



# **STANDING ORDERS OF THE PARLIAMENT OF THE COOK ISLANDS**

**BROUGHT INTO FORCE 1 JULY 2022**

Adopted by the Parliament, 27 May 2022

# Table of Contents

<b>CHAPTER 1: GENERAL PROVISIONS AND OFFICEHOLDERS .....</b>	<b>10</b>
<b>INTRODUCTION.....</b>	<b>10</b>
01. PURPOSE.....	10
02. INTERPRETING THE STANDING ORDERS.....	10
03. DEFINITIONS.....	10
04. SUSPENSION OF STANDING ORDERS.....	13
05. TIME LIMITS OF DEBATES AND SPEECHES.....	13
<b>PROCEEDINGS OF MEETING OF NEW PARLIAMENT.....</b>	<b>13</b>
06. PROCEEDINGS AT MEETING OF NEW PARLIAMENT .....	13
<b>ELECTION OF SPEAKER .....</b>	<b>14</b>
07. GENERAL PROVISIONS FOR ELECTION OF THE SPEAKER .....	14
08. NOMINATION FOR ELECTION AS SPEAKER.....	14
09. SPEAKER-ELECT ATTENDS ON THE QUEEN'S REPRESENTATIVE .....	14
10. SPEAKER REPORTS TO THE PARLIAMENT .....	15
<b>DEPUTY SPEAKER .....</b>	<b>15</b>
11. ELECTION OF DEPUTY SPEAKER .....	15
12. ELECTION BY BALLOT .....	15
<b>SWEARING IN OF MEMBERS.....</b>	<b>16</b>
13. OATH OF ALLEGIANCE .....	16
<b>OPENING OF PARLIAMENT.....</b>	<b>16</b>
14. PROCEEDINGS FOR NEW SESSION.....	16
<b>ADDRESS IN REPLY .....</b>	<b>16</b>
15. MOTION FOR ADDRESS IN REPLY .....	16
16. AMENDMENT TO MOTION.....	17
17. DEBATE ON MOTION FOR ADDRESS TAKES PRECEDENCE .....	17
18. MOTION FOR ADDRESS AFFIRMED OR AMENDED.....	17
19. PROCEDURE WHEN ADDRESS BROUGHT IN .....	17
20. ADDRESS TO BE PRESENTED BY THE SPEAKER .....	17
<b>LANGUAGES.....</b>	<b>17</b>
21. LANGUAGES.....	17
<b>CODE OF CONDUCT.....</b>	<b>18</b>
22. CODE OF CONDUCT .....	18
<b>DUTIES OF THE CLERK.....</b>	<b>18</b>
23. FUNCTIONS, DUTIES AND POWERS OF THE CLERK .....	18
<b>MINUTES, RECORDS OF PARLIAMENT AND HANSARD .....</b>	<b>19</b>
24. MINUTES OF PROCEEDINGS.....	19
25. BUSINESS PAPER.....	19
26. ORDER PAPER .....	19
27. CUSTODY OF RECORDS .....	19
28. DISPOSAL OF RECORDS.....	20
29. HANSARD PUBLISHED AS OFFICIAL REPORT OF PROCEEDINGS.....	20
<b>PARTIES .....</b>	<b>20</b>
30. RECOGNITION OF PARTIES .....	20
31. LEADER OF THE OPPOSITION .....	21
<b>SEATS OF MEMBERS .....</b>	<b>21</b>
32. SEATS OF MEMBERS.....	21
<b>ATTENDANCE AND ABSENCE.....</b>	<b>21</b>
33. ATTENDANCE.....	21

34. PERMISSION TO BE ABSENT FROM PARLIAMENT .....	21
35. ABSENCE FROM PARLIAMENT .....	21

## CHAPTER 2: SESSIONS, MEETINGS AND SITTINGS.....22

SESSIONS AND MEETINGS.....	22
36. SESSIONS AND MEETINGS .....	22
37. NOTICE OF MEETINGS .....	22
SITTINGS.....	22
38. SITTING PROGRAMME .....	22
39. SITTING DAYS AND HOURS .....	23
40. EXTENDED SITTING HOURS.....	23
41. ADJOURNMENT AND SUSPENSION .....	23
42. SPEAKER MAY SUSPEND SITTING OR ADJOURN THE HOUSE .....	24
PRESIDING IN PARLIAMENT .....	24
43. PRESIDING IN PARLIAMENT .....	24
QUORUM.....	24
44. QUORUM .....	24
ADJOURNMENT OF PARLIAMENT .....	25
45. ADJOURNMENT MOTION.....	25
46. ADJOURNMENT FOR URGENT PUBLIC BUSINESS.....	25
47. PRIME MINISTER MAY MOVE ADJOURNMENT .....	25
BUSINESS OF PARLIAMENT .....	26
48. ORDER OF BUSINESS .....	26
49. ARRANGEMENT OF ORDERS OF THE DAY .....	26
50. ORDERS OF THE DAY .....	27
51. TIME ALLOCATIONS .....	27
52. BUSINESS STATEMENT .....	27
REMOTE PARTICIPATION IN SITTINGS.....	27
53. AUTHORITY TO PARTICIPATE IN SITTINGS REMOTELY .....	27
54. REMOTE PARTICIPATION PART OF PROCEEDINGS .....	27
55. QUORUM AND ATTENDANCE.....	28
56. VOTING .....	28
57. DELIVERY OF DOCUMENTS TO THE CLERK OR AT THE TABLE.....	28
58. BROADCASTING OF PROCEEDINGS .....	28

## CHAPTER 3: GENERAL PROCEDURES.....29

MAINTENANCE OF ORDER .....	29
59. SPEAKER MAINTAINS ORDER.....	29
60. MEMBERS' CONDUCT IN THE CHAMBER.....	29
61. POINTS OF ORDER .....	29
62. DISORDERLY CONDUCT.....	29
63. NAMING OF MEMBER AND SUSPENSION FOR GROSSLY DISORDERLY CONDUCT.....	29
64. EFFECT OF SUSPENSION .....	30
65. GRAVE DISORDER IN PARLIAMENT .....	30
MOTIONS.....	30
66. NOTICE NECESSARY BEFORE MOTION MOVED.....	30
67. GIVING OF NOTICE OF MOTION .....	30
68. NOTICES EXAMINATION AND PUBLISHED .....	30
69. FORM AND CONTENT OF MOTIONS .....	31

