolutions of the committee be reported to Parliament.

297. Report of progress - When consideration of all such matters referred to a committee of the whole House under the provisions of this Part of these Orders has not been completed the Minister or member in charge of the business shall report progress or no progress, as the case may be.

298. Motion to report progress - A motion may be made during the proceedings of a committee of the whole House, “That the committee of the whole House report progress (or no progress)”, as the case may be, which question shall be put forthwith and decided without amendment or debate.

299. Resolutions of committee to be considered by Parliament - The resolutions reported from a committee of the whole House (not being a committee on a Bill) may be agreed to, disagreed to, postponed or recommitted by Parliament upon motion without notice.

300. Rules of debate and conduct of business in committee - Except as otherwise provided by these Orders, the same rules for order in Parliament and putting questions dealing with amendments taking divisions and for regulating debate and the general conduct of business shall be observed in committee as in Parliament itself.

301. Power to send for persons, papers and records - (1) A committee of the whole House shall have power to send for persons, papers and records.

(2) A committee of the whole House may upon motion require any Government department concerned to submit a report explaining any Bill, motion or other matter which may be under consideration or to depute a representative to appear as a witness for the purpose of explaining such Bill, motion or other matter.

PART XXXIV

MONEY GRANTS AND TAXATION

(For restrictions on Parliament proceeding on financial measures see Article 43 of the Constitution)

302. Grant of money dealt with in committee - Parliament shall not proceed upon any Bill or motion for granting money or for releasing or compounding any sum of money owing to the Crown except in a committee of the whole House.

303. Motion for any public aid or charge to be referred to committee - If any motion be made in Parliament for any public aid or charge upon the people, it shall be referred to a committee of the whole House before any resolution or vote of Parliament is taken thereon.

PART XXXV

ESTIMATES AND FINANCIAL PROCEDURE

304. Estimates of Expenditure - The Estimates of Expenditure and the Appropriation Bill shall be introduced in to Parliament on or before the fifteenth day of November in each year.

305. Appropriation Bill - (1) The Appropriation Bill shall contain the estimated financial requirements for expenditure on the revenue account for all the services of Government for the financial year. The details of these financial requirements shall be contained in the draft Estimates of Expenditure and the Financial Statement (Budget) which shall be presented to Parliament following the first reading of the Bill.

(2) The Minister in charge of the Estimates may then move the second reading of the Bill and read the Financial Statement (Budget). Debate thereon shall be confined to the financial and economic state of the Cook Islands and the Government's financial policy.

306. Committee of Supply - (1) When the Appropriation Bill has been read a second time it shall stand committed to a committee of the whole House to be called the Committee of Supply to which the Estimates shall also stand referred.

(2) The Speaker shall preside over the proceedings of the Committee of Supply.

307. Allocation of times for Committee of Supply - (1) *A total of ten sitting days shall be allocated for consideration of the draft Estimates and Appropriation Bill in the Committee of Supply.*

(2) *Before Parliament begins its consideration of the draft Estimates and Appropriation Bill in the Committee of Supply, the Speaker shall allocate and announce to Parliament a limit to the total time that may be spent debating each departmental vote.*

(3) *The Speaker shall allocate the time limit for each departmental vote having regard to -*

(a) *The sum of money allotted to the vote relative to other Departmental votes; and*

(b) *The likely amount of public interest in the department concerned and its vote, relative to other departments and their votes.*

(4) *The Speaker shall ensure that no debate (including speeches) in the Committee of Supply on a departmental vote exceeds the time limit allocated to the vote.*

308. Consideration of departmental votes - (1) The Minister in charge of the Estimates may select the order in which departmental votes of the draft Estimates shall be considered.

(2) The clauses of the Appropriation Bill shall stand postponed until after consideration of any schedule or schedules which there may be to such Bill.

(3) On consideration of the first schedule, the Chairman shall call the title of each department in turn and shall propose the question, "That the sum of ... dollars for the department stand part of the schedule".

(4) Any member may move an amendment to reduce by a dollar or a specified number of dollars the sum to be allotted for any item in a departmental vote.

(5) When several such amendments are proposed to reduce by a dollar or a specified number of dollars the sum to be allotted for any item in a departmental vote.

(6) An increase in the sum allocated for any item in a departmental vote may only be moved by the Minister in charge of the Estimates provided the recommendation of the Queen's Representative has been obtained and transmitted to Parliament pursuant to Article 43 of the Constitution. At least one day's notice of any such amendment shall be required.

