

# Standing Orders

of the

Parliament

of the

Cook Islands

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## PART I

### INTRODUCTORY

**1. Standing Orders** – These Standing Orders of the Parliament of the Cook Islands are made pursuant to Article 34 (5) of the Constitution.

**2. General rule for conduct of business** - In all cases not provided for hereinafter, or by other rules or practice of Parliament, resort shall be had to the practice of the House of Representatives of New Zealand and the Commons House of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force for the time being, which shall be followed as far as it can be applied.

**3. Interpretation** - In these Orders, unless the context otherwise requires:  
“Bill” means a draft Act which, when it has passed through its various stages in Parliament and has been assented to, will become an Act or statute:  
“Chairman” means the Chairman of a committee of the whole House or a select committee of the Parliament:  
“Chamber” means the “Parliament Chamber”, being the place where the Parliament meets from time to time pursuant to Article 29 of the Constitution:  
“Clerk” means the Clerk of Parliament or if he is absent, or if the office is vacant, the Clerk-Assistant or other person for the time being performing the duties of the Clerk pursuant to these Orders:

“Clerk-Assistant” means the Clerk-Assistant of Parliament, or if he is performing the duties of the Clerk, or if he is absent, or if the office is vacant, the person for the time being performing the duties of the Clerk-Assistant pursuant to these Orders or by direction of the Speaker:

“Committee” means a standing, select or other committee of Parliament and includes a committee of the whole House:

“Constitution” means the Constitution of the Cook Islands; and includes any amendment thereto:

***“Enactment” has the meaning given to it by Article 1(1) of the Constitution:***

“Executive Council” means the Executive Council established pursuant to Article 22 of the Constitution:

“Floor of the Parliament” means the floor area of the Parliament Chamber from a line at the rear of the Speaker’s dais to a parallel line through the rear of the seat or table of any Member at the farthest point from the Speaker’s dais and shall include all floor area between and any Minister’s reserved area provided for under Order 36:

“Government Bill” means a Public Bill introduced to Parliament by a Minister:

***“Leader of the House” means the member for the time being appointed Leader of House under the Civil List Act 1984:***

“Leave” or “leave of the Parliament” or “leave of the committee” means leave granted without a dissentient voice:

“Maori language” means the Maori language as spoken in Rarotonga:

***“Media representative” means a person who represents any newspaper, journal, broadcaster, or company or other person disseminating information in any manner or form to the public:***

“Meeting” means any sitting or sittings of Parliament commencing when Parliament first meets after being summoned at any time and terminating when the Parliament is adjourned sine die and at the conclusion of the session:

“Member” means a member of the Parliament elected pursuant to Article 27 of the Constitution:

“Minister” means a member of the Cabinet of Ministers:

“Order” or “Orders” means these Standing Orders:

“Order of the day” means a Bill or other matter which the Parliament has appointed or ordered to be taken into consideration or done on a particular day or at a particular time:

“Paper” means any paper, report, account, return, statement or other document which is ordinarily laid on the Table at the time appointed by Order 64 for presentation of papers:

“Parliament” means the Parliament of the Cook Islands constituted by Part III of the Constitution:

***“Part” means a Part of these Standing Orders:***

***“Publish” includes broadcast:***

“Precincts of Parliament” means the Chamber and offices of Parliament and places provided for the use of accommodation of strangers, members of the public or representatives of the press and includes, while Parliament is

sitting, and subject to any exceptions made by direction of the Speaker, the entire building in which the Chamber is situated and any enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of Parliament:

“Private Bill” means a Bill which, not being a Public Bill, is designed for the particular interest or benefit of a person, or body of persons whether incorporated or not:

“Private member” means any member who is not a Minister:

“Private member’s Bill” means a Public Bill introduced to Parliament by a private member:

“Public Bill” means a Bill relating to matters of public policy:

“Queen’s Representative” means the Queen’s Representative in the Cook Islands appointed pursuant to Article 3 of the Constitution; and includes any person performing the functions of the Queen’s Representative pursuant to Article 7 of the Constitution:

***“Select Committee” means a select committee of Parliament, and includes a standing select committee:***

“Session” means the period commencing when Parliament first meets after its prorogation or dissolution and terminating when parliament is prorogued or dissolved without having been prorogued:

“Sitting” means a period during which Parliament is sitting continuously without adjournment; and includes any period during which Parliament is in committee:

“Speaker” includes the Deputy Speaker or other member presiding at a sitting:

“Stranger” means any person who is not a member or officer of Parliament:

“Table” means the Table of Parliament:

“Written” and “in writing” mean written by hand, type-written, duplicated, or printed, or partly one and partly one or more of the other.

**4. Suspension of Standing Orders** - (1) Any Standing Order or other rule of Parliament may be suspended wholly or in part on motion, with or without notice.

(2) Such motion shall not interrupt any debate and shall state the object of, or reason for the proposed suspension, and no amendment may be moved to such motion.

(3) The suspension of any Standing Order or other rule of Parliament is limited in its operation to the particular purpose for which such suspension has been sought.

## PART II MEETING OF NEW PARLIAMENT

**5. Proceedings at meeting of new Parliament** – On the first day of the meeting of a new Parliament for the despatch of business after a general election, members having met at the time and place appointed, the following business shall be transacted:

- (a) The Clerk shall read the notice summoning the new Parliament together;
- (b) A list of the names of the members elected to serve in Parliament shall then be read by the Clerk and laid on the Table;
- (c) Parliament shall then elect a Speaker in the manner prescribed in Part III of these Orders;
- (d) The Speaker when elected shall present himself to the Queen's Representative to take and subscribe the Oath of Allegiance pursuant to Article 31(3) of the Constitution and lay claim to the privileges of Parliament as provided under Order 11;
- (e) The Speaker shall thereupon return to Parliament and report as provided by Order 12;
- (f) The members shall then be called in alphabetical order to take the Oath of Allegiance before the Speaker pursuant to Article 30 of the Constitution;
- (g) Parliament may then proceed to elect a Deputy Speaker in the manner prescribed in Part IV of these Orders, after which it shall adjourn.

### **PART III ELECTION OF SPEAKER**

**6. Clerk to act as Chairman** - For the purpose of the election of a Speaker the Clerk shall act as Chairman, and in any debate at such election shall decide *the order in which members are entitled to speak, and shall call each member in turn for this purpose.*

**7. Time limit of speech** - The speech of any member in any debate at such election shall be relevant to the question of election and shall not exceed five minutes.

**8. A member or person proposed** – (1) Whenever there is a vacancy in the office of Speaker whether as a result of a dissolution or otherwise, Parliament shall as soon as a quorum is present proceed to elect a Speaker pursuant to Article 31 of the Constitution.

(2) Any member, having first ascertained that the member or person to be proposed is willing to serve if elected, may, addressing himself to the Clerk, propose some other member (not being a Minister) or any person who is qualified for election as a member, by moving “That (naming the member or other person)... do take the Chair of this Parliament as Speaker”, which motion shall be seconded.

(3) If only one member or person is so proposed he shall be declared by the Clerk to have been elected.

(4) The Clerk shall then call upon the Speaker-elect to take the Chair.

(5) The Speaker-elect having been congratulated by members, shall then suspend the sitting for such period as will enable him to attend upon the Queen's Representative.

**9. Two or more members or persons proposed** - (1) If two or more members or persons are proposed as Speaker, the Clerk shall, after the second proposal and after each subsequent proposal (if any) is made and seconded, ask "Is there any further proposal?", and if there is no further proposal, the Clerk shall say "The time for proposals has expired".

(2) When the time for proposals has expired debate may ensue, but there shall be no right of reply.

**10. Election of Speaker by ballot** - (1) If more than one candidate is proposed as Speaker, Parliament shall proceed to elect a Speaker by ballot.

(2) For the purpose of a ballot an officer of Parliament shall give to each member present a ballot paper on which the member may write the name of the candidate for whom he wishes to vote. Each ballot paper shall be folded so that the name written thereon shall not be seen.

(3) The ballot papers shall be collected by an officer of Parliament and counted at the Table by the Clerk and two scrutineers chosen by the Clerk from among the members present. The Clerk shall then declare the result.

(4) When more than two candidates have been proposed, and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates, as the case may be.

(5) Where at any ballot among three or more candidates two or more obtain an equal number of votes, and one of them has to be excluded from the election as provided by paragraph (4) of this Order, the determination of the candidate to be excluded shall be by lot which shall be drawn in such a manner as the Clerk shall decide.

(6) Where at any ballot between two candidates the votes are equal, another ballot shall be held. In the event of the votes still being equal after a second ballot the election shall be determined by lot which shall be drawn in such a manner as the Clerk shall decide.

(7) As the ballot papers are counted they shall be placed in a box and when a candidate has been declared elected as Speaker, 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.

(8) The Clerk having declared the member or person elected shall then call upon the Speaker-elect to take the Chair, and the same procedure shall thereafter be followed as in the case of an uncontested election.

**11. Speaker-elect presents himself to the Queen's Representative** - (1) As soon as possible after his election the Speaker-elect, accompanied by his proposer and

seconder and other members, shall present himself to the Queen's Representative and shall take and subscribe the Oath of Allegiance.

(2) The Speaker shall then, on behalf of Parliament, lay claim to all its privileges, and especially to freedom of speech in debate, and to free access to His Excellency whenever occasion may require it, and that the most favourable construction may be put on all its proceedings.

**12. Speaker reports his attendance on Queen's Representative** – Parliament having resumed, the Speaker shall report that he had taken and subscribed the Oath of Allegiance before the Queen's Representative and that on behalf of Parliament he had laid claim to all its privileges, and that His Excellency on behalf of the Queen had been pleased to confirm the same.

## **PART IV ELECTION OF DEPUTY SPEAKER**

**13. Deputy Speaker may be elected** - At the commencement of a new Parliament, or whenever the office of Deputy Speaker becomes vacant, Parliament may elect a member, not being the Speaker or a Minister, to be Deputy Speaker.

**14. Time limit of speech** - The speech of any member in any debate at such election shall be relevant to the question of election and shall not exceed five minutes.

**15. Member proposed and appointed by motion** - (1) Any member, having first ascertained that the member to be proposed is willing to serve if elected, may move without notice, that a member be appointed Deputy Speaker, which motion shall be seconded.

(2) If only one member is proposed the Speaker shall, without question put, declare the member named in the motion which has been moved and seconded to have been appointed Deputy Speaker.

**16. Two or more members proposed** - (1) If more than one motion for the appointment of Deputy Speaker is moved and seconded, the Speaker shall, after the second motion, and after each subsequent motion (if any), ask if there is any further motion, and if there is not, shall say that the time for motions has expired.

(2) When the time for motions has expired, debate may ensue, but there shall be no right of reply.

**17. Election by ballot** - (1) If two or more motions for the appointment of Deputy Speaker are moved and seconded the election shall be conducted by ballot in a similar manner to the election of the Speaker as provided in paragraphs (2) to (7) inclusive of Order 10.

(2) When the result of the ballot is announced by the Clerk the Speaker shall declare the successful candidate to be appointed as the Deputy Speaker. Congratulatory speeches and acknowledgments by the Deputy Speaker may then ensue.

## **PART V**

### **PRESIDING IN PARLIAMENT AND COMMITTEE**

**18. Presiding in Parliament** - (1) The Speaker shall preside over every sitting of Parliament.

(2) Whenever there is a vacancy in the office of Speaker the Clerk shall act as Chairman until the Speaker has been elected in the manner prescribed in Part III of these Orders and taken and subscribed the Oath of Allegiance.