70.	PRECEDENCE OF MOTIONS .....	31
71.	MOTIONS TO BE SECONDED.....	31
72.	WITHDRAWAL OF NOTICE OF MOTION .....	31
73.	QUESTION PROPOSED ON MOTION .....	31
74.	MOTIONS TO AMEND STANDING ORDERS .....	31
	<b>MOTIONS OF NO CONFIDENCE.....</b>	<b>32</b>
75.	MOTIONS OF NO CONFIDENCE .....	32
	<b>RULES OF DEBATE .....</b>	<b>32</b>
76.	SPEAKER CALLS UPON MEMBER TO SPEAK .....	32
77.	PROTOCOLS WHILE SPEAKING .....	32
78.	RELEVANCY .....	33
79.	MEMBER MAY SPEAK ONLY ONCE TO QUESTION .....	33
80.	MISREPRESENTATION .....	33
81.	MATTERS SUBJECT TO JUDICIAL DECISION .....	33
82.	ANTICIPATING DISCUSSION .....	33
83.	REFERENCES NOT ALLOWED.....	34
84.	OFFENSIVE OR DISORDERLY WORDS.....	34
85.	PERSONAL REFLECTIONS .....	34
86.	REFLECTIONS ON VOTES OF PARLIAMENT .....	34
87.	TIME LIMITS OF SPEECHES AND DEBATES.....	34
	<b>RULES FOR AMENDMENTS .....</b>	<b>34</b>
88.	GENERAL RULES .....	34
89.	AMENDMENTS TO MOTIONS.....	34
90.	QUESTION PROPOSED ON AMENDMENT.....	35
91.	DEBATE ON MAIN QUESTION AND AMENDMENT .....	35
92.	AMENDMENT TO AMENDMENT .....	35
93.	MEMBER MAY NOT MOVE FURTHER AMENDMENT .....	35
94.	QUESTIONS PUT ON AMENDMENT .....	35
	<b>INTERRUPTION OF DEBATE .....</b>	<b>36</b>
95.	INTERRUPTION OF MEMBER SPEAKING .....	36
96.	INTERRUPTION OF DEBATE.....	36
	<b>ADJOURNMENT OF DEBATE.....</b>	<b>36</b>
97.	ADJOURNMENT OF DEBATE.....	36
98.	MEMBER ENTITLED TO SPEAK FIRST WHEN DEBATE RESUMES.....	36
99.	IF MOTION NEGATIVED MOVER MAY SPEAK .....	36
	<b>CLOSURE OF DEBATE .....</b>	<b>37</b>
100.	CLOSURE.....	37
101.	EFFECT OF CARRYING OF CLOSURE.....	37
	<b>VOTING AND DIVISIONS .....</b>	<b>37</b>
102.	VOTING .....	37
103.	MEMBER WITH PECUNIARY INTEREST MAY NOT VOTE .....	37
104.	CALLING FOR DIVISION .....	38
105.	VOTING PROCEDURE.....	38
106.	RECORDS OF DECISIONS .....	38
	<b>EXAMINATION BY ORDER OF PARLIAMENT.....</b>	<b>39</b>
107.	ISSUE AND SERVICE OF SUMMONS .....	39
108.	EXAMINATION ON OATH .....	39
109.	CONDUCT OF EXAMINATION .....	39
110.	PROTECTION OF WITNESSES.....	39
	<b>MESSAGES FROM THE QUEEN’S REPRESENTATIVE.....</b>	<b>40</b>
111.	MESSAGE FROM QUEEN’S REPRESENTATIVE .....	40
	<b>INSTRUCTIONS TO PARLIAMENTARY COMMITTEES OR HOUSE OF ARIKIS.....</b>	<b>40</b>

112. INSTRUCTIONS TO PARLIAMENTARY COMMITTEES OR <i>HOUSE OF ARIKIS</i> .....	40
---	----

**CHAPTER 4: PARLIAMENTARY COMMITTEES .....**41

<b>ESTABLISHMENT OF COMMITTEES .....</b>	<b>41</b>
113. ESTABLISHMENT AND LIFE OF PARLIAMENTARY COMMITTEES .....	41
114. COMPOSITION OF COMMITTEES .....	41
115. APPOINTMENT OF MEMBERS OF COMMITTEES .....	41
116. SPECIAL MEASURES FOR COMMITTEES .....	42
117. FORFEIT OF MEMBERSHIP OF COMMITTEE .....	42
118. LISTS OF MEMBERS OF COMMITTEES TO BE NOTIFIED .....	42
<b>MEETINGS OF COMMITTEES .....</b>	<b>42</b>
119. TIME FOR MEETINGS .....	42
120. PLACE OF MEETING .....	42
121. CHAIRPERSON AND DEPUTY CHAIRPERSON.....	43
122. ABSENCE OF CHAIRPERSON.....	43
123. TRANSFER OF POWERS OF CHAIRPERSON DURING MEETING .....	43
<b>POWERS OF COMMITTEES .....</b>	<b>43</b>
124. SEEKING EVIDENCE .....	43
125. EXERCISE OF POWER TO SEND FOR PERSONS, PAPERS AND RECORDS .....	43
126. SUBCOMMITTEES.....	44
127. CRIMINAL WRONGDOING .....	44
128. CHARGES AGAINST MEMBERS .....	44
<b>CONDUCT OF PROCEEDINGS .....</b>	<b>45</b>
129. CONDUCT OF PROCEEDINGS .....	45
130. NOTICE OF MEETING .....	45
131. GIVING NOTICE OF BUSINESS .....	45
132. QUESTION PREVIOUSLY DECIDED .....	45
133. NAMES OF MEMBERS PRESENT .....	45
134. QUORUM .....	45
135. MOTION OR AMENDMENT DOES NOT REQUIRE TO BE SECONDED .....	46
136. MEMBERS MAY BE PRESENT .....	46
137. ADVISERS .....	46
138. ATTENDANCE BY STRANGERS.....	46
139. DISORDER .....	46
<b>GENERAL PROVISIONS FOR EVIDENCE.....</b>	<b>46</b>
140. EVIDENCE AND PROCEDURE .....	46
141. PRIVATE EVIDENCE .....	47
142. SECRET EVIDENCE .....	47
143. APPLICATION FOR EVIDENCE TO BE SECRET OR PRIVATE .....	47
<b>HEARING OF EVIDENCE.....</b>	<b>48</b>
144. PUBLIC ATTENDANCE AT HEARINGS .....	48
145. CONDUCT OF EXAMINATION .....	48
146. RELEVANCE OF QUESTIONS.....	48
147. EVIDENCE ON OATH.....	48
<b>NATURAL JUSTICE .....</b>	<b>48</b>
148. EVIDENCE CONTAINING ALLEGATIONS.....	48
<b>INFORMATION ON PROCEEDINGS.....</b>	<b>49</b>
149. CONFIDENTIALITY OF PROCEEDINGS.....	49
150. CONFIDENTIALITY OF REPORTS.....	49
151. INFORMATION ON COMMITTEE'S PROCEEDINGS .....	49