(7) An amendment to increase takes priority over any amendment to decrease any item in a departmental vote. If the amendment to increase is carried the amendment to decrease the item lapses.

(8) After an amendment to an item has been disposed of no amendments or debate on a previous item of that departmental vote shall be permitted.

(9) When all amendments in respect of any particular departmental vote have been disposed of, the Chairman shall put the question, “That the sum (or reduced or increased sum) of.... Dollars for the department stand part of the schedule”.

(10) When all departmental votes have been decided the Chairman shall put the question, “That the first schedule (with or without amendments) stand part of the bill”, as the case may be. Any remaining schedules shall then be considered and decided in the same manner.

(11) The Speaker shall then call each clause of the Bill indicating to members any consequential amendments thereto.

309. Bill reported - When the draft Estimates and Appropriation Bill have passed the Committee of Supply the Bill shall be reported and the third reading of the Bill shall be taken forthwith. No debate shall be permitted on the motion for the third reading.

310. Appropriation Bill takes precedence - An Appropriation Bill takes precedence of all other business and until disposed of shall be set down each day as an Order of the Day at the commencement of the next sitting day.

311. Supplementary estimates - If at any time supplementary estimates and a supplementary Appropriation Bill are introduced into Parliament the provisions of Orders 298 to 303 shall apply to the stages and the proceedings on such Bill.

PART XXXVI

INSTRUCTIONS TO COMMITTEES OR HOUSE OF ARIKIS

312. Instructions to a committee or House of Arikis - *Where any matter (whether or not it is a Bill) stands committed to a committee of the whole House or is referred to a select committee or the House of Arikis by Parliament, -*

- (a) Parliament may give instructions that extend or restrict the terms of the committal or reference; and*
- (b) The committee or (as the case may be) the House of Arikis shall follow those instructions when considering the matter.*

313. Effect of an instruction - A committee of the whole House or a select committee may consider only those matters referred to it by Parliament, and where it is desired that a committee shall also consider other matters, an instruction shall be given by Parliament to enable the committee to entertain them.

314. Debate on motion for an instruction limited - Any debate on a motion for an instruction shall be restricted to the subject matter of the motion and shall not extend to the general objects of a Bill or other matter to which the instruction relates.

PART XXXVII

SELECT COMMITTEES

315. Appointment of select committees - Select committees shall be appointed upon *motion with notice in accordance with Order 318:*

Provided, however, that if Parliament, in the course of the proceedings on a Bill or other matter, shall decide to refer the same to a select committee to be then appointed, such notice shall not be necessary.

316. Establishment and life of subject select committees – (1) The Prime Minister, another member who is a Minister, or the Leader of the House, may, in accordance with Order 318, move with notice the appointment of the subject select committees specified in subclause (2) –

- (a) As soon as practicable after this order comes into force; and thereafter;
- (b) As soon as practicable after parliament has completed the proceedings specified in Order 5 following a general election.

(2) The subject select committees, and the subject areas for which each Committee is responsible, are:

- (a) **Commerce Committee:** business development, commerce, communications, consumer affairs, energy, information technology, insurance, and superannuation;
- (b) **Education and Science Committee:** education, industry training, research, science, and technology;
- (c) **Finance and Expenditure Committee:** audit of the Crown's and departmental financial statements, review of departmental performance, Government finance, revenue and taxation;
- (d) **Foreign Affairs, Immigration, and Trade Committee:** customs, defence, disarmament and arms control, foreign affairs, immigration and trade;
- (e) **Land, Local Government, and Cultural Affairs Committee:** land, Outer Islands, local government, culture, language, traditional affairs;
- (f) **Law and Order Committee:** courts, prisons, police.
- (g) **Labour Committee:** labour, employment relations, occupational health and safety;
- (h) **Privileges Committee:** powers privileges, and immunities of Parliament and its members;
- (i) **Social Services, Health, and Environment Committee:** housing, senior citizens, social welfare, work and income support, public health, environment, conservation.

A select committee appointed by motion under this Order continues in existence until the Parliament in which it is appointed is dissolved, unless Parliament provides otherwise.

317. Committee to consist of not less than five nor more than seven members
- No select committee shall consist of less than 5 nor more than 7 members without leave of Parliament.

318. Mode of appointment and nomination - (1) No person other than the Prime Minister, another member who is a Minister, or the Leader of the House may move for appointment of a select committee, or for the discharge of members from a select committee, or for the adding of members to a select committee.