(3) The Speaker may at any time, without announcement, ask the Deputy Speaker to take the Chair temporarily *except when a vote is to be taken in Parliament*. The Deputy Speaker shall be invested with all the powers of the Speaker while he occupies the Chair temporarily.

(4) Whenever the Speaker's absence is announced by the Clerk, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the next sitting of Parliament.

(5) Whenever the absence of both the Speaker and the Deputy Speaker is announced by the Clerk, Parliament shall, by motion, elect a member (not being a Minister) then present to take the Chair, and such member shall be invested with all the powers of the Speaker for that sitting only.

**19. Presiding in committee of the whole House** - (1) The Speaker shall preside over every committee of the whole House.

(2) The Speaker may at any time, without announcement, ask the Deputy Speaker to preside over a committee of the whole House.

**20. Form of address to person presiding** - (1) The person presiding in Parliament shall be addressed as "Madam Speaker", "Mr Speaker", "Mr Deputy Speaker" or "Mr Acting Speaker" as the circumstances may require in each case.

(2) The person presiding in a committee of the whole House shall be addressed as "Madam Chairman", "Mr Chairman", "Mr Deputy Chairman" or "Mr Acting Chairman" as the circumstances may require in each case.

## **PART VI**

### **OPENING OF PARLIAMENT**

**21. Proceedings for new session** - On the first day of the meeting of a session of Parliament and, in the case of a new Parliament, at the first sitting of Parliament after the despatch of business pursuant to Order 5, the proceedings shall be as follows:

- (a) Prayers;
- (b) The Speaker and members, assembled in the Parliament Chamber, await a message from the Queen's Representative desiring the immediate attendance of Parliament to hear His Excellency's Speech;

- (c) On receiving such Message the Speaker and members preceded by the Queen's Representative's Messenger, the Clerk and the Clerk-Assistant, and the Sergeant at Arms shall attend at the place appointed by the Queen's Representative in the Message;
- (d) The Speaker and the members, having heard the Queen's Representative's Speech, shall return to the Parliament Chamber, and the Speaker shall resume the Chair;
- (e) Parliament may then transact such business not involving any debate as may be conveniently taken;
- (f) The Speaker shall then report that Parliament had attended upon the Queen's Representative; and that His Excellency had been pleased to make a Speech to Parliament, the text of which Speech had been handed to him by His Excellency; the Speaker shall then lay such text upon the Table;
- (g) A member shall then orally give notice of motion for a respectful Address in Reply to His Excellency's Speech; and Parliament may thereafter adjourn.

**22. Presence of the Queen** - On any occasion upon which Her Majesty the Queen intends to declare in person the causes of calling together Parliament, references in Parts VI and VII of these Orders to the Queen's Representative shall, to the necessary extent, be read as references to Her Majesty.

## **PART VII ADDRESS IN REPLY**

**23. Motion moved and seconded** - A member may, after having given notice, move, "That a respectful Address be presented to His Excellency the Queen's Representative in reply to His Excellency's Speech"; which motion, after being seconded, is proposed from the Chair; and no amendment may be moved thereto except to add additional words at the end thereof.

**24. Amendments to motion for Address** - Amendments to such motion shall be couched in respectful terms and moved and seconded in the following form: "and that the following words be added to such Address, namely" (here follow the words proposed to be added to the Address); and any such amendment or any amendment thereto shall for the purpose of debate be deemed to involve consideration and decision of the main question.

**25. Debate on motion for Address takes precedence** - Unless otherwise ordered, the debate on the motion for the Address and any amendment proposed thereto shall take precedence of all other business and, until disposed of, shall be set down each day as an order of the day as at the commencement of the next sitting.

**26. Time limit of speech on motion for Address** - In the debate on the motion for the Address each member shall be entitled to speak for 30 minutes.

**27. If motion for Address be affirmed** - If the motion as originally proposed be resolved in the affirmative without any words being added thereto, the Address is thereupon prepared and brought in by a Minister.

**28. If motion for Address be amended** - If the motion as originally proposed be amended by the addition of any words thereto, and is resolved in the affirmative as so amended, a committee comprising the mover and seconder of the motion and the mover and seconder of the amendment which was adopted shall prepare the Address, and such Address shall contain at the end thereof any words so ordered by Parliament to be added thereto; and the Address, having been prepared, is brought in by a Minister.

**29. Procedure when Address brought in** - (1) The Address prepared under Order 27 or 28 shall be brought in by a Minister who shall move, "That the Speaker accompanied by the proposer and seconder and the Clerk do present the following Address to His Excellency the Queen's Representative at such time and place as His Excellency may appoint" and the Minister then reads the Address.

(2) The address having been seconded the Speaker shall put the question, "That the Address be agreed to", which question shall be decided without amendment or debate.

(3) If, on a point of order being raised, the Speaker is of opinion that the Address as brought in contains in any part thereof any words or statements of a controversial nature (except in any words which Parliament has ordered to be added to such Address), such Address shall stand referred back to the Minister or the committee as the case may be for amendment therein.

**30. Address to be presented by the Speaker** - The Speaker accompanied by the proposer, the seconder, the Clerk and the Clerk-Assistant shall present the Address to the Queen's Representative at such time and place as His Excellency may appoint.

## **PART VIII SWEARING IN OF MEMBERS**

**31. Oath of Allegiance** - The Oath of Allegiance as prescribed by Article 30 of the Constitution shall be administered before Parliament by the Speaker to each member, who shall take and subscribe the same at the first appropriate opportunity after the member's election to Parliament.

**32. Business interrupted to enable member to take Oath** - If at any time any member desires to be sworn the debate or business then in progress shall be interrupted at some convenient time, and he shall be called to the Table for that purpose.

## **PART IX LANGUAGES**

*(For languages used in Parliament see Article 35 of the Constitution)*

**33. Records of proceedings** - *The following records of proceedings in Parliament and in committees thereof shall be in the English languages: notice of meeting, Business Paper, Order Paper, Agenda Paper and Minutes. The Clerk may also decide to set out any of these records in the Maori language.*

## **PART X SEATS OF MEMBERS**

**34. Allocation of seats** - The Clerk shall allocate a seat to each member:  
Provided that should any question arise with regard to the seats to be occupied by members, it shall be decided by the Speaker.

**35. Member to speak from seat** - A member may speak only from the seat allocated to him but the Speaker may allow the allocation to be changed from time to time.

**36. Seats of Ministers** - (1) The seats allocated to Ministers shall not be allocated individually.

(2) An additional seat may be allocated for the use of Ministers in a reserved area which shall be defined by the Speaker after consultation with the Prime Minister at the commencement of each session and shall during the period of occupancy be deemed to form part of the floor of the Parliament.

(3) The reserved area may be occupied temporarily by a Minister in charge of any business before Parliament or any committee thereof to enable him to consult departmental representatives or other advisers.

## **PART XI ATTENDANCE OF MEMBERS**

**37. Leave of absence** - Leave of absence may be granted by Parliament to the Speaker or any member, on motion without notice, stating the cause and period of absence; and such motion shall have priority over all other business.

**38. Member excused from service** - (1) A member shall be excused from service in Parliament, or on any committee, so long as he has leave of absence.

(2) Any member having leave of absence, shall forfeit the same if he attends the service of Parliament, or any committee, before the expiration of such leave.

**39. Record of attendance** - The attendance of members at each sitting of Parliament or any committee shall be recorded in the Minutes.

## **PART XII DUTIES OF CLERK**

**40. Business Paper** - The Clerk shall send to each member a copy of the Business Paper for each meeting, if practicable, seven days before the meeting, and shall, whenever the circumstances require, circulate a Supplementary Business Paper.

**41. Order Paper** - Before the opening of each day's proceedings the Clerk shall distribute to members a paper, to be known as the Order Paper, stating the business of the day.

**42. Order Book** - The Clerk shall keep a book to be called the Order Book in which he shall enter all matters intended for discussion at each meeting. The Order Book shall be open to the inspection of members at all reasonable hours.

**43. Custody of records** - The Clerk shall have the custody of all records and other documents belonging to Parliament which shall be open to inspection by members. Such records may be made available to any person under such arrangements as may be made by the Speaker.

**44. Minutes** - (1) The Clerk shall keep Minutes of the proceedings of Parliament and of committees of the whole House and shall circulate a copy of such Minutes in the Maori and English languages to all members, as soon as possible after the conclusion of each meeting. Any member may draw the attention of the Speaker to any error or omission in the Minutes.

(2) The Minutes shall record the names of all members attending and all decisions of Parliament and shall be signed by the Speaker or, in his absence, by the Deputy Speaker, and shall be countersigned by the Clerk.

**45. Record of members** - A record of all members shall be kept by the Clerk, in which shall be entered the name of each member, the date of his election, the date of his taking his seat, and, on his ceasing to be a member, the date and cause thereof.

**46. Authority to destroy old records** - The Clerk shall have authority to destroy at the end of each session the following records of Parliament which are more than three years old:

- (a) Papers laid on the Table;
- (b) Clerk's and Clerk-Assistant's notes including notices of motions and questions;
- (c) Manuscripts of division lists;
- (d) Draft Minutes, proceedings, and papers of select committees;
- (e) Draft reports of select committees;
- (f) Messages from the Queen's Representative;

- (g) Miscellaneous maps and plans which, in the opinion of the Clerk are no longer of any value;
- (h) Manuscript notes and other books which can be of no further use;

Provided that the Clerk shall preserve such of the above records as he may consider of historic or other interest.

## **PART XIII OFFICIAL REPORT**

**47. Official Report to be prepared** - An Official Report of the proceedings of Parliament, including any committee of the whole House, which shall be as nearly as possible verbatim, shall be prepared under the supervision of the Clerk in the English language.

**48. Official Report to be published** - The Official Report shall be published in such form as the Speaker may direct, and a copy thereof shall be sent to each member *who asks for it* as soon as practicable after the conclusion of each session.

**49. Record of speech may be perused by a member** - A copy of the record of any member's speech may be perused at the office of the Clerk and corrections may be made prior to publication.

**50. Record of speech disputed by member** - If a member disputes the correctness of the record of any speech or seeks to make any material change in the record, the Speaker shall rule thereon and shall direct publication of the speech in accordance with his ruling which shall be communicated to the member and shall be final.

## **PART XIV SESSIONS, MEETINGS, AND SITTINGS**

*(For meetings of Parliament see Article 29 of the Constitution; for prorogation and dissolution see Article 37 of the Constitution)*

**51. Adjournment of meetings** - During any one session Parliament may adjourn a meeting for such periods as it may determine.

**52. Commencement of next meeting after adjournment** - If a meeting is adjourned sine die, the date and hour of the commencement of the next meeting shall, subject to the proviso to paragraph (1) of Order 53, be decided by the Queen's Representative and the Speaker shall be informed accordingly.

**53. Notice of meetings** - (1) Before the commencement of a new meeting the Clerk shall send to each member not less than *seven* days written notice directing attention to the meeting of Parliament:

Provided that the Queen's Representative may summon a meeting on such shorter notice as the circumstances require, in which event notification shall be given to members either in writing or by any other means which will ensure that members are duly informed.

(2) Where Parliament is to be reassembled after an adjournment of more than seven days, the Clerk shall send to each member a written notice of the day appointed for the next meeting and shall, if practicable, attach thereto a copy of the Business Paper.

**54. Sitting days and hours of sitting** - (1) Unless otherwise ordered the sitting days of Parliament shall be Monday to Friday inclusive, providing that Parliament shall not sit on a public holiday.