152. COMMITTEE'S CONSIDERATION OF BILLS.....	50
REPORTS .....	50
153. COMMITTEE MAY REPORT FROM TIME TO TIME .....	50
154. PRESENTATION OF REPORTS.....	51
155. REPORTS SET DOWN.....	51
156. CONSIDERATION OF REPORTS .....	51
SELECT COMMITTEES .....	51
157. SELECT COMMITTEES .....	51
158. PUBLIC ACCOUNTS COMMITTEE.....	52
159. BILLS, PETITIONS AND PAPERS COMMITTEE .....	52
STANDING COMMITTEES .....	52
160. STANDING COMMITTEES .....	52
161. BUSINESS COMMITTEE .....	52
162. BASIS OF MAKING DECISIONS IN BUSINESS COMMITTEE .....	53
163. BUSINESS OF THE PARLIAMENT.....	53
164. DETERMINATION OF THE BUSINESS COMMITTEE.....	53
165. PRIVILEGES COMMITTEE.....	53
166. STANDING ORDERS COMMITTEE.....	54
167. SPECIAL COMMITTEES.....	54

**CHAPTER 5: LEGISLATIVE PROCEDURES .....55**

GENERAL PROVISIONS .....	55
168. CLASSIFICATION OF BILLS.....	55
169. GENERAL RULES FOR BILLS .....	55
170. DISTRIBUTION OF COPIES OF BILL.....	55
171. CERTIFICATE OF URGENCY .....	55
172. BRIEFING ON BILLS .....	55
INTRODUCTION.....	56
173. PROCEDURE ON INTRODUCTION OF A BILL .....	56
174. PRESENTATION OF BILLS.....	56
175. INTRODUCTION OF APPROPRIATION BILLS, SUPPLEMENTARY APPROPRIATION BILLS, AND BILLS UNDER URGENCY .....	56
176. MEMBER'S BILL .....	56
177. FAIR COPY OF MEMBER'S BILL TO BE DELIVERED TO THE CLERK .....	57
178. DEBATE ON MOTION TO INTRODUCE MEMBER'S BILL .....	57
179. GOVERNMENT MAY ADOPT A MEMBER'S BILL.....	57
FIRST READING .....	57
180. FIRST READING OF BILL.....	57
SECOND READING.....	58
181. DATE OF SECOND READING .....	58
182. SECOND READING OF BILL.....	58
183. SECOND READING <i>PRO FORMA</i> OF BILL.....	58
PARLIAMENTARY COMMITTEE CONSIDERATION .....	58
184. COMMITTEE CONSIDERATION OF BILLS .....	58
185. RECOMMENDATION OF AMENDMENTS .....	59
186. PARLIAMENTARY COMMITTEE MAY DIVIDE BILL .....	59
PARLIAMENTARY COMMITTEE REPORTS .....	59
187. TIME FOR REPORT.....	59
188. PARLIAMENTARY COMMITTEE REPORTS .....	59
189. ADOPTION OF REPORT AND RECOMMENDED AMENDMENTS .....	59

190. NEXT STAGE OF THE BILL .....	60
REFERRAL TO HOUSE OF ARIKIS .....	60
191. REFERRAL TO HOUSE OF ARIKIS .....	60
192. PROCEDURE WHERE BILL REFERRED TO THE <i>HOUSE OF ARIKIS</i> .....	60
CONSIDERATION IN DETAIL .....	60
193. PARLIAMENT TO CONSIDER BILL IN DETAIL.....	60
194. CONSIDERATION OF BILL IN DETAIL .....	60
195. ORDER OF CONSIDERING BILL .....	61
196. AMENDMENTS MAY BE PLACED ON SUPPLEMENTARY ORDER PAPER.....	61
197. CONSIDERATION OF AMENDMENTS .....	61
198. PROCEDURE FOR CONSIDERATION OF BILLS IN DETAIL .....	62
199. DETAIL STAGE COMPLETED.....	62
RECONSIDERATION .....	63
200. RECONSIDERATION OF BILL.....	63
THIRD READING AND PASSING .....	63
201. THIRD READING OF BILLS .....	63
202. BILL PASSED .....	63
ASSENT TO BILLS.....	63
203. BILLS PASSED TO BE PRINTED FAIR, CERTIFIED, AND PRESENTED FOR ASSENT .....	63
204. PROCEDURE FOR CONSIDERING BILL RETURNED TO PARLIAMENT BY MESSAGE FROM QUEEN’S REPRESENTATIVE .....	63
205. AFTER ASSENT GIVEN .....	64
PRIVATE BILLS.....	64
206. NOTICE OF PRIVATE BILL .....	64
207. PRIVATE BILL PROCESS.....	64
AMENDMENTS TO THE CONSTITUTION.....	65
208. BILLS AMENDING THE CONSTITUTION.....	65
WITHDRAWAL OF BILLS .....	65
209. WITHDRAWAL OF BILLS .....	65
REVIVAL OF BILLS .....	66
210. REVIVAL OF BILLS LAPSED IN A PREVIOUS SESSION .....	66