(2) *When giving notice of a motion for the appointment of a select committee, the mover of the motion shall specify the name of the proposed Chairman and the names of other proposed members of the committee.*

(3) *When giving notice of a motion for the discharge of members from, or adding of members to, a select committee, the mover of the motion shall specify the names of members proposed to be discharged or added.*

319. Members discharged and added - Members may be discharged from attending a committee and others appointed, upon motion with notice.

320. Speaker - Except with *his* consent the Speaker shall not be chosen to serve on a select committee and in the case of a Speaker who is not an elected member of Parliament the Speaker shall not have a vote.

321. No interested member to be on a committee - No member may sit on a committee if he is personally interested in the inquiry before such committee.

322. Member absent for more than three meetings - If any member of a select committee has absented himself without leave of absence of the committee or, in the opinion of the remaining members of the committee, without good cause, for more than 3 consecutive meetings of such committee, that member shall be deemed to have forfeited his seat on the committee and election to the vacancy so created may be made at the ensuing sitting of Parliament.

323. Up-to-date lists of members of committees to be circulated - (1) *The Clerk shall maintain an up-to-date list of members serving on each select committee.*

(2) *Whenever a select committee is appointed or its membership changes, the Clerk shall -*

- (a) *Circulate an up-to-date list of the committee's members among all members of Parliament; and*
- (b) *Place the list on a notice board in the precincts of Parliament (replacing outdated lists, if any); and*
- (c) *Cause the list to be published in a newspaper of general circulation in the Cook Islands.*

(3) *Without limiting subclause (2), at least once every calendar year the Clerk shall circulate an up-to-date list of each committee's members among all members of Parliament and cause the list to be published in a newspaper of general circulation in the Cook Islands.*

324. Time, place, and notice of meetings - (1) *The Chairman of each select committee shall, in consultation with the Clerk, arrange the time and place for each meeting of the committee.*

(2) *The Clerk shall give every member of the committee at least two working days' written notice of each meeting of the committee.*

(3) *The Clerk shall give each witness summoned to a meeting of the committee at least two working days' written notice of the meeting.*

325. Names of members present - The names of the members present each day on the sitting of any select committee shall be entered in the Minutes of the proceedings of the committee.

326. Select committee may adjourn - A select committee may adjourn from time to time and from place to place as circumstances require.

327. Not to sit during sitting of Parliament - Unless Parliament otherwise directs, no select committee shall sit during the sitting of Parliament.

328. Select committee may elect temporary Chairman - *A select committee may elect one of its members to act as Chairman pro tempore in the absence of the Chairman appointed by motion of Parliament.*

329. Chairman to have deliberative and casting vote - The Chairman of a select committee (except in the case of a Speaker who is not an elected member of Parliament) shall have a deliberative as well as a casting vote.

330. Quorum of select committee - The quorum of a select committee shall, unless otherwise ordered, consist of three members *including, for the avoidance of doubt, the Chairman*).

331. Absence of quorum at time of meeting - If after the lapse of 15 minutes from the time appointed for the meeting of a select committee there is not a quorum, the members present may retire, and their names shall be entered on the Minutes, and the Clerk shall as soon as practicable issue notices for the convening of the next meeting, subject to the direction of the Chairman.

332. Absence of quorum during sitting - If at any time during the sitting of a select committee a quorum be not present the proceedings of the committee shall be suspended until a quorum be present, and if no quorum be present within such time as the members present may think reasonable, or in any case after the expiration of 15 minutes, the committee shall stand adjourned until some future time to be fixed by the Chairman.

333. Motion or amendment does not require to be seconded - A motion or amendment proposed in a select committee shall not require to be seconded.

334. Divisions to be entered in Minutes - In the event of any division taking place in any select committee, the question proposed, the name of the proposer and respective votes thereupon of each member present shall be entered in the Minutes of the proceedings of the committee and such Minutes shall, when Parliament orders or the committee so directs, be reported to Parliament in the report of such committee.

335. Power to send for persons, papers and records - (1) All select committees shall have power to send for persons, papers and records.

(2) When a member or petitioner desires that a witness or witnesses be examined before a select committee, he shall deliver to the Committee Clerk at least seven days before the examination is to be held a notice in writing containing the name, residence, and occupation of the witness or witnesses. The Committee Clerk shall then summon every such witness on behalf of the committee.