(2) Subject to the provisions of Article 29 of the Constitution and unless Parliament otherwise orders, sittings on Monday, Tuesday, *Wednesday* and Thursday shall commence at 1.00 p.m. and continue until 2.30 p.m. when the Speaker or Chairman shall interrupt the business then proceedings and suspend the sitting until 3 p.m. and Parliament shall, subject to the provisions of Part XVI of these Orders, then continue to sit until 5 p.m.

(3) Subject to the provisions of Article 29 of the Constitution and unless Parliament otherwise orders, the sittings on Friday shall commence at *10 a.m.* and continue until *11.30 a.m.* when the Speaker or Chairman shall interrupt the business then proceeding and suspend the sitting until *12 noon* and Parliament shall, subject to the provisions of Part XVI of these Orders, then continue to sit until *2 p.m.*

(4) At five minutes before the time appointed for the conclusion of a sitting of Parliament the Speaker or Chairman shall interrupt the business then under consideration, and if in committee declare Parliament resumed, and the Speaker shall then adjourn Parliament without question put.

(5) Every adjournment of Parliament shall, unless Parliament otherwise orders, be to the next sitting day.

(6) The Speaker may at any time suspend a sitting.

## **PART XV**

### **QUORUM AND COUNTING OF PARLIAMENT**

**55. Quorum** - A quorum of Parliament or of a committee of the whole House (excluding the Speaker or the Chairman if he is a member) shall be 12 members.

**56. Parliament counted after prayers** - After prayers the Speaker shall count Parliament and if there is no quorum present in Parliament, the Speaker shall direct members to be summoned, and if at the end of 5 minutes a quorum is not present, the Speaker shall adjourn Parliament, without question put, until the next sitting day:

Provided that when Parliament first meets for the despatch of business pursuant to Orders 5 and 21 it shall not be counted.

**57. Procedure where quorum not present after business commenced** - (1) No business shall be transacted at any sitting if there is not a quorum present.

(2) If at any time the attention of the Speaker is directed to the fact that a quorum is not present he shall direct members to be summoned, and if at the expiration of 5 minutes a quorum is still not present he shall adjourn Parliament without question put.

(3) If the absence of a quorum is noticed in a committee of the whole House the Chairman shall direct members to be summoned, and if after the expiration of 5 minutes a quorum is not present Parliament shall be resumed and the Speaker shall forthwith count Parliament. If a quorum is then present Parliament shall forthwith again resolve itself into committee, but if a quorum is not present Parliament shall be adjourned as provided in paragraph (2) of this Order.

**58. Names of members present on count out recorded in Minutes** - Whenever the Speaker shall be obliged to adjourn Parliament for the want of a quorum the hour at which such adjournment is made and the names of the members then present shall be recorded in the Minutes.

## **PART XVI**

### **ADJOURNMENT OF PARLIAMENT TO DISCUSS PUBLIC BUSINESS**

**59. Prime Minister, Minister, or Leader of the House may move adjournment of Parliament** - (1) *During any sitting of Parliament, the Prime Minister, any other member who is a Minister, or the Leader of the House may move without notice a motion "That Parliament do now adjourn"*

(2) *No other person may move a motion for adjournment.*

(3) *No motion for adjournment may be moved on any sitting day except after the presentation of papers and petitions on that day.*

(4) *No person (including the mover of the motion) may speak for more than 5 minutes on a motion for adjournment, and the debate shall be strictly relevant to the particular matter raised.*

(5) *No more than one motion for adjournment may be moved on any sitting day.*

(6) *A motion moved under this Order, and any debate thereon, shall lapse upon the adjournment of the sitting concerned unless otherwise decided by Parliament.*

**60. Restrictions on motions to adjourn under Order 59** - The right to move the adjournment of Parliament for the purpose of discussing a definite matter of urgent public importance is subject to the following restrictions:

(a) Not more than one such motion can be made at the same sitting;

(b) Not more than one matter can be discussed on the same motion;

(c) The motion must not revive discussion on a matter which has been discussed in the same session;

- (d) The motion must not anticipate a matter which has been previously appointed for consideration by Parliament or with reference to which a notice of motion has been previously given;
- (e) The motion must not raise a question of privilege.

**61. Time limit of speeches under Order 59** - No Minister or member other than the mover of the motion and the Minister first speaking thereto (each of whom may speak for 20 minutes) shall speak for more than 10 minutes, and the debate shall be strictly relevant to the particular matter raised.

**62. Interruption of business to take substantive motion for adjournment** - (1) Unless otherwise ordered, at 12.30 p.m. on Fridays the proceedings on any business than under consideration shall be interrupted and a motion for the adjournment of Parliament to terminate the sitting shall be moved by a Minister.

(2) The motion for the adjournment shall be open to debate and any matters may be discussed, but no member speaking to such question shall speak for more than 10 minutes:

Provided that no interruption of business as provided in this Order shall take place in the following cases:

- (a) While the Address in Reply debate is in progress;
- (b) In respect of the sitting when the Financial Statement is presented and read;
- (c) When urgency has been accorded a Bill or other proceedings;  
or
- (d) Where a substantive motion for the adjournment of Parliament has been moved under Order 59.

**63. Prime Minister may move adjournment** - The Prime Minister may move a motion for the adjournment of Parliament at any time before the normal hour of adjournment on any sitting day. If such a motion is moved the proceedings on any business then under consideration shall be interrupted. The motion shall be open to debate and any matters may be discussed, but no member speaking to such question shall speak for more than 10 minutes.

## **PART XVII**

### **ARRANGEMENT OF BUSINESS**

**64. Order of business** - The business for each sitting shall be set out in the Order Paper and shall, unless otherwise ordered, be transacted in the following order:

- (a) Formal entry of Speaker;
- (b) Prayers;
- (c) Swearing in of new members (Order 32);
- (d) Messages from the Queen's Representative (Order 84);
- (e) Other announcements by the Speaker;
- (f) Obituary;

- (g) Statements by Ministers (Order 87);
- (h) Personal explanations (Order 90);
- (i) ***Questions to Ministers and other members (Part XXIII)***;
- (j) Presentation of Bills (Order 219);
- (k) Presentation of Papers (Order 72);
- (l) Presentation of Petitions (Order 78);
- (m) Orders of the Day (Order 70);
- (n) Consideration of Papers (Order 74);
- (o) Motions with notice for the adjournment of Parliament other than (1) above (Order 105);
- (p) By leave of the Speaker the order of business set out in the Order Paper may be altered on any particular day
- (q) Closing Prayer

**65. Arrangement of business - (1) On Monday, Tuesday, Wednesday, Friday Government business shall have precedence of private members' business. On such days the Government may arrange its business in such order as it thinks fit.**

**(2) On Thursday, the business of Parliament shall, subject to subclause (3), be transacted in the following order -**

- (a) The order in which business is set out in paragraph (a) to (f) of Order 64;**
- (b) Questions with notice to Ministers and other members;**
- (c) Consideration of Papers;**
- (d) Private members' business;**
- (e) Government business.**

**(3) On Thursday, -**

***Private members' motions shall take precedence over private members' Bills;***

***Committee of Supply business shall take precedence over private members' business.***

**(4) This Order has effect notwithstanding anything to the contrary in Order 64 or 70.**

**66. Allocation of time for questions and answers on each sitting day - The Speaker shall ensure that questions to Ministers and other members, and the answers to those questions, are allocated -**

- (a) A total of 30 minutes of sitting time on each of Monday, Tuesday, Wednesday, and Friday; and**
- (b) A total of 1 hour of sitting time on Thursday.**

**67. Allocation of time for consideration of papers on Thursday - On Thursday, the Speaker shall ensure that consideration of papers is allocated a total of 1 hour of sitting time.**

**68. Time allocations under Order 66 or 67** - (1) *Parliament may extend a period of time specified in Order 66 or 67 by motion without notice and without debate, passed on the relevant sitting day.*

(2) *If the time required to be allocated under Order 66 is not used up with questions and answers on any sitting day, or if the time required to be allocated under Order 67 (together with any time added to it under subclause (3) of this Order) is not used up with consideration of papers on a Thursday, the Speaker shall direct that Parliament proceed with the next business to be transacted that day.*

(3) *On any Thursday, if the time required to be allocated under Order 66(b) is not used up with questions and answers, the Speaker shall add the unused time to the time required to be allocated to consideration of papers on that day under Order 67.*

(4) *This Order and Orders 66 and 67 have effect notwithstanding anything to the contrary in Order 64, 65, 66, or 67.*

**69. Business statement** - Every Friday the Prime Minister may make a statement in Parliament of the business arranged for the succeeding week. The Prime Minister may make supplementary statements whenever he so decides.

**70. Orders of the day** - (1) Subject to Order 65 orders of the day and Government notices of motion (public business) shall be disposed of in the order in which they stand on the Order Paper, provided that the Government shall have the right to have Government orders of the day and Government notices of motion placed upon the Order Paper in the rotation in which they are to be taken.

(2) Orders of the day not reached before the end of a sitting or appointed for a day on which Parliament does not sit shall be set down for the next sitting of Parliament.

## **PART XVIII PAPERS**

**71. Who may present papers** - A paper may be presented to Parliament only by the Speaker, a Minister or the chairman of a select committee.

**72. Presentation of papers** - (1) So soon as sufficient copies of a paper for distribution to members have been received in the office of the Clerk or, if distribution of copies is not practicable and a copy of such paper is available for laying on the Table, notice of the presentation of that paper may be placed on the Order Paper, and as soon as the Speaker announces "Presentation of Papers" the Minister or person in charge of any paper ready for presentation shall, without motion, lay the same on the Table.

(2) If so desired by the person presenting a paper a short explanatory statement may be made upon its presentation, but there shall be no debate thereon.

(3) Every paper presented to Parliament shall be recorded as so presented in the Minutes of the sitting at which it is presented.

**73. Papers to be placed on Order Paper** - (1) When any papers have been laid upon the Table they shall be placed upon a list on the Order Paper for the next sitting day under the heading "Consideration of Papers" in the order in which they were laid upon the Table and after any such papers already on such list. Such list shall show the date of presentation, the record number, the title, and the number (if any) under which each paper will be bound in the records and the method by which the same was laid upon the Table.

(2) Any such paper shall retain its place upon such list on the Order Paper from day to day until some motion is moved with respect thereto, or it is dropped from the list in manner hereinafter provided, or it is otherwise discharged from such list.

**74. Consideration of Papers** - (1) When "Consideration of Papers" is called on, the Speaker shall call the number of each paper and the title thereof in the order in which the papers appear on the Order Paper, and any member who desires to debate any paper may on such paper being so called on forthwith move, "That the paper be received or adopted or referred to Cabinet, etc....", or some other motion relevant to such paper.

(2) If no motion be made with respect to any paper called on as aforesaid it shall be dropped from the Order Paper and shall not appear again thereon.

**75. Paper may be obtained by motion** - Any paper desired by a member to be laid on the Table or furnished to Parliament shall be obtained by a motion to that effect carried in Parliament.