**CHAPTER 6: FINANCIAL PROCEDURES .....67**

THE BUDGET AND ESTIMATES.....	67
211. ANNUAL BUDGET .....	67
212. APPROPRIATION BILL AND ESTIMATES.....	67
213. REFERRAL TO THE PUBLIC ACCOUNTS COMMITTEE.....	67
214. CONSIDERATION OF APPROPRIATION BILL AND ESTIMATES IN DETAIL .....	67
215. CONSIDERATION IN DETAIL DEBATE .....	67
216. CONSIDERATION OF DEPARTMENTAL VOTES.....	68
217. VOTES NOT DEALT WITH .....	69
218. THIRD READING OF APPROPRIATION BILL.....	69
219. APPROPRIATION BILL TAKES PRECEDENCE.....	69
REPORTS .....	69
220. FINANCIAL REPORTS.....	69
SUPPLEMENTARY ESTIMATES.....	69
221. SUPPLEMENTARY ESTIMATES.....	69
MONEY GRANTS AND TAXATION .....	70
222. GRANT OF MONEY CONSIDERED IN DETAIL .....	70
223. MOTION FOR ANY PUBLIC AID OR CHARGE CONSIDERED IN DETAIL.....	70

ANNUAL REVIEW.....	70
224. ANNUAL REVIEWS.....	70
225. TIME FOR REPORT ON ANNUAL REVIEWS .....	70
226. ANNUAL REVIEW DEBATE.....	71

**CHAPTER 7: NON-LEGISLATIVE PROCEDURES.....72**

STATEMENTS IN PARLIAMENT .....	72
227. MINISTERIAL STATEMENTS.....	72
228. PERSONAL EXPLANATIONS.....	72
PAPERS AND PUBLICATION .....	72
229. PRESENTATION OF PAPERS.....	72
230. CONSIDERATION OF PAPERS .....	73
231. PRESENTATION OF REPORTS OF PARLIAMENTARY COMMITTEES .....	73
232. DOCUMENTS QUOTED BY MINISTER.....	73
PETITIONS.....	73
233. A REQUEST TO PARLIAMENT .....	73
234. REQUIREMENTS FOR PETITIONS .....	73
235. WHEN SUBJECT MATTER OF PETITIONS NOT ACCEPTED .....	74
236. PRESENTATION OF PETITIONS.....	74
237. REFERRAL OF PETITION.....	74
QUESTIONS TO MINISTERS AND MEMBERS .....	74
238. QUESTIONS TO MINISTERS .....	74
239. QUESTIONS TO OTHER MEMBERS .....	75
240. CONTENTS OF QUESTIONS.....	75
241. ASKING ORAL QUESTIONS .....	75
242. MANNER OF ASKING ORAL QUESTIONS .....	76
243. WRITTEN QUESTIONS AND REPLIES .....	76
244. ANSWERS TO QUESTIONS .....	76
245. SUPPLEMENTARY QUESTIONS .....	77

**CHAPTER 8: PARLIAMENTARY PRIVILEGE.....78**

246. RAISING A MATTER OF PRIVILEGE.....	78
247. ALLEGATION OF BREACH OF PRIVILEGE OR CONTEMPT .....	78
248. CONSIDERATION BY SPEAKER .....	78
249. MEMBERS TO BE INFORMED OF ALLEGATIONS AGAINST THEM .....	78
250. SPEAKER’S RULING.....	78
251. QUESTION OF PRIVILEGE STANDS REFERRED TO PRIVILEGES COMMITTEE .....	78
252. PRECEDENCE TO REPORT OF PRIVILEGES COMMITTEE .....	78
253. CONTEMPT OF PARLIAMENT.....	79
254. EXAMPLES OF CONTEMPTS .....	79
255. REFERENCE TO PARLIAMENTARY PROCEEDINGS BEFORE COURT .....	80
256. EVIDENCE OF PROCEEDINGS NOT TO BE GIVEN .....	80

**CHAPTER 9: CONTROL AND ADMINISTRATION .....**81

CONTROL AND ADMINISTRATION VESTED IN THE SPEAKER.....	81
257. SPEAKER’S FUNCTION, DUTIES AND POWERS.....	81
STRANGERS.....	81



258. ADMISSION OF STRANGERS TO PARLIAMENT .....	81
259. SPECIAL PROVISION FOR MEDIA REPRESENTATIVES .....	81
BROADCASTING OF PROCEEDINGS .....	82
260. BROADCASTING .....	82
<b><u>CHAPTER 10: COMMENCEMENT AND REPEAL.....</u></b>	<b>83</b>
261. COMMENCEMENT.....	83
262. REPEAL.....	83
<b><u>APPENDIX A: TIME LIMITS OF SPEECHES AND DEBATES.....</u></b>	<b>84</b>
<b><u>APPENDIX B: CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT .....</u></b>	<b>86</b>
1 PREAMBLE.....	86
2 THE CODE.....	87
3 PRINCIPLES.....	87
4 EXERCISE OF POWER .....	88
5 PARLIAMENTARY PRIVILEGES .....	91
6 ENFORCEMENT OF THE CODE.....	92
7 SANCTIONS AND PENALTIES FOR BREACHES OF THE CODE .....	92
8 UPDATING THE CODE .....	93
9 GLOSSARY .....	93
<b><u>APPENDIX C: FORM OF PETITION .....</u></b>	<b>95</b>

# STANDING ORDERS

## CHAPTER 1: GENERAL PROVISIONS AND OFFICEHOLDERS

### INTRODUCTION

#### 01. Purpose

- (1) These Standing Orders are made by the Parliament of the Cook Islands for the purposes of Article 34(5) of the Constitution and contain rules for the conduct of proceedings in the Parliament and for the exercise of powers, privileges and immunities possessed by the Parliament.
- (2) To avoid doubt, they are not intended to diminish or restrict the Parliament's rights, privileges, immunities, and powers.

#### 02. Interpreting the Standing Orders

- (1) The Speaker or other person presiding is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for.
- (2) In doing so, the Speaker or other person presiding must be guided by—
  - (a) previous Speakers' rulings and established practices of the Parliament; and
  - (b) the rules and usages and relevant practices of the House of Representatives of New Zealand and other Westminster Parliaments in force, in so far as the same can be applied to the proceedings of this Parliament.