(3) Any select committee may upon motion require any Government department concerned to submit a report explaining any Bill, motion or other matter which

may be under consideration or to depute a representative to appear as a witness for the purpose of explaining such Bill, motion, or other matter.

336. Allowances may be paid to witnesses - The Clerk may authorise the payment of an allowance and travelling expenses to any person appearing as a witness before a select committee at the same rate as would be payable to such person if he were a witness attending a court of law.

337. When members of Parliament and strangers may be present - *(1) Subject to Order 340, any member of Parliament or stranger may attend the proceedings of a select committee, but shall have no part therein, and shall withdraw when the committee is deliberating or voting on any matter.*

(2) A person who attends the proceedings of a select committee under subclause (1) must dress reasonably well.

(3) The Chairman of a select committee may at any time order any person (not being a member of the Committee) whose conduct is disorderly to withdraw from the committee's proceedings. Subsequently, the Chairman may eject the person from its proceedings, enlisting the assistance of the Clerk and the Police if necessary.

338. Special provisions for media representatives - *(1) Notwithstanding Order 337, no media representative may attend the proceedings of a select committee unless the representative identifies himself or herself and the media represented to the Chairman of the committee before attending the proceedings.*

(2) If the media represented publishes a report of the proceedings, or evidence taken at the proceedings, that, in the opinion of the Chairman supported by a resolution of the committee is inaccurate or unfair, the Chairman shall order the media representative concerned to withdraw from further proceedings of the committee for a specified period not exceeding three months.

339. Admission of strangers - A select committee may admit or exclude strangers at its pleasure, but shall always exclude them when deliberating.

340. Secret Committees - *(1) Parliament may direct that any select committee be a Secret Committee.*

(2) No strangers, or members not being members of the committee, shall be admitted at any time to a Secret Committee, except such witnesses and other persons necessary to the proceedings of such committee.

341. Evidence before Secret Committee - The evidence taken before any Secret Committee or any other document presented to such committee shall not be published or divulged by any member of the committee or by any other persons, except that the findings or recommendations thereupon may be published in the report of that committee.

342. Evidence of select committee may be recorded and reported - *(1) The evidence given before a select committee may, by resolution of the committee, be recorded verbatim and reported to Parliament when the report of the committee is brought up.*

(2) The evidence of any witness may be taken down and shall if recorded verbatim be sent in proof to the witness. The witness shall be at liberty within seven days from that on which the Clerk sent out the proof to suggest corrections due to inaccurate

reporting and the evidence shall be printed with such corrections as may be approved by the Chairman.

(3) The select committee may of its discretion refuse to hear any irrelevant evidence or any recalcitrant witness.

343. Examination of witnesses - The examination of witnesses before every select committee shall be conducted as follows:

- (a) The Chairman shall first put to the witness, in an uninterrupted series, all such Questions as he may deem essential, according to the mode of procedure agreed to by the committee;
 - (b) The chairman shall then call on the other members severally by name to put any other questions; and
- If the evidence is recorded, the name of every member so interrogating a witness shall be noted and prefixed to the questions asked.

344. Evidence may be published and divulged - *Subject to Orders 341 and 345, any person (including a member of the committee) may publish or divulge the proceedings of, or evidence taken by, or the report of, a select committee.*

345. Committee may prohibit publication and divulgence - (1) *A select committee may, by resolution, direct that all or a specified part of the proceedings of, evidence taken by, or report of, the committee must not be published or divulged by any person before the report of the committee is presented to Parliament.*

(2) *No member of the committee or other person may publish or divulge any proceedings, evidence, or report, or specified parts thereof, in breach of a direction made under subclause (1).*

(3) *Nothing in subclause (2) applies to an officer of the Public Service, who has given evidence to the committee on behalf of his or her department, communicating the text of such evidence to other officers of that department.*

346. Divulging proceedings or evidence a breach of privilege - Any person committing a breach of *Order 341 or 345(2)* shall be deemed guilty of a breach of privilege, and may be dealt with by Parliament accordingly.

347. Proof copies of evidence to members only - Proof copies of any evidence given before a select committee may be distributed to members of the committee only.

348. Committee to report charges to Parliament - If any information shall come before any select committee charging any member of Parliament the committee ought only to report the same to Parliament, but may not proceed further upon any such information.

349. Committee may report from time to time - If Parliament shall so direct a select committee may report its opinions or observations from time to time or report the minutes of evidence only, or proceedings from time to time.