## **PART XIX PETITIONS**

*(For petitions requesting financial measures see Article 43 of the Constitution)*

**76. Rules for preparation of a petition** - No petition shall be presented to Parliament unless it shall have been endorsed by the Clerk as having been prepared in accordance with the following rules:

- (i) Every petition shall be clearly written by hand, typewritten, duplicated, or printed, or partly one and partly one or more of the others;
- (ii) No erasures or interlineations may be made on any petition;
- (iii) Every petition must be properly addressed to Parliament, respectful, decorous and temperate in its language, and must conclude with a prayer setting forth the general object of the petitioner;
- (iv) Every petition must be signed by at least one person on every sheet on which the prayer of the petition is written;
- (v) If signatures are affixed to sheets other than that containing the petition itself, such sheets shall carry at their head the prayer of the petition;
- (vi) Every petition shall be signed by the parties thereto, by their own hand, and by no one else, except in the case of

incapacity by sickness or otherwise; any person unable to write shall affix his mark in the presence of a witness who shall affix his signature beside such mark; every signature must be written upon and not pasted or otherwise attached to each of the sheets on which the petition or prayer, as the case may be, is written;

- (vii) The petition of a corporation shall be under its common seal, if it has one;
- (viii) Every petition shall be in the Maori or English language, and be accompanied by a translation;
- (ix) No letters, affidavits, or other documents may be attached to a petition;
- (x) No reference shall be made in a petition to any debate in Parliament.

**77. Style of petition** - The style in which a petition to Parliament shall be drawn up shall be as follows:

**“TO THE PARLIAMENT OF THE COOK ISLANDS**

The Humble Petition of (here insert the names or description of the petitioner or petitioners)

**SHEWETH:**

That (here set forth the case or circumstances to be brought to the notice of Parliament). Wherefore your petitioner (or petitioners) prays (or pray) that (here set forth the particular object of the petitioner or the nature of the relief asked for). And your petitioner(s), as in duty bound, will ever pray, etc.

(Signatures, with addresses to follow.)”

**78. To be presented by a member** - Petitions may be presented to Parliament only by a member, but a member may not present a petition from himself.

**79. Members to affix their names** - Every member presenting a petition to Parliament shall affix his name at the beginning thereof.

**80. Member’s statement restricted** - A member presenting a petition shall confine himself to a brief statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations contained in it, and to reading the prayer of such petition.

**81. Member may move that petition be read** - On a petition being presented any member may move that it be read. No debate shall be permitted on such motion, and if it is seconded the question shall be put forthwith. If the motion is agreed to the Clerk shall read the petition.

**82. Disposal of petitions** - All petitions shall be ordered, without question put, to lie upon the Table and shall then stand referred to a select committee appointed by Parliament.

**83. Petition on matter having judicial remedy** - Parliament shall not receive any petition on any matter for which there is a judicial remedy for which no application has been made.

## **PART XX**

### **MESSAGES FROM THE QUEEN'S REPRESENTATIVE**

**84. Written message to be read by Speaker** - The Speaker shall immediately after prayers, or as soon as any new members have been sworn, read to Parliament any written message addressed to Parliament by the Queen's Representative.

**85. Consideration of messages** - When a message has been communicated to Parliament, a time shall be fixed for taking the same into consideration or, if no further consideration be necessary, the message may then be laid upon the Table.

**86. Verbal message may be communicated by a Minister** - A verbal message from the Queen's Representative may be communicated to Parliament by a Minister and brought up at any time before the commencement or close of any public business.

## **PART XXI**

### **MINISTERIAL STATEMENTS**

**87. Statements may be made by Ministers** - Statements on such matters as Government policy, domestic issues, *matters of national or international interest*, legislative proposals, arrangement of business and sittings may be made by Ministers on behalf of the Government at the time appointed under Order 64(g).

**88. Any debate may be interrupted** - The debate upon any question before Parliament may be interrupted by leave of the Speaker to enable a ministerial statement to be made.

**89. Debate on ministerial statement** - *No debate on a ministerial statement shall be permitted at the time when it is made, except by motion of Parliament moved without notice, or by consent of the Minister who made the statement. However, any member may move without notice that the statement be printed and laid on the Table as a paper for consideration.*

## **PART XXII**

### **PERSONAL EXPLANATIONS**

**90. Member may explain matter of personal nature** - By the indulgence of Parliament and the leave of the Speaker a member may, at the time appointed for personal explanations under Order 64(h), explain matters of a personal nature although there is no question before Parliament, but such matter shall not be debated and the member shall confine himself strictly to the vindication of his own conduct. The terms of the proposed statement shall first be submitted to the Speaker prior to the commencement of the sitting.

**91. Accuracy of Minutes may be raised** - Points of order concerning the accuracy of the Minutes may be raised at the time appointed for personal explanations.

## **PART XXIII**

### **QUESTIONS TO MINISTERS AND MEMBERS**

**92. Questions to Ministers** - Questions may be put to a Minister relating to public affairs with which he is officially connected, to proceedings pending in Parliament, or to any matter of administration for which he is responsible.

**93. Questions to other members** - Questions may be put to a member (not being a Minister) relating to any Bill, motion, or other public matter connected with the business of Parliament, of which the member has charge.

**94. Rules for questions** - Every question shall conform to the following rules:

- (a) It shall not include the names of persons or statements not strictly necessary to render the question intelligible;
- (b) It shall not contain statements which the member who asks the question is not prepared to *substantiate*;
- (c) It shall not contain argument, inferences, opinions, imputations, epithets, or contentious, ironical, or offensive expressions;
- (d) It shall not refer to debates of the current session;
- (e) It shall not refer to proceedings in a committee which have not been reported to Parliament;
- (f) It shall not seek information about any matter which is of its nature secret;
- (g) *It shall not be asked on any matter which is sub judice;*
- (ga) *It shall not reflect on a decision of a court of law in a manner that -*
  - (i) *Places excessive pressure on the judiciary; or*
  - (ii) *Is otherwise likely to compromise the judiciary's ability to decide matters before it impartially and in accordance with the law;*

- (gb) It shall not contain personal attacks on any member of the judiciary;*
- (h) It shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case, or the answer to a hypothetical proposition;*
- (i) It shall not be asked as to the character or conduct of any person except in his official or public capacity;*
- (j) It shall not be asked seeking information readily available in official publications or ordinary works of reference;*
- (k) A question fully answered shall not be asked again during the same meeting.*

**95. Speaker to decide upon admissibility of a question** - If the Speaker is of the opinion that any question of which a member has given notice to the Clerk or which a member has sought leave to ask without notice, infringes any of the provisions of Order 91, he may direct:

- (a) That it be printed or asked with such alterations as he may direct; or*
- (b) That the member concerned be informed that the question is inadmissible.*

**96. Questions may be asked without notice on any sitting day other than Thursday** - *(1) On any sitting day other than Thursday, a question may be asked without notice and shall be answered, unless the Speaker is of the opinion that -*

- (a) The Minister or member to whom the question is addressed cannot provide a meaningful answer to it without doing further research; and*
  - (b) It is necessary for the Minister or member to whom it is addressed to have notice of the question, in order to do that research or to have it done on that minister's or member's behalf.*
- (2) Where the Speaker is of that opinion, the Speaker shall direct that –*
- (a) The question be withdrawn; and*
  - (b) Notice of the question be given at least two full days (exclusive of days on which Parliament does not sit) before the date on which the answer is required.*

**97. Questions with notice on Thursday** - *(1) On Thursday and no other sitting day, a question with notice may be asked, and, subject to subclause (2), shall be answered.*

*(2) No Minister or member shall be required to answer a question with notice unless notice of the question has been given at least two full days (exclusive of days on which Parliament does not sit) before the date on which the answer is required.*

- (3) Notice of a question may be given –*
  - (a) When Parliament is sitting, by handing the written question*

*in at the Table;*

- (b) When Parliament is not sitting, by handing the written question in at the office of the Clerk.*

**98.** *How to ask questions without notice - (1) At the commencement of the period of time allocated for questions and answers on a sitting day on which a question without notice may be asked, each member wishing to ask a question that day shall indicate his intention to the Speaker.*

*(2) The Speaker shall determine the order in which the members are entitled to ask questions, and shall call each member in turn for this purpose.*

*(3) A member called by the Speaker shall rise in the member's place and ask a question.*

*(4) A member who has given indication under subclause (1), and does not get a chance to ask the question before the expiry of the allocated time that day, shall be given priority to ask that question on the next sitting day on which questions without notice may be asked.*

**99.** *How to ask question with notice - (1) On Thursday, when the time for asking questions arrives, the Speaker shall call successively each member in whose name a question appears in the Order Paper.*

*(2) The member so called shall rise in the member's place and ask the question standing in the member's name in the Order Paper.*

*(3) In the absence of the member seeking to ask the question, any other member may take over that question, and rise and ask that question on behalf of the absent member.*

**100.** *Answers to questions with or without notice - (1) An answer to a question (with or without notice) shall be read by the Minister or member to whom the question is addressed, or another Minister or member nominated by that Minister or member.*

*(2) A copy of the answer shall be handed to the Clerk who shall arrange for the question and answer thereto to be printed in the Minutes. A copy shall also be handed to the member asking the question.*

*(3) When a question has been asked and answered, no debate thereon shall be permitted.*

*(4) As soon as a question is answered in Parliament any member may, without notice, ask a supplementary question for the further elucidation of any matter of fact referred to in the answer that has been given, but a supplementary question must not be used to introduce any matter not included in the original question.*

## **PART XXIV MOTIONS**

**101.** **Notices of motion** - Unless any of these Orders otherwise directs, notice shall be given of any motion which it is proposed to make, with the exception of the following:

- (a) A motion for the suspension of a Standing Order (Order 4);
- (b) A motion for the election of a member to preside in Parliament (Order 18);
- (c) A motion for the closure of debate (Order 198);
- (d) A motion relevant to a paper under consideration (Order 74);
- (e) A motion that a petition be read (Order 81);
- (f) A motion to amend a motion of which no notice is required or which is debated within 24 hours after notice has been given (Order 106);
- (g) A motion that a member be no longer heard (Order 196);
- (h) A motion for the suspension of a member named (Order 211);
- (i) A motion for the reference of a Bill to a select committee or *the House of Arikis* (Order 234);
- (j) A motion that Parliament resolve itself into committee of the whole House (Order 287);
- (k) A motion that a Bill be recommitted (Order 254);
- (l) A motion to report progress and ask leave to sit again (Order 298);
- (m) A motion for any reading of a Bill (Orders 230 and 270);
- (n) A motion for the withdrawal of a Bill (Order 278);
- (o) A motion for the withdrawal of strangers (Order 378);
- (p) A motion relating to a matter of privilege (Order 384);
- (q) At the discretion of the Speaker, a motion for amendment of a grammatical or printer's error or other form of minor amendment (Order 270);
- (r) Any adjournment motion (Order 59);
- (s) A motion for a vote of thanks or an expression of the appreciation of Parliament (Order 110);
- (t) In a committee of the whole House, a motion, provided it is relevant to the business of the committee (Order 293);
- (u) A motion that a ministerial statement be printed and laid on the Table (Order 89);
- (v) A motion for the adjournment of Parliament (Orders 59, and 63);
- (w) A motion for the extension of the time limit of any speech (Order 392);
- (x) A motion challenging the vote of a member pecuniarily interested (Order 146);
- (y) A motion for the resumption of a debate interrupted by Parliament being counted out (Order 187).

**102. Manner of giving notice of motion** - Every notice of motion shall be signed by the member proposing such motion or amendment and shall be given by handing it in at the Table when Parliament is sitting, or by transmitting it to the office of the Clerk.

**103. Notice given for an absent member** - A member, in the absence of another member and at his request, may give notice of motion for that other member and shall put the name of such member and his own signature on the notice.