#### 03. Definitions

- (1) In these Standing Orders, if not inconsistent with the context:

**Act** means an Act of the Parliament of the Cook Islands

**amendment** includes a new clause

**Bill** means a proposal to adopt a new law or amend a current law

**chairperson** means the chairperson of a parliamentary committee

**chamber** means 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 the office is vacant or the Clerk is absent from duty, means the Clerk-Assistant or a person appointed by the Speaker to act as Clerk; and includes any person authorised by the Clerk to perform any of the functions or exercise any of the powers of the Clerk under these Standing Orders

**Clerk-Assistant** includes the person appointed as Deputy Clerk of Parliament and any person authorised by the Clerk to perform any of the functions or

exercise any of the powers of the Clerk-Assistant under these Standing Orders

**clerk of the committee** means the Clerk or a person authorised by the Clerk to be clerk of a committee

**Constitution** means the Constitution of the Cook Islands and includes any amendment to the Constitution

**Enactment** means any Act of the Parliament of the Cook Islands, any Ordinance, any Act of Parliament of New Zealand in force in the Cook Islands, and any Proclamation, order, regulation, or rule, or any Island Council Ordinance or bylaw

**Government Bill** means a Public Bill introduced to Parliament by a Minister

**Government Department** means any department, or instrument of the Government, or any branch or division of it, that has money appropriated to it by Parliament for the purposes of its expenditure

**Government notice of motion** means a notice of motion given by a Minister

**Government orders of the day** means—

- (a) proceedings on motions for which notice has been given by Ministers; and
- (b) proceedings on Bills in the charge of Ministers

**Leader of the House** means the member for the time being appointed Leader of House under the Civil List Act 2005

**leave or leave of Parliament or leave of the committee** means permission to do something that is granted without a dissentient voice

**Maori language** means the Maori language as provided for in Article 35(1) of the Constitution

**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

**Member's bill** means a Public Bill introduced by a member who is not a Minister

**Members' orders of the day** means—

- (a) proceedings on motions for which notice has been given by members other than Ministers; and

(b) proceedings on Bills in the charge of members other than Ministers

**Member's** notice of motion means a notice of motion given by a member who is not a Minister

**Minister** means a member of the Cabinet of Ministers

**minutes** means the minutes of proceedings as provided for under Standing Order 24

**order of the day** means a bill or other item of business that has been set down for consideration by Parliament

**paper** means any paper, report, account, return, statement or other document—

- (a) that any person or government department is required, by or under any enactment to provide to Parliament; or
- (b) that Parliament has itself ordered be presented to it

**Parliament** means the Parliament of the Cook Islands constituted by Part III of the Constitution

**parliamentary committee** means a select committee, standing committee or special committee of Parliament

**party** means the parliamentary membership of a political party that is recognised as a party for parliamentary purposes under the Standing Orders

**person** includes an organisation

**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

**publish** includes broadcast and internet posting

**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

**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

**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** or **sitting day** means a period during which Parliament is sitting continuously without adjournment

**sitting period** means a series of sitting days

**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.

#### **04. Suspension of Standing Orders**

- (1) A Standing Order or other order of the Parliament may be suspended in whole or in part on motion with or without notice.
- (2) A suspension motion may not interrupt a debate and must state the reason for the proposed suspension.
- (3) An amendment may not be moved to a suspension motion and no debate is allowed on the motion.
- (4) If Parliament agrees to a suspension motion, the Standing Order concerned is suspended but only so far as is necessary to carry out the objective for which the motion was suspended.
- (5) To avoid doubt, the suspension of Standing Orders does not permit the transaction of any business in breach of the Constitution or any other law.

#### **05. Time limits of debates and speeches**

Unless otherwise stated in these Standing Orders, the time limits of speeches and debates are as set out in Appendix A.

### **PROCEEDINGS OF MEETING OF NEW PARLIAMENT**

#### **06. Proceedings at meeting of new Parliament**

On the first day of the meeting of a new Parliament the business is as follows:

- (a) The Clerk reads the notice summoning the Parliament to meet;
- (b) The Clerk reads the list of names of the members elected to serve in Parliament and lays the list on the Table;
- (c) Parliament elects a Speaker in accordance with Standing Order 7 and 8;
- (d) The Speaker, when elected, presents himself or herself to the Queen's Representative to take and subscribe the Oath of Allegiance pursuant to Article 31(3) of the Constitution and to lay claim to the privileges of Parliament as provided under Standing Order 9;
- (e) The Speaker returns and reports to Parliament as provided by Standing Order 10;

- (f) The members are called in alphabetical order to take and subscribe the Oath of Allegiance before the Speaker in accordance with Article 30 of the Constitution;
- (g) Parliament elects a Deputy Speaker in accordance with Standing Order 11;
- (h) Parliament adjourns until the next day or a time appointed by the Queen's Representative to hear His or Her Excellency's Speech.

## **ELECTION OF SPEAKER**

### **07. General provisions for election of the Speaker**

- (1) This Standing Order applies for the purpose of electing a Speaker—
  - (a) on the first day of the meeting of a new Parliament after a general election; and
  - (b) whenever otherwise required to fill a vacancy in the office.
- (2) Parliament must elect a Speaker who is nominated in accordance with Article 31 of the Constitution.
- (3) For the purposes of the election of a Speaker, the Clerk acts as chairperson and calls for the nomination.

### **08. Nomination for election as Speaker**

- (1) The Prime Minister, or if there is no Prime Minister, the member of Parliament who commands or is likely to command the confidence of a majority of members of Parliament must nominate the person for election as Speaker.
- (2) The person nominated under (1) may be either—
  - (a) a member of Parliament who is not a Minister; or
  - (b) a person who is not a member of Parliament if that person is qualified to be a member of Parliament.
- (3) The motion is "That [*name of person*] do take the Chair of this Parliament as Speaker" and must be seconded.
- (4) No debate is allowed on the motion but the person who making the nomination may give a brief account of the proposed person's credentials.
- (5) The Clerk puts the question on the motion, announces the result and declares the name of the person elected as Speaker.
- (6) The Clerk then calls on the Speaker-elect to take the Chair and the Mace is laid on the Table.
- (7) The Speaker-elect having been congratulated by members, then suspends the sitting for such period to report to the Queen's Representative on the election of the Speaker.

### **09. Speaker-elect attends on the Queen's Representative**

- (1) As soon as possible after election, the Speaker-elect reports to the Queen's Representative that he or she has been elected as Speaker and must take and subscribe the Oath of Allegiance.
- (2) The Speaker then, on behalf of Parliament, lays claim to all its privileges, and especially to freedom of speech in debate, and to free access to the Queen's Representative whenever occasion may require it, and that the most favourable construction may be put on all its proceedings.