350. When day fixed for presentation of report - (1) When, on the appointment of a select committee or the reference of any matter to a select committee, a day shall be fixed for the presentation of its report to Parliament, the final report shall be presented on or before that day, unless further time be moved for and granted.

(2) *Subclause (1) is subject to Orders 260 and 261.*

351. Chairman to prepare report - It shall be the duty of the Chairman of every select committee to prepare a draft report.

352. Consideration of draft report - (1) The Chairman shall read to the select committee, at a meeting convened for the purpose, the whole of his draft report, which may at once be considered, but if desired by any member of the committee it shall be printed and circulated amongst the committee and a subsequent day fixed for its consideration.

(2) In considering the report, the Chairman shall read it paragraph by paragraph, proposing the question to the committee at the end of each paragraph, "That the paragraph stand part of the report", and a member objecting to any portion of the report shall move his amendment at the time the paragraph he wishes to amend is under consideration, but no protest or dissent may be added to the report.

353. Alternative draft report - If any member, other than the Chairman, submits a draft report to the committee, the committee shall decide upon which report it will proceed.

354. Reconsideration of draft report - After the draft report has been considered, the whole or any paragraph thereof may be reconsidered and amended.

355. Report to be signed and presented by Chairman - The report of a select committee as agreed to by the committee shall be signed by the Chairman, on behalf of the committee, or, in the absence of the Chairman, by some other member appointed by the committee; and shall be presented to Parliament by the Chairman or some other member of the committee authorised by the Chairman or the committee in that behalf.

356. Select committee may not submit minority report - It shall not be competent for a select committee to present a minority report to Parliament.

357. Powers of select committee limited to reporting to Parliament - Select committees have only power to report their opinions to Parliament, but in any debate thereon the Chairman of the select committee reporting shall be answerable to Parliament. If a committee desires that the Government should take action in any matter connected with its proceedings or on its report, the committee shall instruct the Chairman to move in Parliament to that effect.

358. Conduct of proceedings of a select committee - In cases not provided for in this Part of these Orders the proceedings of a select committee shall be conducted as nearly as possible in the same manner as the proceedings of a committee of the whole House.

PART XXXVIII

STANDING COMMITTEES

359. Government Caucus Committee - (1) *This subclause establishes a committee of Parliament for the duration of each Parliament to be called the Government Caucus Committee.*

(2) *Each Government Caucus Committee shall consist of a Chairman, being the Prime Minister for the time being, and other members, being members of Parliament for the time being, and other members, being members of Parliament for the time being supporting the Government.*

(3) *Each committee shall –*

(a) *Determine the business of Parliament for each sitting day and the order in which it shall be taken;*

(b) *Consider and report on any Bill referred to it under Order 234 or 284;*

(c) *Perform such other functions as Parliament may from time to time refer to it.*

(4) *The power in subclause (3)(a) is subject to -*

(a) *part XVII of these Orders; and*

(b) *The power of the Speaker to determine which matters may properly be introduced into Parliament.*

(5) *Except for Orders 315 to 322, and 328, every order that applies to a select committee shall, unless the context otherwise requires, apply to a Government Caucus Committee as if it were a select committee.*

(6) *A Government Caucus Committee may elect a Minister to act as Chairman pro tempore in the absence of the Prime Minister.*

(7) *The first Government Caucus Committee shall be dissolved with Parliament is dissolved. Each subsequent Government Caucus Committee comes into being immediately after the completion of the proceedings specified in Order 5 following a general election, and shall similarly be dissolved when Parliament is dissolved.*

(8) *The membership of a Government Caucus Committee changes in accordance with subclause (2) when there is a change of Prime Minister or a change in the Members of Parliament supporting the Government.*

360. Standing Orders Committee - (1) There shall be a standing select committee to be known as the Standing Orders Committee to consist of the Speaker as Chairman, the Deputy Speaker (who shall act as Chairman in the absence of the Speaker), the Prime Minister, two other Ministers, and two other members (not being Ministers) which shall be appointed upon motion as soon as may be after the commencement of each new Parliament. Four shall be a quorum.

(2) It shall be the duty of the committee to consider from time to time and report to Parliament on any proposal for the amendment of these Standing Orders which may be referred to it under Order 112, and on all matters relating to these Orders which may be referred to it by Parliament.

361. Bills Committee - (1) There shall be a standing select committee to be known as the Bills Committee to consist of the Prime Minister as Chairman, two other Ministers and two other members (not being Ministers) which shall be appointed upon motion as soon as may be after the commencement of each new Parliament. Three shall be a quorum.