**104. Oral notice of motion not acceptable** - No notice of motion shall be given orally in Parliament, but a member may so inform Parliament of his intention to raise such a matter.

**105. Notice of motion to be submitted to the Speaker** - Every notice of motion shall be submitted to the Speaker who shall direct that it be printed in its original terms or with such amendments as he shall direct, or that it be returned to the member submitting it as being inadmissible.

**106. Length of notice required** - (1) Except as provided in the next succeeding paragraph no motion requiring notice shall be debated until at least *two* full days (exclusive of days on which Parliament does not sit) after notice as prescribed in Order 102 has been given.

(2) A motion requiring notice and which is proposed by a Minister or a motion to amend a motion requiring notice may be debated 24 hours after notice has been given:

Provided that when a motion is debated 24 hours after notice has been given, amendments may be proposed to it without notice.

**107. Terms of notice may be altered** - After a notice of motion has been given the terms thereof may be altered by the member who shall deliver to the Clerk an amended notice. The Clerk shall submit such amended notice to the Speaker who shall direct that it be printed in its amended form or that it be returned to the member submitting it as being inadmissible.

**108. Notice of motion may be divided** - If a notice of motion is given which contains matters not relevant to each other, the Speaker may instruct the Clerk to divide such notice into two or more notices.

**109. Precedence of motions** - (1) The Clerk shall enter notices on the Order Paper in the order in which they are received by him.

(2) Motions shall have precedence and be debated according to the order in which notices of motion stand on the Order Paper.

**110. Motion for vote of thanks or of condolence** - Precedence is ordinarily given by courtesy to a motion for a vote of thanks by Parliament or of condolence.

**111. Motions to be seconded** - (1) Unless it is otherwise expressly provided in any of these Orders, every motion unless made in committee, must be seconded, and if not seconded shall not be debated or entered in the Minutes.

(2) The mover of any motion may speak on the principle and merits of his motion before formally moving but if it is not then seconded it shall lapse forthwith.

**112. Motions to amend Standing Orders** - The notice of any motion for the amendment of any of these Orders shall be accompanied by a draft of the proposed amendments.. When the motion has been proposed and seconded the question shall be put forthwith. No debate shall be permitted on such motion. If the motion is agreed to the proposed amendment shall stand referred to the Standing Orders Committee and no further proceedings shall be taken upon it until the Standing Orders Committee has reported upon it which it shall do at its earliest convenience.

**113. Motion may be withdrawn** - (1) A member who has proposed a motion or amendment may withdraw it, but if the motion or amendment has been seconded he may do so only by leave of Parliament given without a dissentient voice.

(2) A motion or amendment to which an amendment has been moved may not be withdrawn until the later amendment has either been disposed of or withdrawn.

**114. Motion withdrawn may be made again** - A motion which by leave of Parliament has been withdrawn may be made again during the same session.

**115. Operation of notice** - A notice of motion does not become effective until it appears on the Order Paper.

## **PART XXV PUTTING THE QUESTION**

**116. Complicated questions may be divided** - The Speaker may divide a complicated question to avoid any confusion.

**117. Question put** - As soon as the debate upon a question has been concluded, the Speaker shall put the question to Parliament.

**118. Question determined by majority of voices** - A question being put shall be resolved in the affirmative or negative, by the majority of voices “Aye” or “No”.

**119. Speaker states result** - The Speaker shall state whether, in his opinion, the “Ayes” or the “Noes” have it; and if his opinion be challenged the question shall be decided by a division.

## **PART XXVI RESOLUTIONS AND VOTES**

**120. Same question may be disallowed** - The Speaker may in his discretion, disallow any motion or amendment which is the same in substance as any question, which, during the same session, has been resolved in the affirmative or negative.

**121. Resolution or vote rescinded** - No resolution or other vote of Parliament may be rescinded during the same session unless 7 days notice be given.

## **PART XXVII AMENDMENTS**

**122. Different forms of amendments** - A question having been proposed may be amended by omitting certain words only; by omitting certain words in order to insert or add other words; or by inserting or adding words.

**123. Relevancy of amendment** - Every amendment must be relevant to the question which it is proposed to amend.

**124. Amendments in Parliament must be seconded** - An amendment moved, but not seconded, shall not be entertained by Parliament, nor entered in the Minutes.

**125. Anticipating amendments** - No amendment shall anticipate an order of the day or another motion of which notice has been given.

**126. Amendment to omit words** - When the proposed amendment is to omit certain words, the Speaker shall put a question, "That those words be omitted".

**127. Amendment to omit words and insert or add others** - When the proposed amendment is to omit certain words in order to insert or add other words, the Speaker shall put a first question, "That those words be omitted", and if the question is agreed to, the Speaker shall then put a second question "That those words be there inserted (or added)". If the first question is negatived no further amendment may be proposed to the words which Parliament has so decided shall not be omitted.

**128. Amendment to insert or add words** - When the proposed amendment is to insert or add words, the Speaker shall put a question, "That those words be there inserted (or added)".

**129. Alternative form of question** - If no member objects, the Speaker may put a question "That the amendment be agreed to" in place of the question or questions stated in Orders 126, 127 and 128.

**130. Amendment to leave out part only of words** - If the Speaker, before putting a question to leave out words as provided in Order 126, is informed that a member wishes to move an amendment to leave out part only of those words, and if he is of the opinion that the proposed amendment of which he is informed is substantially a new amendment, he shall, if possible put the question to leave out words in such form as will enable the subsequent amendment to be moved.

**131. Two or more amendments proposed** - When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt, in such order as he shall decide:

Provided that no amendment may be moved which relates to any words which Parliament has decided shall not be left out of the original motion.

**132. Inconsistent amendment not to be moved** - No amendment shall be moved which is inconsistent with a previous decision of Parliament.

**133. No amendment of earlier part** - No amendment may be moved to any part of a question after a later part has been amended, or after a question has been proposed by the Chair on an amendment thereto, unless the proposed amendment has, by leave of Parliament, been withdrawn.

**134. No amendment to words already agreed to** - No amendment may be moved to any words which Parliament has resolved shall stand part of a question, or which have been inserted in, or added to, a question, except if it be in the addition of other words thereto.

**135. Order of moving amendments** - An amendment proposed by the Chair shall be disposed of before another amendment to the original question can be moved.

**136. Proposed amendment withdrawn** - An amendment proposed by the Chair may, by leave of Parliament, be withdrawn.

**137. Amendments to proposed amendments** - Amendments may be moved to an amendment proposed by the Chair as if such proposed amendment were an original question.

**138. Amendment to words proposed to be substituted** - When it is moved to omit words in the main question, in order to insert or add others as provided in Order 127, no amendment to the words intended to be inserted or added shall be accepted by the Chair unless the first question proposed by the Chair under Order 127 be resolved in the affirmative.

**139. Question as amended put** - When amendments have been resolved in the affirmative the main question shall be put as amended.

**140. When amendments have been negatived** - When amendments have been negatived the question shall be put as originally proposed.

## **PART XXVIII VOTING AND DIVISIONS**

**141. Majority decisions** - Subject to the provisions of Articles 34(3) and 41 of the Constitution all questions shall be decided by a majority of votes of the members present in the Chamber.

**142. Member to vote by voice** - (1) When a question has been put by the Speaker at the conclusion of a debate, the votes shall be taken by voices “Aye” or “No” and the result shall be declared by the Speaker.

(2) If in any case after a question is put by the Chair the Speaker is not satisfied that the voices given sufficiently show the will of Parliament, he may refrain from declaring any decision on the question until, after calling upon members again to give their voices, the question is again put and the voices again taken.

**143. Member may call for division** - Whenever the Speaker states, on putting a question, that the “Ayes” or the “Noes” (as the case may be) have it, his opinion may be challenged by any member calling for a division.

**144. Division unnecessarily claimed** - If the Speaker is of the opinion that a division has been unnecessarily claimed, he may call upon the members who voted with the “Ayes” or “Noes” successively to rise in their places and he shall thereupon, either confirm the earlier declaration on the voices or order that a division be taken by the Clerk in accordance with Order 149.

**145. Every member present must vote** - Subject to the provisions of Order 142 every member present in the Chamber when a question is put by the Chair or when a division is taken shall vote therein and in the case of a division every member shall vote in accordance with his voice.

**146. No member to vote if pecuniarily interested** - (1) No member shall be entitled to vote on any question (not being a matter of public policy) in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown.

(2) The vote of such member shall be challenged upon motion without notice moved immediately the result on any question is declared by the Speaker and in the case of a division if the vote of such member is determined to be so interested it shall be disallowed.

(3) Where the decision on any question is given on the voices and upon motion a challenge is upheld the Speaker shall order a division on the question to be taken forthwith.

**147. Reasons for casting vote** - Any reasons stated by the Speaker or other person presiding when exercising a casting vote shall be entered in the Minutes.

*(For casting vote see Article 34(3) of the Constitution)*

**148. Division bells rung** - When a division has been requested by any member, the Speaker shall ask the Clerk to ring the division bells intermittently for a period of 2 minutes and call in the members.

**149. Question stated, votes counted and result declared** - (1) After the expiration of the period of minutes the Speaker shall put the question again to Parliament or the committee of the whole House and shall call upon those members who are of the affirmative opinion to rise in their places. The Clerk shall then call the name of each member standing commencing with the Ministers and shall record their names on a printed list. A member shall resume his seat when his name has been distinctly called by the Clerk.

(2) When the votes of all the Ayes have been recorded the Speaker shall call upon those members who are of the negative opinion to rise in their places whereupon a similar procedure shall be followed.

(3) When all the votes, both affirmative and negative have been counted and the names recorded, the Clerk shall hand the division lists to the Speaker who shall declare the result.

**150. Division lists recorded in the Minutes** - The names of members who have voted on a division shall be recorded in the Minutes and Official Report showing separately those who were of the affirmative opinion and those who were of the negative opinion.

**151. Member voting in error** - If a member states that he voted in error he may immediately before the Speaker has declared the result of the division, claim to have his vote correctly recorded.

**152. Second division may be called in case of error** - In case of confusion or error concerning the numbers reported, unless the same can otherwise be corrected, Parliament or the committee shall proceed to a second division.

**153. Mistakes corrected in Minutes** - If the Speaker is informed that a division has been inaccurately recorded, he may direct the Clerk to correct the Minutes and Official Report accordingly.

**154. Member may not speak while division being taken** - No member shall be entitled to speak while a division is being taken except to a point of order which, if raised, shall forthwith be decided by the Speaker without debate.

## **PART XXIX RULES OF DEBATE**

**155. Members address Speaker standing** - Every member desiring to speak shall rise in his place and address himself to the Speaker.

**156. Indulgence to members unable to stand** - A member unable conveniently, by reason of sickness or infirmity, to stand may be permitted to speak while seated.

**157. Form of reference to Ministers and members** - (1) A Minister shall be referred to by the designation of the Minister or portfolio held by him, for example Prime Minister, Minister of Agriculture, etc.

(2) Where convenient and while Parliament is sitting, a member may be referred to as the “honourable member”:

*Provided that this Order shall not be taken as authorising the use of the style “Honourable” in relation to a member in any other context or outside Parliament.*

**158. Speaker decides which member shall speak** - When two or more members rise at the same time, the Speaker shall decide which member shall first speak.

**159. Member not to read his speech** - A member shall not read his speech, but may refresh his memory by reference to notes.

**160. When member may speak** - A member may speak to any question before Parliament which is open to debate, when moving a motion which is open to debate, when moving an amendment, when he rises to a point of order arising out of a debate or upon a matter of privilege, but not otherwise.