## 10. Speaker reports to the Parliament

The Speaker must report to the Parliament that–

- (a) he or she has taken and subscribed the Oath of Allegiance before the Queen's Representative; and
- (b) on behalf of Parliament had laid claim to all its privileges and that the Queen's Representative had been pleased to confirm the same.

## DEPUTY SPEAKER

### 11. Election of Deputy Speaker

- (1) This Standing Order applies for the purpose of electing a Deputy Speaker–
  - (a) on the first day of the meeting of a new Parliament after a general election; and
  - (b) whenever otherwise required to fill a vacancy in the office.
- (2) Parliament may elect a member of Parliament, not being the Speaker or a Minister, as the Deputy Speaker.
- (3) Any member may propose an ordinary member as the Deputy Speaker (with the person's prior consent) and move "That [*name of person*] do take the position as Deputy Speaker of this Parliament" and must be seconded.
- (4) No debate is allowed on the motion but the person who making the nomination may give a brief account of the proposed person's credentials.
- (5) If only one person is proposed, that person is declared by the Speaker to have been elected.

### 12. Election by ballot

- (1) If more than one person is proposed, the members must elect a Deputy Speaker by ballot.
- (2) An officer of Parliament must give to each member present a ballot paper on which the member may write the name of the person proposed for whom the member wishes to vote and then fold the paper so the name written on it cannot be seen by any other person.
- (3) An officer of Parliament must collect the ballot papers for counting at the Table by the Clerk, to be observed by two scrutineers chosen by the Clerk from among the members present.
- (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 other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and the balloting continues. The candidate obtaining the smallest number of votes at each ballot is excluded, until one candidate obtains more votes until the remaining candidate or the aggregate votes of the remaining candidates.
- (5) If the votes are equal or, if there are more than two candidates of which the votes for the highest polling candidates are equal, another vote must be held. If the votes are still equal, or the votes for the highest polling candidates are still equal, the election is determined by the candidates or equal highest polling candidates, drawing lots in the manner that the Clerk determines.
- (6) Following the Clerk announcing the result of the ballot, the Speaker declares that the successful candidate is elected as the Deputy Speaker.

- (7) At the conclusion of the ballot, the Clerk, in presence of any scrutineers, must destroy the ballot papers.

## **SWEARING IN OF MEMBERS**

### **13. Oath of allegiance**

- (1) The Oath of Allegiance as prescribed by Article 30 of the Constitution must be administered before Parliament by the Speaker to each member, who must take and subscribe the same at the first appropriate opportunity after the member's election to Parliament.
- (2) No member of Parliament may sit or vote in Parliament or its committees until he or she has taken and subscribed the Oath of Allegiance.
- (3) If at any time any member wishes to be sworn, the debate or business then in progress is interrupted at a convenient time, and he or she is called to the Table for that purpose.

## **OPENING OF PARLIAMENT**

### **14. Proceedings for new session**

- (1) 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 under Standing Order 6, the proceedings are as follows:
  - (a) Prayers;
  - (b) The Speaker and members, assembled in the Parliament Chamber, await a message from the Queen's Representative requesting the immediate attendance of Parliament to hear His or Her Excellency's Speech;
  - (c) On receiving such Message, the Speaker and members must 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, return to the Parliament Chamber, and the Speaker resumes the Chair;
  - (e) Parliament may then transact other business not involving any debate, including the establishment of parliamentary committees;
  - (f) The Speaker then reports to Parliament the Queen's Representative's Speech and lays a copy of it on the Table.
- (2) The Speaker may then suspend the sitting to permit the moving of the Address in Reply later that day, or Parliament may then adjourn.

## **ADDRESS IN REPLY**

### **15. Motion for Address in Reply**

- (1) Following any suspension under Standing Order 14(2) or on a sitting day following the adjournment, a motion may be moved without notice for a respectful Address in Reply to His Excellency's Speech.
- (2) The motion for an Address in Reply is in the following form: "That a respectful Address be presented to [His or Her] Excellency in reply to [His or Her] Excellency's Speech."
- (3) Such a motion is then seconded.



## **16. Amendment to motion**

- (1) Amendments to the motion for an Address in Reply must be in respectful terms, and moved and seconded in the following form: “and that the following words be added to such Address, namely” [the words proposed to be added to the Address].
- (2) Debate on the amendment includes the consideration and decision of the main question.

## **17. Debate on motion for Address takes precedence**

Unless Parliament otherwise resolves, the Address in Reply debate is taken ahead of all other business and, until disposed of, is down each day as an order of the day at the commencement of the next sitting.

## **18. Motion for Address affirmed or amended**

- (1) If the motion as originally proposed is resolved in the affirmative without any words being added, the Address is prepared and brought in by a Minister.
- (2) If the motion as originally proposed is amended by the addition of any words 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 prepares the Address, and that Address containing any additional words ordered by Parliament, is brought in by a Minister.

## **19. Procedure when Address brought in**

- (1) The Address prepared under Standing Order 18 is brought in by a Minister who then moves, “That the Speaker accompanied by the proposer, the seconder and the Clerk do present the following Address to [His or Her] Excellency the Queen’s Representative at such time as [His or Her] Excellency may appoint” and the Minister then reads the address.
- (2) When the motion for the Address has been seconded, the Speaker then puts the question, “That the Address be agreed to”, and the question is decided without amendment or debate.
- (3) If, on a point of order being raised, that the Address as brought in contains words or statements of a controversial nature (except any words which Parliament has ordered to be added), the Speaker may refer the Address back to the Minister or the committee, as appropriate, for amendment.

## **20. Address to be presented by the Speaker**

The Speaker accompanied by the proposer, the seconder, the Clerk and the Clerk-Assistant presents the Address to the Queen’s Representative at such time and place as [His or Her] Excellency appoints.

## **LANGUAGES**

### **21. Languages**

- (1) All debates and discussions in Parliament must be conducted in the Maori and English languages.
- (2) Every Bill introduced into Parliament and every Act must be in the Maori and English languages.

- (3) The following records of proceedings in Parliament or parliamentary committees must be in the English language:
  - (a) Notice of Meeting
  - (b) Business Paper
  - (c) Order Paper
  - (d) Agenda
  - (e) Minutes.
- (4) The Clerk may determine that any of the records referred to in subclause (3) must also be in the Maori language.
- (5) Where there is any conflict between the Maori and English versions of any Bill, Act or record, the English version prevails.