(2) It shall be the duty of the committee to consider all Bills referred to it under the provisions of Orders 259 and 285 and report its opinion from time to time to Parliament.

PART XXXIX WITNESSES

362. Summoning of witnesses - Witnesses, not being Ministers or members, shall be ordered to attend before Parliament, or a committee of the whole House, by summons under the hand of the Clerk, or before a select committee.

363. Recusant witness - If a witness fails or refuses to attend or to give evidence before Parliament or any committee thereof, Parliament on being acquainted therewith, shall deal with the matter, and such witness may be adjudged by Parliament, on motion after notice, guilty of contempt, and dealt with accordingly.

364. Summoning of Ministers and members - (1) When the attendance of a Minister or a member is ordered by Parliament for examination by Parliament, or a committee of the whole House, he shall be summoned by the Speaker.

(2) If a select committee desires the attendance of a Minister or a member as a witness, the Chairman of the committee shall in writing request him to attend.

365. Recusant Minister or member - If a Minister or a member fails or refuses to give evidence before a committee as a witness to the committee, the committee shall report the matter to Parliament and not again summon such member to attend the committee.

366. Witnesses may be represented by counsel - *Any witness may be represented by legal counsel when attending to give evidence before Parliament, a committee of the whole House, or a select committee.*

367. Committee not to entertain charges against Ministers or Members - If any information comes before any committee that charges any Minister or member of Parliament the committee shall only direct that Parliament be acquainted with the matter of such information, without proceedings further thereon.

368. When intended witness in prison - When a witness is in the custody of the keeper of any prison, such keeper may be ordered to bring the prisoner in safe custody for examination before Parliament, a committee of the whole House or a select committee, and from time to time as often as his attendance is thought necessary; and the Speaker shall issue a warrant accordingly.

369. Witnesses entitled to protection - All witnesses examined before Parliament or any committee thereof shall be entitled to the protection of Parliament pursuant to Article 36 of the Constitution in respect of anything that may be said by them in respect of their evidence.

370. Witnesses before Parliament examined by Speaker - When a witness appears before Parliament he shall be examined by the Speaker, and any questions addressed by members shall be put through the Speaker.

371. Witnesses before any committee examined by members - In a committee of the whole House or a select committee, any member may put questions direct to the witness.

372. Witness withdraws if question objected to - If any question be objected to by another member, or other matter arise, the witness shall withdraw while the same is under discussion.

373. Officers not to give evidence without permission - No officer of Parliament, or shorthand writer employed to take minutes of evidence before Parliament or any committee thereof, may give evidence elsewhere in respect of any proceedings or examination of any witness without permission of the Speaker or the Chairman, as the case may be.

374. Tampering with witness - Any person who tampers with any witness in respect of his evidence before Parliament or any committee thereof, or directly or indirectly endeavours to deter or hinder any person from appearing or giving evidence before Parliament or any committee thereof, may, on motion after notice, be adjudged by Parliament guilty of contempt, and dealt with accordingly.

PART XL STRANGERS

375. Admission of strangers into Parliament - *Subject to the following Orders in this Part of these orders, and Order 338, no stranger may enter Parliament except with the permission of the Speaker, the Clerk, or a person authorised by either to grant such permission.*

376. When strangers may attend sitting of Parliament or whole House – (1) *Any stranger who is reasonably well-dressed may attend a sitting of Parliament or a committee of the whole House.*

(2) *A stranger who attends a sitting must sit or stand in the part of Parliament or the gallery designated for the public by the Speaker.*

377. Special provisions for media representatives – (1) *Notwithstanding Order 364A, no media representative may attend a sitting of Parliament or a committee of the whole House unless he or she (at any time before attending the sitting) identifies himself or herself and the media represented to the Speaker.*

(2) *If the media represented at a sitting publishes a report of the proceedings of or evidence taken at the sitting, that, in the opinion of the Speaker supported by a resolution of Parliament is inaccurate or unfair, the Speaker shall order the media representative to withdraw from Parliament for a specified period not exceeding six months.*

378. Strangers may be ordered by Parliament to withdraw from sitting - (1) If at a sitting of Parliament or in a committee of the whole House, any member brings to the notice of Parliament or of the committee the desirability for the exclusion of strangers, the Speaker shall forthwith put the question, “That strangers do withdraw”, without debate or amendment.