**161. Personal explanation** - As provided under Order 90 a member may explain matters of a personal nature, although there be no question before Parliament; but such matters may not be debated.

**162. Member not to speak twice** - No member may speak twice to a question except in reply or in committee of the whole House.

**163. Member may explain his words** - (1) *A member who has spoken to a question has a right to be heard again to provide an explanation -*

(a) *In regard to some material part of the member’s speech which has been misquoted; or*

(b) *To vindicate the member’s character or conduct if it has been impugned.*

*However, -*

*No member exercising the right may introduce any new matter or new argument, except where the matter or argument is directly relevant to the explanation; and*

*No debatable matter may be brought forward; and*

*No debate may arise upon the explanation.*

*No member exercising the right may speak for longer than five minutes in total.*

**164. Right of reply** - A reply shall be allowed to a member who has moved a substantive motion, and the reply shall be confined to matters raised during the debate.

**165. Reply closes debate** - In all cases the reply of the mover of the substantive motion closes the debate.

**166. No member to speak after question finally put** - No member may speak to any question after the same has been finally put by the Speaker and the voices thereon have been given.

**167. Member not speaking when seconding motion may speak later** - It shall be competent for a member, when he seconds a motion or amendment before Parliament without speaking to it, to address Parliament on the subject of such motion or amendment at a later time during the debate.

**168. Allusion to previous debate** - No member may allude to any debate of the same session unless such allusion be relevant to the matter under discussion.

**169. Member may rise to point of order** - Any member may rise to speak on a point of order or upon a matter of privilege suddenly arising.

**170. Point of order takes precedence** - A point of order being raised takes precedence, and the member speaking shall resume his seat until the Speaker has given his ruling.

**171. Reflections upon votes of Parliament** - No member may reflect upon any vote of Parliament, except upon a motion that such vote be rescinded.

**172. Use of Queen's or Queen's Representative's name** - No member may use the name of Her Majesty The Queen or the name of the Queen's Representative disrespectfully in debate, nor for the purpose of influencing Parliament in its deliberations.

**173. Offensive or unparliamentary words** - *(1) No member may use words in the Chamber that are offensive, or unparliamentary, in the context in which they are used.*

*(2) For the purposes of subclause (1), the determination of whether words are offensive or unparliamentary in the context in which they are used shall be made by Parliament.*

*(3) Any member may move without notice for Parliament to determine whether specified words used in a specified context are offensive, unparliamentary, or both, and the question shall forthwith be put and determined without debate.*

*(4) If Parliament determines that those words, used in the specified context, are offensive, unparliamentary, or both, the member who used those words shall immediately withdraw them.*

**174. Where judicial decision pending** - No member shall refer to any matter on which a judicial decision is pending.

**175. Personal reflections** - All imputations of improper motives, or unbecoming reference to a member's private affairs, blasphemous or unbecoming words, or personal allusions shall be considered highly disorderly.

**176. Speaker to intervene** - When any offensive or disorderly words are used, whether by a member who is addressing the Speaker or by a member who is present, the Speaker shall intervene.

**177. Speaker to determine offensive words** - When the attention of the Speaker is drawn to words used, whether spoken in the Maori or English language, he shall determine whether or not they are offensive or disorderly.

**178. Parliament will not permit quarrels** - Parliament will interfere to prevent the prosecution of any quarrel between members arising out of debates or proceedings of Parliament or any committee thereof.

**179. Anticipating discussion** - No member may anticipate the discussion of any subject which appears on the Order Paper:

Provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before Parliament within a reasonable time.

**180. Proceedings of committees not to be referred to** - No member may refer to any proceedings of a committee of the whole House or of a select committee until such proceedings have been reported to Parliament.

**181. Member may not interrupt except in certain cases** - No member may interrupt another member whilst speaking unless -

- (a) To call attention to a point of order or privilege suddenly arising;
- (b) To call attention to the want of a quorum;
- (c) To call attention to the presence of strangers;
- (d) *To elucidate some matter raised by the member speaking in the course of that member's speech.*

**182. Interruptions to elucidate matters raised by member speaking** - (1) *A member who makes an interruption under paragraph (d) of Order 181 to claim a right granted under Order 163 may exercise the right in accordance with Order 163 –*

- (a) *If the member interrupted is willing to give way and resume that member's seat immediately following the interruption; and*
- (b) *In any other case, immediately following the speech of the member interrupted.*

(2) *A member who makes an interruption under paragraph (d) of Order 181 for any other reason may be heard –*

- (a) If the member interrupted is willing to give way and resume that member's seat and the Speaker calls the member making the interruption, immediately following the interruption; and*
- (b) In any other case, following the speech of the member interrupted, by leave of the Speaker.*

**183. How debate may be interrupted** - The debate upon a question may be interrupted:

- (a) By a matter of privilege arising;
- (b) By words of heat between members;
- (c) By a point of order;
- (d) By a message from the Queen's Representative;
- (e) By a member appearing to be sworn;
- (f) By a motion that strangers be ordered to withdraw;
- (g) By Parliament being counted;
- (h) With the making, by leave of the Speaker, of a ministerial statement in accordance with Order 88;
- (i) By the speaker in cases of disorderly conduct.

**184. Adjournment of debate** - A member who has not spoken to the question or who has the right of reply may move the adjournment of a debate to a later hour on the same day or to any other day, which question shall be put forthwith and determined without amendment or debate.

**185. Member moving adjournment entitled to speak first** - The member upon whose motion any debate is adjourned by Parliament, shall be entitled, if he claims the right, to speak first on the resumption of the debate.

**186. If motion negated mover may speak later** - In the event of a motion for the adjournment of the debate upon any question being negated, the member moving the motion for such an adjournment may address Parliament at a later period during such debate.

**187. Resumption of interrupted debate** - If a debate be interrupted by Parliament being counted out, such debate may, on motion without notice, be resumed at the point where it was so interrupted. The question for the resumption of the debate shall be put forthwith and determined without amendment or debate.

**188. Adjourned debate on privilege takes precedence** - An adjourned debate on a question relating to any privilege of Parliament shall stand first on the Order Paper for the day to which the debate is adjourned.

**189. Member who has spoken on main question may speak to new question arising** - A member who has spoken to a question may speak again to any other new question which may arise.

**190. Member who has spoken on main question not again to enter upon it** - A member who has spoken on the main question may not again enter upon it when speaking to an amendment, unless such amendment involves consideration and decision of the main question.

**191. Debate on amendment confined to amendment: Exception** - When an amendment is moved the debate must be confined to the amendment, unless it be of such a nature as to involve the consideration and decision of the main question, in which case both the main question and the amendment are open for discussion.

**192. Member who has spoken to amendment involving main question cannot speak to main question** - No member who has spoken to any amendment which involves the consideration and decision of the main question, shall subsequently speak to the main question, either as originally proposed or as amended.

**193. Amendment cannot be withdrawn without leave** - An amendment cannot be withdrawn without leave nor, in the absence of the mover, without his consent, unless circumstances preclude the possibility of his being consulted.

**194. Member who has moved, seconded or spoken to amendment cannot move or second further amendment** - Except in committee, no member who has moved, seconded, or spoken to an amendment, may move or second a further amendment to the same question.

**195. Member who has spoken to the main question may not move or second amendment** - A member who has spoken or a member who has not spoken as provided under Order 167 to the main question, or to any amendment which involves the consideration and decision of the main question, may not move or second an amendment (except in committee), but he may speak to any such amendment when moved by another member.

**196. Motion that member be no longer heard** - If a member uses offensive words as provided in Order 173 and on being called to order fails to retract or explain such words and offer an apology to the satisfaction of the Speaker, any member may, with the consent of the Speaker, move that the member using offensive words be no longer heard, and the question on that motion shall be put forthwith without amendment or debate.

**197. Relevancy in debate** - (1) The debate upon any Bill, motion, or amendment shall be relevant to such Bill, motion or amendment, except in the case of a motion for the adjournment of Parliament under Orders 59, 62 or 63.

(2) Where an amendment proposes to omit words and insert words instead (Order 127) the debate upon the first question proposed on the amendment may include both the words proposed to be left out and those proposed to be inserted.

**198. Closure of debate** - After a question has been proposed by the Speaker, any member who has not spoken to the question may claim to move, "That the question be now put", and unless it shall appear to the Speaker that such a motion is an abuse of the rules of Parliament or an infringement of the rights of the minority, the question, "That the question be now put", shall be put forthwith and decided without amendment or debate.

**199. If closure carried other question already proposed may be put** - If the motion, "That the question be now put", is carried and the question consequent thereon has been decided, any member may claim that any other question already proposed by the Speaker be now put, and if the assent of the Speaker is given, such question shall be put forthwith and decided without amendment or debate.

**200. Limitation of debate** - (1) Parliament may upon motion impose a limit in respect of the debate on any particular motion by allotting a limited period of time for such debate or by limiting the time during which members may speak in such debate or by imposing both such limitations. The debate on any such matter, if the question is not put and decided, shall lapse upon the expiry of the time limit or the adjournment of the sitting.

(2) The Debate on the motion to limit debate on the main question pursuant to Order 200(1) shall not involve a debate on the main question.

(3) Such motion may be made without notice, provided that such motion shall not be made in the course of the debate to which it refers unless it is moved after adjournment of such debate and before the debate is resumed.

(4) The debate on a private member's motion shall not exceed two hours duration and shall lapse upon the adjournment of the sitting.

**201. Time limit of speeches** - Except where otherwise expressly provided in these Orders, each member shall be entitled to speak for 20 minutes on each motion or on any amendment or on any amendment to such amendment.

## **PART XXX**

### **RULES OF ORDER**

**202. Speaker to be heard in silence** - (1) Whenever the Speaker addresses Parliament during a debate, any member then speaking, or offering to speak, shall immediately resume his seat, and Parliament shall be silent, so that the Speaker may be heard without interruption.

(2) *If the Speaker considers that there is unruliness in the Chamber, the Speaker shall stand in the Speaker's place, and every member in the Chamber shall immediately cease talking, resume that member's seat, and remain silent until the Speaker orders otherwise.*

**203. Decision of Speaker on point of order to be final** - The Speaker shall be responsible for the observance of the rules of debate and order in Parliament and in

committee, and his decision upon any point of order shall not be open to appeal and shall not be reviewed by Parliament except upon a substantive motion made after notice.

**204. Member to make obeisance to the Speaker** - Every member shall make obeisance to the Speaker in passing to or from his seat or across the floor of the Chamber.

**205. Members leaving their seats** - A member when passing between the Speaker and any member who is speaking shall do so if practicable in such a way as not to interrupt the Speaker's view of the member who is speaking.

**206. Member speaking not to be interrupted** - When a member is speaking, no member may converse aloud or make any noise or disturbance to interrupt him.

**207. Members to stand as Speaker enters or leaves Chamber** - When the Speaker enters the Chamber at the commencement of a sitting or is about leave the Chamber at the conclusion of a sitting members shall rise and stand in their places.

**208. Members deviating from Orders may be called to order** - Any member deviating from these Orders may be immediately called to order by the Speaker or any member may rise to a point of order as prescribed by Order 169.

**209. Irrelevance or tedious repetition** - The Speaker after having called the attention of Parliament or of a committee to the conduct of a member who persists in irrelevance or tedious repetition either of his own arguments or the arguments used by other members in debate, may direct the member to discontinue his speech.