(Refer, Article 35 of the Constitution)

## CODE OF CONDUCT

### 22. Code of Conduct

- (1) The Code of Conduct in Appendix B applies to all Members of Parliament.
- (2) Breaches of the Code of Conduct may be dealt with by the Privileges Committee or as determined by Parliament.

## DUTIES OF THE CLERK

### 23. Functions, duties and powers of the Clerk

- (1) The Clerk is responsible to the Speaker for the efficient, effective, and economical management of Parliament.
- (2) The Clerk is the principal procedural advisor to the Speaker, the members, and the committees of Parliament.
- (3) Without limiting clauses (1) and (2), the Clerk's responsibilities include the following—
  - (a) keeping the Minutes of Proceedings and circulating copies to members for confirmation in accordance with Standing Order 24;
  - (b) preparing the Order Paper in accordance with Standing Order 26;
  - (c) maintaining an Order Book showing all future business for which notice has been given;
  - (d) keeping custody of the Order Book and all documents, including Bills, laid before Parliament in accordance with Standing Order 27;
  - (e) providing members with access to—
    - (i) the Order Book;
    - (ii) other documents in the custody of the Speaker that the Speaker is required to provide, or has consented to provide, to members;
  - (f) making available to the public tabled documents, including papers and Bills;
  - (g) producing *Hansard* in accordance with Standing Order 29;
  - (h) providing each parliamentary committee with a secretary and means of recording oral evidence when required;
  - (i) presenting Bills to the Queen's Representative for assent;

- (i) keeping a record of members showing the name of each member, the date of his or her election, the date the member takes his or her seat and on ceasing to be a member, the date and cause;
  - (j) any other duties set out in these Standing Orders; and
  - (k) any other duties to service Parliament as ordered by Parliament or directed by the Speaker.
- (4) When performing his or her duties and functions, and exercising his or her powers under this Standing Order, the Clerk is not subject to the direction or control of any person except as provided by these Standing Orders, the Constitution, or any other law.

(Refer also Legislative Service Act 1968-9)

## **MINUTES, RECORDS OF PARLIAMENT AND HANSARD**

### **24. Minutes of Proceedings**

- (1) The Clerk must keep a record of all proceedings of each sitting of Parliament, including when Parliament is sitting in committee.
- (2) The record must include, in respect of each sitting, the members attending, all decisions taken, and details of any votes taken. The Minutes of Proceedings are a summary of the record for each sitting.
- (3) The Clerk must 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.
- (4) Any member may draw the attention of the Speaker to any error or omission in the Minutes at the time appointed for personal explanations under Standing Order 48.
- (5) The minutes must be signed by the Speaker or, in his or her absence, by the Deputy Speaker, and countersigned by the Clerk.

### **25. Business Paper**

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

### **26. Order Paper**

- (1) The Clerk must prepare an Order Paper for each sitting day showing the business of Parliament for that day in the order in which it is to be transacted.
- (2) The Clerk must prepare the Order Paper in accordance with Standing Order 48, having taken into account any change required under that Standing Order.
- (3) The Clerk must circulate the Order Paper at least two hours before Parliament sits for the day.

### **27. Custody of records**

- (1) The Clerk maintains custody of the minutes and of all records belonging to Parliament, subject to clause (2) and Standing Order 28.
- (2) The Parliament or the Speaker may give permission for the any records to—
  - (a) be removed from the Clerk's custody;
  - (b) cease to be records belonging to the Parliament.

## **28. Disposal of records**

- (1) The Clerk has 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) notes of the Clerk and Clerk-Assistant 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 documents, manuscript notes and other papers which are of no further use.
- (2) Provided that, after consultation with any person who has responsibility for the preservation of public records, the Clerk may preserve such of the above records considered of historic or other interest.

## **29. Hansard published as official report of proceedings**

- (1) An official report (known as *Hansard*) of the proceedings of Parliament must be prepared under the supervision of the Clerk.
- (2) The report must be—
  - (a) as nearly as possible verbatim and in the English language; and
  - (b) published in such form as the Speaker may direct.
- (3) A copy of the record must be sent to each member and the Speaker, in electronic form or otherwise, as soon as practicable after the conclusion of each meeting for correction before it is published and if the member does not return the copy to the Clerk within four days from the date of despatch, the speech may be published without correction.
- (4) If a member disputes the correctness of the record of any speech or seeks to make any material change in the record, the Speaker must rule on the matter and his or her decision is final.

## **PARTIES**

### **30. Recognition of parties**

- (1) At the commencement of each Parliament every political party in whose interest a member was elected at the preceding general election or at any subsequent by-election and appearing as required by section 45(7) of the Electoral Act 2004, is entitled to be recognised as a party in Parliament.
- (2) A party must inform the Speaker of:
  - (a) the name of the party;
  - (b) the identity of the leader and deputy leader; and
  - (c) its Parliamentary membership.
- (3) The Speaker must be informed of any change in matters specified in (2) of this Order.
- (4) A coalition between two or more parties must be notified to the Speaker but each party to the coalition remains a separate party for the purposes of the Standing Orders.
- (5) Any member who is not a member of a recognised party is treated as an Independent member for parliamentary purposes.

- (6) In the period between a General Election and the Parliament electing a Speaker, the matters specified in (1) and (2) of this Order may be notified to the Clerk.

**31. Leader of the Opposition**

The Leader of the largest party in terms of its Parliamentary membership which is not in Government or in coalition with a Government party is entitled to be recognised as a Leader of the Opposition.

**SEATS OF MEMBERS**

**32. Seats of members**

- (1) As far as practicable, each party occupies a block of seats in the Chamber, provided the Speaker decides any dispute as to the seats to be occupied.
- (2) A member must only speak from the seat allocated to him or her, except where a member speaks from the podium.

**ATTENDANCE AND ABSENCE**

**33. Attendance**

- (1) A member is recorded by the Clerk as being present in the Parliament on a sitting day if, during that sitting day, the member—
- (a) attends the Parliament, or
  - (b) attends a meeting of a parliamentary committee, or
  - (c) has permission from the Speaker to be absent under Standing Order 34.
- (2) Where paragraph (1) applies, a member is regarded as present for the purposes of the Standing Orders, except where these Standing Orders specify otherwise.
- (3) The attendance of members at each sitting of Parliament or any committee is recorded in the Minutes of Proceedings.