(2) If Parliament answers the question in the affirmative, the Speaker shall order strangers to withdraw from the sitting to give effect to that resolution.

379. Speaker may order strangers to withdraw from Parliament – (1) The Speaker may at any time in his own discretion order any stranger to withdraw from any part of Parliament -

(a) To give effect to a resolution of Parliament made under Order 379; or

(b) To prevent or curb disorderly conduct by the stranger.

(2) Subclause (1) does not apply to a stranger attending the proceedings of a select committee.

380. Broadcasting of proceedings to be discontinued - The broadcasting of proceedings shall be discontinued during any period for which strangers have been excluded under Order 379.

381. No member to bring a stranger into members' parts of Parliament - No member shall bring any stranger into any part of Parliament or gallery appropriated to the members while Parliament or a committee of the whole House is sitting.

382. Representative of newspaper or journal may attend sittings - The representative of any newspaper or journal may receive a general authority from the Speaker to attend sittings of Parliament or a committee of the whole House.

Provided that if the newspaper or journal publishes a report of the proceedings which the Speaker considers inaccurate, unfair, or improper or, if in the opinion of the Speaker the representative behaves in an unseemly manner within the precincts of Parliament, such permission may be revoked.

PART XLI PRIVILEGE

(For the Privileges of Parliament see Article 36 of the Constitution and the Legislative Assembly Powers and Privileges Act 1967)

383. Employment of member in professional capacity - No member shall appear before Parliament or any committee thereof as counsel for any party or in any capacity for which he is to receive a fee or reward in any matter to be deliberated by Parliament or the committee.

384. Parliament may adjudge person disobeying order guilty of contempt - Parliament may, on motion without notice, adjudge guilty of contempt any person, whether a member or not, who wilfully disobeys any lawful order of Parliament or who commits any breach of the privileges of Parliament, whether or not such privileges be set out in these Orders or held according to the law and usage of Parliament or otherwise howsoever.

PART XLII BROADCASTING

385. Broadcasting of proceedings - Proceedings of Parliament and a committee of the whole House, shall be broadcasting during all hours of sitting prescribed by Order 54 and during such other periods as may be determined by the Prime Minister.

386. Suspension of broadcasting - When strangers are excluded under Order 379(1) or at any other time when a direction may be given to suspend the broadcasting or proceedings during the sitting of Parliament or a committee of the whole House the Speaker shall announce on the air, "That the proceedings will no longer be broadcast until further notice". The Clerk shall then immediately notify the controlling operator.

387. Resumption of broadcasting of proceedings - The Speaker shall give suitable warning to Parliament or the committee of the whole House when the broadcasting of proceedings is to be commenced again and the Clerk shall then instruct the controlling operator accordingly.

PART XLIII BALLOTING

388. When ballot taken - A ballot shall be taken whenever Parliament thinks fit.

389. Bells rung prior to ballot - Before Parliament proceeds to any ballot, the bells shall be rung as in a division.

390. Manner of taking ballot - Unless otherwise expressly provided in these Orders, a ballot shall be taken in the following manner:

- (a) Each member shall present to the Clerk a folded ballot paper with the names of such members written thereon as he may think fit and proper to be chosen at such ballot;
- (b) If any ballot paper contains a larger or lesser number of names than are to be chosen it shall be void and rejected;
- (c) When all the ballot papers have been collected, they shall be counted at the Table by the Clerk and two persons nominated as scrutineers by the Speaker;
- (d) The Clerk shall then report to the Speaker the names of the members having the greatest number of votes, which members shall be declared to be chosen;
- (e) Where at any ballot among two or more candidates there is an equality of votes and one or more of those members are to be excluded, then the names of the members concerned shall be submitted to a further ballot;
- (f) In the event of the votes being equal after a second ballot the result shall be determined by lot which shall be drawn in such manner as the Clerk shall decide;
- (g) As the ballot papers are counted they shall be placed in a box and when the ballot has been completed the box shall be sealed in the presence of Parliament and kept in the custody of the Clerk until the adjournment of the sitting, when the Clerk shall burn the ballot papers.