**210. Disorderly conduct** - The Speaker shall order any member or members whose conduct is grossly disorderly to withdraw immediately from *the Chamber* during the remainder of the sitting. But if, on any occasion, the Speaker deems that his powers and the provisions of this Order are inadequate, he may name such member or members, in which event the procedure as prescribed in Orders 211 to 215 shall be followed.

**211. Member may be suspended after being named** - Whenever a member shall have been named by the Speaker after the commission of an offence of disregarding the authority of the Speaker, or of persistently and wilfully obstructing the business of Parliament by abusing the rules of Parliament or otherwise, then, if the offence has been committed in Parliament the Speaker shall forthwith put the question on a motion being made and seconded by any Minister or other member, no amendment, adjournment or debate being allowed, "That such member be suspended from the service of Parliament"; and, if the offence has been committed in committee, the proceedings of the committee shall forthwith be suspended and the circumstances reported to Parliament; and the Speaker shall forthwith, on a motion being made and seconded, put the same question without amendment, adjournment, or debate, as if the offence had been committed in Parliament itself.

**212. Period of suspension of member** - If any member is suspended under Order 211 then except as provided in Order 215, suspension on the first occasion in any session shall be for the remainder of that sitting; on the second occasion in any session for 7 days, excluding the day of suspension; and on the third or any subsequent occasion during the same session for *14 days* excluding the day of suspension.

**213. Member suspended to withdraw from the Chamber** - Members who are ordered to withdraw under Order 210 or who are suspended from the service of Parliament under Order 211 shall withdraw from *the Chamber*.

**214. Speaker may direct steps to enforce Orders 210 and 211** - The Speaker, when acting under the authority of Orders 210 and 211, may direct such steps to be taken as are required to enforce those Orders.

**215. Refusal of members to obey directions given under Orders 210 and 211** - If a member, or two or more members acting jointly who have been ordered to withdraw under Order 210 or who have been suspended from the service of Parliament under Order 211 shall refuse to obey the direction of the Speaker when severally summoned under the Speaker's direction by an Order of any officer of Parliament or any officer of the Police to obey such direction, the Speaker shall call the attention of Parliament to his direction, and the member or members named by him as having refused to obey his direction shall thereupon and without further question being put be suspended from the service of Parliament during the remainder of the session.

**216. Parliament may proceed in other manner** - Subject to the provisions of Article 36 of the Constitution, nothing in this Part of these Orders shall be deemed to prevent Parliament from proceeding against any member for any of the offences specified herein in any other way Parliament thinks fit or from proceeding against him for any offences not specified herein.

**217. Grave disorder in Parliament** - In the case of grave disorder arising in Parliament, the Speaker may, if he thinks it necessary to do so, adjourn Parliament without question put or suspend the sitting for a period to be named by him.

**218. Suspended member may not serve on any committee of Parliament - No member may serve on any select committee while suspended from the service of Parliament.**

## **PART XXXI**

### **BILLS**

#### **INTRODUCTION**

**219. Certain rules regarding Bills** - (1) Subject to the provisions of the Constitution and these Orders any member of Parliament may introduce any Bill to Parliament and the same shall be disposed of in accordance with these Orders.

(2) All Bills shall be classified as Public Bills or Private Bills as defined in Order 3.

(3) No Bill shall be presented to the Queen's Representative for assent until it has been read three times and considered in a committee of the whole House.

(4) All Bills shall be distinguished by titles and shall be divided into successive clauses consecutively numbered and to every clause there shall be an introductory note.

(5) Matters which in the opinion of the Speaker have no proper relation to each other shall not be included in the same Bill.

(6) No Bill shall contain anything foreign to that which its Long Title indicates.

**220. Explanatory note to accompany Bill** - Every Bill shall be accompanied by an explanatory note stating the objects of and the reasons for the Bill.

**221. Publication of Long Title of Bill in Gazette** - Except as provided in Order 223 no Bill shall be read a second time unless the Long Title of the Bill has been published in the Cook Islands Gazette and copies of the Bill have been distributed to members.

**222. Distribution of copies of Bill** - Copies of every Bill shall, as far as possible, be distributed to members before the commencement of the sitting at which it is proposed to be presented.

**223. Certificate of Urgency** - Whenever the Speaker receives a Certificate of Urgency signed by the Queen's Representative he shall lay such certificate on the Table and any Bill to which the certificate applies may be then presented and considered without prior publication of the Long Title in the *Cook Islands Gazette*.

**224. Notice to be given of introduction of a Bill** - At least one day's notice shall be given for the introduction of a Public Bill and at least 7 days' notice shall be given for the introduction of a Private Bill.

**225. Presentation of Private Bills** - Any member may present a Private Bill after the expiration of the periods of notice required under Orders 224 and 281 and such Bill shall be dealt with pursuant to Part XXXII of these Orders.

**226. Introduction of Public Bills** - A Public Bill may be presented by any Minister or member after notice of the introduction of such Bill has been given pursuant to Order 224.

## **FIRST READING**

**227. First reading of Bill** - At the time appointed for "Presentation of Bills" under Order 64 the Speaker shall call upon the Minister or member in charge of the Bill

to present it to Parliament. The Minister or member shall rise in his place and hand a copy of the Bill to the Clerk:

Provided that for the purpose of the first reading it shall be sufficient if the copy of the Bill consists of the Short Title only.

**228. Short Title of Bill read by Clerk** - The Clerk shall read aloud the Short Title of the Bill which shall then be deemed to have been read a first time without any question being put.

## **SECOND READING**

**229. Date of second reading** - The second reading of a Bill shall be taken at any sitting (including the same sitting as that on which the Bill is read a first time) which the Minister or member in charge of the Bill may appoint:

Provided that the sitting so appointed shall be not more than one month after the first reading of the Bill.

**230. Second reading of Bill** - On a motion being made and seconded for the second reading of a Bill the Speaker shall propose the question, "That the Bill be now read a second time", and a debate may arise covering the principles and general merits of the Bill.

**231. Amendment to negative Bill on second reading** - On the second reading of a Bill, an amendment may be proposed to the question, "That the Bill be now read a second time", by omitting the word "now" and adding the words "upon this day six months", and no amendment may be moved to this amendment, and if the amendment is carried the second reading of the Bill shall be considered to have been negatived.

**232. Other amendments to be relevant** - No other amendment may be moved to such question except in the form of an amendment which must be relevant to the principles of the Bill.

**233. Long Title read by Clerk** - If the motion, "That the Bill be now read a second time", is carried, the Clerk shall read aloud the Long Title of the Bill which shall then be deemed to have been read a second time.

**234. Committal of Bill** - When a Bill has been read a second time it shall stand committed to a committee of the whole House, unless on motion it is referred to a select committee *or to the House of Arikis*. Such motion must be made immediately after the Bill has been read a second time, and may be proposed by any member.

**235. Second reading *pro forma* of Bill referred to select committee *or House of Arikis*** - When it is intended to refer a Bill to a select committee *or the House of Arikis* the second reading may be moved *pro forma* and in such case there shall be no speech by the mover or seconder and no debate:

Provided that notice of intention to move *pro forma* must be given either at the time of fixing the date for the second reading or not less than two clear sitting days before the date fixed for the second reading, the same to be notified on the Order Paper.

## COMMITTEE OF THE WHOLE HOUSE

**236. Committee stage may be taken forthwith** - If a Bill stands committed to a committee of the whole House the Speaker shall forthwith resolve Parliament into committee for consideration of the Bill, unless upon motion Parliament decides to take the committee stage at some subsequent time.

**237. Parliament to resolve into committee** - On the order of the day being read for the committee stage of a Bill Parliament shall be resolved into committee without question put.

**238. Committee not to discuss principle of Bill** - Any committee to which a Bill is committed shall not discuss the principle of the Bill but only its details.

**239. Committal of more than one Bill at one time** - Not more than one Bill shall be referred to the same committee of the whole House at the one time if objection be taken to doing so, but such objection shall be at once determined by Parliament without amendment or debate.

**240. Order to be observed in considering Bills** - The following order of business shall be observed in considering a Bill in Committee:

- (i) Clauses as printed;
- Postponed clauses;
- New clauses (including those substituted for others disagreed to);
- Schedules;
- New schedules;
- Preamble;
- Long Title,

and in reconsidering the Bill upon recommitment the same order shall be followed:

Provided that in considering an Appropriation Bill or a Bill to impose taxation any schedule shall where applicable be considered before the clauses.

**241. Committee has power to make amendments to Bill committed subject to certain conditions** - A committee of the whole House shall have power to make such amendments to a Bill committed for its consideration, as it shall think fit, provided that the amendments (including new clauses and new schedules) comply with the following conditions:

- (a) They are relevant to the subject matter of the Bill and to the subject matter of the clause to which they relate;
- (b) They are not inconsistent with any clause already agreed to or any decision already reached by the committee in relation to the Bill;

- (c) If they refer to, or are not intelligible, without a subsequent amendment or schedule, unless the Chairman permits otherwise, must be given before or when the first amendment is moved, so as to make the series of amendments intelligible;
- (d) If an amendment passed by the committee is not within the Long Title of the Bill, the Long Title shall be amended accordingly and the same shall be reported to Parliament;
- (e) The provisions of Part XXVII of these Orders, relating to the method of putting questions on amendments, shall apply to the consideration of amendments to Bills, with the substitution where appropriate of the word “clause” for the word “question” and any amendment proposed to an amendment shall be dealt with before a decision is taken on the original amendment.

**242. Chairman reads numbers and introductory notes of clauses -**

(1) The Chairman shall read the number and introductory note to each clause of a Bill, and if no amendment is offered the Chairman shall, after convenient number of clauses has been read, put the question, “That clauses .....to.....stand part of the Bill”.

(2) In the case of Bills containing a large number of parts and clauses the Chairman may, with the leave of the Committee, read the number and adding of each part only.

**243. Amendment to or comment on clauses -** If any member announces while the clauses are being read, that he wishes to move an amendment to, or make some comment on a clause, the Chairman shall forthwith put the question with regard to all clauses which have been called but not yet agreed to, excluding the clause indicated by the member, which shall then be considered.

**244. Amendments may be placed on Order Paper -** It shall be competent for any member desiring to propose amendments to a Bill to lodge a written copy of such proposed amendments with the Clerk, and such proposed amendments shall thereupon be placed forthwith upon the Order Paper and each amendment shown thereon shall take precedence over oral amendments.

**245. Question put on clauses -** After a clause has been considered, and after any proposed amendment thereto has been agreed to or negatived, the Chairman shall put the question, “That clause.....(or clause....as amended) stand part of the Bill”.

**246. Consideration of new clauses -** New clauses may be considered at their appropriate places in the Bill, or they may be deferred for consideration until after the clauses in the Bill as printed have been disposed of.

**247. Clauses postponed -** Any clause may be postponed unless the same has already been considered and amended.

**248. Reading of new clauses and proposing amendments** - When the heading of any new clause is read by the Chairman the clause shall be deemed to have been read the first time. The Chairman shall then propose “That the clause be read a second time”, and if it is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be, “That the clause (or clause as amended) be added to the Bill”.

**249. New schedules** - New schedules shall be dealt with in the same manner as new clauses as provided under Orders 246 and 248.

**250. New clause or schedule agreed to may only be reconsidered on recommittal** - When a new clause or schedule has been agreed to by the committee or amended and agreed to, it shall not be competent for the committee to resume consideration thereof except upon recommittal as provided under Order 254.

**251. Report of progress** - (1) When a Bill has not been fully considered the Minister or member in charge of the Bill may move, “That I do report progress (or no progress)”, as the case may be, which question shall be put forthwith without amendment or debate.

(2) The Speaker shall then declare Parliament resumed and the Minister or member in charge of the Bill shall then report to Parliament.

**252. Bill to be reported to Parliament** - When a Bill has been fully considered by the Committee, the Chairman shall put the question, “That the Bill be reported to Parliament with (or without) amendments”, which question shall be decided without amendment or debate.

**253. Consideration and adoption of report** - (1) So soon as the committee of the whole House has agreed that a Bill be reported as provided under Order 252 the Speaker shall forthwith declare Parliament resumed and the Minister or member in charge of the Bill shall then report to Parliament that the Bill has passed through the committee stage with or without amendment, as the case may be.

(2) When a Bill has been so reported the Speaker shall put the question, “That the report on the Bill be adopted”, and such question shall be decided without amendment or debate.

(3) When the report is adopted, and except as provided under Order 269, the third reading of the Bill shall be taken on a future sitting day.

## **RECOMMITTAL**

**254. Recommittal of Bill** - At any time before a Minister or a member rises to move the third reading of any Bill, any member may, without notice, move that the Bill be recommitted (either wholly or in respect only of some particular clause, part, or schedule of a Bill or some proposed new clause, part or schedule), if such member so moving desires to delete or amend any provision contained in the said Bill as reported from a committee of the whole House, or to introduce any new provision thereto.

**255. Parliament to resolve into committee** - If the motion for the recommittal of a Bill under Order 254 is agreed to Parliament shall forthwith or on a future day (in accordance with the terms of the motion) resolve itself into committee to consider the business so recommitted.

**256. Procedure where Bill wholly recommitted** - If a Bill is wholly recommitted it shall be dealt with by the committee in accordance with Orders 240 to 253.

**257. Procedure where part only of Bill recommitted** - If a Bill has been recommitted in respect only of some particular clause, part or schedule or some proposed new clause, part of schedule, the committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

**258. Recommitted Bill to be reported** - When a Bill recommitted under Orders 254 to 257 is considered by the committee it shall be reported as provided under Orders 251 to 253.

### ***COMMITTAL TO SELECT COMMITTEE OR HOUSE OF ARIKIS***

**259. Bill may be committed to select committee or House of Arikis** - *If on a motion moved under Order 234 a Bill is referred to the Bills Committee, another select committee, or the House of Arikis, Parliament may not take further proceedings on the Bill until the select committee or (as the case may be) the House of Arikis has reported on that Bill to Parliament.*

**260. No report may be made more than 3 months after referral** - *(1) No report on a Bill by a select committee or the House of Arikis may be laid on the Table after the expiry of 3 months from the date on which the Bill is referred to the select committee or (as the case may be) the House of Arikis under Order 234.*

*(2) Notwithstanding Order 229, if a Bill is not reported to Parliament in accordance with Order 263 or (as the case may be) 264, within 3 months of being referred to the select committee or (as the case may be) the House of Arikis, Parliament may take further proceedings on the Bill.*

*(3) This Order does not apply where Parliament grants an extension under Order 261.*

**261. Extension of time for reporting** - *( 1) Instead of tabling a report under Order 263 or 264, a select committee or the House of Arikis to which a Bill is referred may recommend that Parliament extend the time for reporting on the Bill from 3 to 6 months.*

*A recommendation under subclause (1) shall be –*

*(a) Signed by the Chairman of the select committee or (where the Bill is referred to the House of Arikis) the President of the House of Arikis; and*

- (b) Accompanied by a concise statement of the reasons for the recommendation; and*
- (c) Presented to the Speaker no later than 3 months from the date on which the B is referred to the Select Committee or (as the case may be) the House of Arikis; and*
- (d) Laid on the Table by the Speaker at the first available opportunity at the time prescribed for presentation of papers under Order 64.*

*(3) Parliament may grant an extension following a recommendation made in accordance with subclause (2) by agreeing to a motion, "That the time for reporting be extended to 6 months.*

*(4) Where Parliament has granted an extension, no report on the Bill (in relation to which an extension has been granted) by a the select committee or the House Arikis may be laid on the Table after the expiry of 6 months from the date on which the Bill is referred to the select committee or (as the case may be) the House of Arikis under Order 234.*

*(5) Notwithstanding Order 259, if a Bill in relation to which an extension has been granted is not reported to Parliament, in accordance with Order 263 or (as the case may be) 264 within 6 months of being referred to the select committee or (as the case may be) the House of Arikis, Parliament may take further proceedings on the Bill.*

**262. Bill to be reported by select committee** - When a Bill has been fully considered by a select committee under Orders 259 and 260 the committee shall direct the Chairman of the select committee to report the Bill with (or without amendment to Parliament).

**263. Report of select committee on Bill** - A copy of the report of the select committee shall be signed by the Chairman and laid on the Table at the time prescribed for presentation of papers under Order 64.

**264. Procedure where Bill committed to House of Arikis** - *(1) Where a Bill is referred to the House of Arikis on motion under Order 234, the Speaker shall attach to the Bill a request that the Bill be referred to a select committee of the House of Arikis.*

- (2) A report on a Bill by the House of Arikis shall be -*
  - (a) Signed by the President of the House of Arikis; and*
  - (b) Presented to the Speaker; and*
  - (c) Laid on the Table by the Speaker at the time prescribed for presentation of papers under Order 64.*

**265. Consideration of report** - When a Bill has been reported by a select Committee or the House of Arikis, the consideration of the report and the Bill shall be taken on a future sitting day.

**266. Consideration of Bill reported** - *When a Bill has been reported by a select committee or the House of Arikis, Parliament shall proceed to consider the Bill as reported upon a motion, -*

- (a) *In the case of a report by a select committee, “That the report from the select committee be approved”;*
- (b) *In the case of a report by the House of Arikis, “That the report from the House of Arikis be approved”.*

**267. Adoption of report** - *If the motion under Order 266 is agreed to without amendment Parliament may, as provided under Order 269, proceed to the third reading of the Bill in the form that it is reported (with or without amendment) from the select committee or the House of Arikis.*

**268. Bill may be recommitted** - (1) When Parliament considers the motion under Order 266 any member may propose an amendment to add at the end of the motion the words “subject to the recommittal of the Bill (either wholly or in respect only of some particular clause, part or schedule or of some proposed new clause, part or schedule) to a committee of the whole House”, and if that motion is agreed to with such amendment the Bill shall stand so recommitted. Parliament may forthwith or on a future day resolve it self into committee to consider the business so recommitted.

(2) A committee of the whole House upon a Bill recommitted under this Order shall consider the Bill in accordance with the provisions of Orders 254 to 258.

### **THIRD READING AND PASSING**

**269. Third reading may be taken on same day as Bill reported** - A motion for the third reading of a Bill may be made on the same day as the Bill is reported from a committee of the whole House or a select committee, except in the case of an Appropriation Bill or any Bill presented upon a Certificate of Urgency.

**270. Motion made and question put** - Upon a motion being moved and seconded, “That the Bill be now read a third time”, amendments for the correction or errors or oversights may, with the Speaker’s permission, be made, but no amendment of a material character affecting the provisions of the Bill shall be proposed.

**271. Amendment to defer or negative Bill** - When the question is proposed, “That the Bill be now read a third time”, it shall be competent for any member to move an amendment in similar form as prescribed under Order 231, and if such an amendment is carried the third reading of the Bill shall be considered to have been negatived.

**272. No debate on motion** - *No debate shall be permitted on a motion made under Order 269, 270, or 271.*

**273. Long Title of Bill read by Clerk** - If the motion “That the Bill be now read a third time” is carried, the Clerk shall read aloud the Long Title of the Bill which shall then be deemed to have been read a third time.

**274. Bill passed** - After the third reading no further questions shall be put and the Bill shall have passed Parliament.

## **ASSENT TO BILLS**

*(For assent to Bills by Queen's Representative and amendments proposed to Bills by the Queen's Representative see Article 44 of the Constitution)*

**275. Bills passed to be printed fair, certified, and presented for assent** - When a Bill has been passed by Parliament, it shall be printed fair, by direction of the Clerk, who shall certify eight copies thereof to be true copies, and shall present them to the Queen's Representative for assent in accordance with Article 44 of the Constitution.

**276. Procedure for considering Bill returned to Parliament by message from Queen's Representative** - (1) When a Bill is returned to Parliament by message from the Queen's Representative as provided by Article 44(3) of the Constitution the Bill together with the message and any amendments proposed therein shall be referred to a committee of the whole House.

(2) The committee shall go through the Bill in the manner provided under Orders 238 to 250, considering any amendments proposed in the message and any other amendments that may be proposed by members.

(3) When the Bill has been fully considered and reported the Speaker shall forthwith proposed the question, "That the Bill be again passed" (with or without amendments), and if the motion is carried the Bill shall again be presented to the Queen's Representative for assent as provided by Order 275.

**277. After assent has been signified** - When the assent to a Bill has been signified the Clerk shall deposit one of the assented copies with the Registrar of the High Court, deliver copies to the secretary to the Queen's Representative and retain one copy in the office of the Clerk.

## **MISCELLANEOUS PROVISIONS**

*(For Bills repealing or amending the Constitution see Article 41 of the Constitution)*

**278. Withdrawal of Bills** - The Minister or member in charge of a Bill may move without notice at the commencement of any stage of a Bill for its withdrawal and discharge from the Order Paper:

Provided that a private member's Bill shall be automatically withdrawn if the member in charge of the Bill ceases to be a member of Parliament or becomes a Minister.

**279. Revival of Bills lapsed in previous session** - (1) When the progress of a Bill has been interrupted by prorogation (but not by dissolution) such Bill may, on motion, be revived in the following session.

(2) The revived Bill may be proceeded with at the commencement of the stage which it had reached during the previous session, unless the motion otherwise provides.

**280. Government may adopt private member's Bill** - The Government may, with the consent of the member in charge of a private member's Bill, adopt the same as a Government Bill but before the said Bill shall be dealt with as a Government Bill the Minister adopting it shall notify the Speaker in writing that the Bill has been adopted by the Government and the Speaker shall inform Parliament accordingly.

## **PART XXXII PRIVATE BILLS**

**281. Notice in Gazette** - A Private Bill shall not be introduced into Parliament unless at least one month's notice incorporating a statement of the general nature and objects of the Bill has been published in the *Cook Islands Gazette* and a newspaper circulating in the Cook Islands.

**282. Bill to contain certain provisions** - (1) Every Private Bill shall contain an express provision declaring it to be a Private Act and shall also contain a preamble, setting out the facts on which the Bill is founded and the circumstances giving rise to the necessity for it.

(2) If the objects of the Bill could be attained otherwise than by legislation, the preamble shall state why legislation is preferred.

**283. Cost of preparation and printing** - The cost of preparation and printing of a Private Bill shall not be a charge upon the Government if the Bill is rejected by Parliament.

**284. Procedure for consideration of Private Bill** - A Private Bill shall be considered in the same manner as a Public Bill under the provisions of Part XXXI of these Orders except that when a Private Bill has been read a second time it shall be referred to the Bills Committee.

**285. Reference to Bills Committee** - (1) When a Private Bill has been referred to the Bills Committee under Order 284 any party affected by the Bill may be heard before the committee upon application, either in person or by counsel, together with any witnesses.

(2) The committee may take such oral or other evidence as it may consider requisite.

**286. Withdrawal of Private Bill** - A Private Bill may be withdrawn under the provisions of Order 278.

## **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**

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

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