PART XLIV TIME LIMIT OF SPEECHES

391. Table showing time limit of speeches - (1) The following table sets out the time limit in minutes for speeches in Parliament or in any committee of the whole House, including the translation thereof, and whether elsewhere specified in these Orders or not. The number in the margin refers to the particular Standing Order:

IN PARLIAMENT

	Order	Subject				Time
26.	<i>Address in Reply:</i>					
	All members	..	..	..	..	30
-	<i>Consideration of Papers:</i>					
	Each member	..	..	..	..	15
7	<i>Election of Speaker</i>	..	..	..	..	5
14	<i>Election of Deputy Speaker</i>	..	..	..	..	5
-	<i>Financial Debate (no limitation on Minister delivering Financial Statement)</i>				..	20
	<i>Motions and amendments not otherwise expressly provided for.</i>	..	..	..	..	20
61.	<i>Motion for adjournment to discuss matter of urgent public importance:</i>					
	Mover	..	..	..	..	20
	Minister first speaking			..	..	20
	Other Ministers and members				..	10
62.	<i>Motion for 12.30 p.m. adjournment on Friday:</i>					
	Each member	..	..	..	..	10
90.	<i>Personal explanation:</i>					
	Each member	..	..	..	..	15

IN COMMITTEE OF WHOLE HOUSE

- *On the Short Title, clause or schedule of a Bill, or any amendment thereto:*
Each member, 3 speeches 10
- *Motion to reduce vote in Estimates:*

	Each member, 3 speeches	..	..	10
-	<i>Any other question:</i>			
	Each member, 3 speeches	..	..	10

Exceptions: These limitations in committee shall not apply to:

- (a) A Minister or member in charge of a Bill, motion or other matter;
- (b) A Minister in charge of a class of the Estimates in regard to the number of his speeches.

A warning bell shall be rung by the Clerk two minutes before the time limits shown in paragraph (1) of this Order and no extension of time of any member's speech shall be granted unless agreed to without a dissentient voice.

392. Extension of time limit of member's speech - Unless Parliament or the committee of the whole House shall otherwise decide no extension of the time limit of a member's speech shall exceed half of the original period allowed to the member under these Orders.

PART XLV CODE OF CONDUCT FOR MEMBERS

393. Statement of Intent – *It is the personal responsibility of every Member to maintain the highest standards of ethical behaviour to protect and maintain integrity of Parliament and to make every endeavour to uphold the principles of the Constitution.*

The following principles are intended to provide guidance to, and standards against which each Member, individually and collectively should discharge their duties and responsibilities.

394. The Principles – (1) *Loyalty to the nation and its people: Every member shall uphold the contents of the Oath of Allegiance at all time and maintain the dignity and integrity of the Cook Islands; its institution and its people.*

(2) *Respect for the Law: Every member shall uphold the laws of the Cook Islands and safeguard the principles contained in the Constitution.*

(3) *Respect for all Persons: Every member shall treat other members, the public and officials with respect and dignity, honestly, fairly, and acting with integrity at all times.*

(4) *Proper Exercise of Power: Every member shall -*

- (a) *Arrange their private affairs;*
- (b) *use any and all information obtained from their public office; and*
- (c) *Exercise any influence or authority obtained from Public Office only to advance the public interest and where any potential and actual conflict of interest arises whether in the member's private, financial, pecuniary or any interest the member shall be required to declare that interest and take any steps to remove the conflict or withdraw from the particular process of transaction.*

395. *Special Requirements for Ministers and Other Officeholders – Every member who holds parliamentary office of any kind is required to adhere strictly to the principles outlined above and shall not under any circumstances undertake any decision or exert influence in any form whatsoever in respect of a matter in which the Member will derive personal gain or benefit.*

396. *Sanctions – Breaches of this Code maybe dealt with by the Privileges Committee or as determined by Parliament.*

PART XLVI

CONVENTION TO STANDING ORDERS

397. *Convention to Standing Orders - Whenever a motion to suspend Standing Orders is moved and passed, the Speaker shall take cognizance of the following conventions and restrictions:-*

- (1) *No motion to prohibit debate on the motion being moved and seconded shall be accepted by the Speaker;***
- (2) *No motion to stop debate in the Committee of Supply of any Appropriation Bill shall be moved before the 10 days period provided for such debate has expired;***
- (3) *No motion of confidence or no confidence shall be moved and seconded unless 6 months has expired after the previous one had been tabled in Parliament and the following conditions to apply:***
 - (a) *A Minister must attach his written resignation with the motion***
 - (b) *two weeks notice must be lodged with the Speaker before such a motion can be moved and seconded***
 - (c) *Such notice shall be placed on the Order Paper***

398. *Repeal - The Standing Orders heretofore in force are hereby repealed.*