**34. Permission to be absent from Parliament**

- (1) The Speaker may grant any member permission to be absent from Parliament—
- (a) on account of any illness or other family cause of a personal nature
  - (b) to enable the member to attend to other public business or constituency business whether in the Cook Islands or overseas.

**35. Absence from Parliament**

If a member is not recorded as being present in Parliament on a sitting day and that member did not have permission to be absent on that day, the member's name and the sitting day on which the member was absent are recorded in the Minutes.

## CHAPTER 2: SESSIONS, MEETINGS AND SITTINGS

### SESSIONS AND MEETINGS

#### 36. Sessions and meetings

- (1) Sessions of the Parliament must commence in the manner prescribed by Article 29 of the Constitution and must be prorogued or dissolved in the manner prescribed by Article 37 of the Constitution.
- (2) During any one session, sittings of Parliament may sit in accordance with a sitting programme adopted by the Parliament as prescribed in Standing Order 38 and may adjourn on days set out in the sitting programme.
- (3) When Parliament is adjourned and it appears to the Prime Minister desirable in the public interest that the Parliament should sit at an earlier date than that adjourned to, the Prime Minister after consulting with the other party leaders, and informing the Speaker that Parliament should sit at an earlier date, advises the Queen's Representative to summon the Parliament.

#### 37. Notice of meetings

- (1) The Clerk must send to each member a written notice of the summoning of the Parliament not less than seven days before commencement of the meeting.
- (2) Despite clause (1), in cases of emergency, the Queen's Representative may summon a meeting on such shorter notice as the circumstances require, in which event notification must be given to members either in writing or by any other means which will ensure that members are duly informed.
- (3) Where the Parliament is to be reassembled after an adjournment of more than seven days, the Clerk must send to each member:
  - (a) a written notice of the day appointed for the next meeting;
  - (b) a copy of any Bill proposed to be introduced at the meeting; and
  - (c) attach a copy of the Business Paper, unless this is not practicable in cases of emergency under clause (2).

### SITTINGS

#### 38. Sitting programme

- (1) The Business Committee may recommend to Parliament a programme of sitting periods for a calendar year or for periods during each calendar year.
- (2) The recommended sitting programme may be presented to Parliament by the Business Committee and approved by Parliament no later than the last sitting day before the next sitting.
- (3) A recommended sitting programme for a calendar year must specify the dates that Parliament is to sit on for at least 14 days in the calendar year.
- (4) On being adopted by the Parliament, the sitting programme operates subject to any decision of Parliament to the contrary.
- (5) A sitting programme is prepared in the following manner:
  - (a) The Prime Minister submits to the Speaker a proposed sitting programme for a calendar year or for periods during the calendar year for consideration by the Business Committee, no later than 7 days



before the meeting at which the sitting programme is proposed to be considered;

- (b) The Business Committee considers and reports to Parliament on its recommendations at the sitting immediately prior to the sitting when the programme is proposed to come into force.
- (c) a copy of the sitting programme as approved by Parliament must be sent to each member and publicly notified on the Parliament website.

### **39. Sitting days and hours**

- (1) During a sitting period Parliament sits as follows–  
Monday to Thursday: 1 pm to 2.30 pm and 3.15 pm to 5 pm  
Friday: 10 am to 11.30 am and 12.15pm to 2 pm.
- (2) The sitting is suspended as follows–  
Monday to Thursday: 2.30 pm to 3.15 pm  
Friday: 11.30 am to 12.15pm.
- (3) Clauses (1) and (2) apply unless Parliament orders otherwise, provided that Parliament must not sit on a public holiday.

### **40. Extended sitting hours**

- (1) A sitting of Parliament may be extended–
  - (a) on motion without notice, or
  - (b) by determination of the Business Committee.
- (2) Such a motion–
  - (a) may be moved only by a Minister or the Leader of the House, and
  - (b) is moved without amendment or debate on the question, and
  - (c) must specify which orders of the day are intended to be considered during the extended sitting.
- (3) Whenever a sitting has been extended under this Standing Order, the sitting is suspended at the normal time for its conclusion and, –
  - (a) if the sitting is on a Monday, Tuesday, Wednesday, or Thursday, resumes at 7.00 until 8.30 pm, then is suspended between 8.30-9.00 pm, then resumes between 9.00 until 10.00 pm:
  - (b) if the sitting is on a Friday, resumes at 10.00 until 11.30 am, then is suspended between 11.30am and 12.00 noon, then resumes between 12.00 noon until 2.00 pm:
  - (c) concludes when the orders of the day (or other business as determined by Parliament or the Business Committee) intended to be considered during the extended sitting are dealt with, or at a time determined by Parliament or the Business Committee.

### **41. Adjournment and suspension**

- (1) At five minutes before the time for the conclusion of a sitting, the Speaker or Chairperson interrupts the business then under consideration, and if in committee declares Parliament resumed, and the Speaker then adjourns Parliament without putting a question to Parliament.
- (2) Whenever Parliament is adjourned, it stands adjourned until its next sitting day under clause (1), except at the adjournment of Parliament on the day determined for the conclusion of a sitting period, in which case Parliament stands adjourned until the first sitting day of the next sitting period.

- (3) The Speaker may, at any time, suspend a sitting or adjourn Parliament, except if a vote is in progress, in which case the Speaker may suspend or adjourn only after the result of the vote has been declared and any further questions contingent upon the main question for which the vote was taken have been decided.
- (4) Any motion for adjournment of the Parliament may be moved only by a Minister or the Leader of the House.
- (5) This Standing Order is subject to any other Standing Order that expressly provides otherwise.

#### **42. Speaker may suspend sitting or adjourn the House**

- (1) The Speaker may suspend a sitting or adjourn Parliament if the Speaker thinks it is necessary to do so—
  - (a) to maintain order, or
  - (b) in the event of an emergency situation.
- (2) Whenever the Speaker suspends a sitting, the Speaker decides when the sitting should resume.
- (3) Whenever the Speaker adjourns Parliament, it stands adjourned until its next sitting day.

### **PRESIDING IN PARLIAMENT**

#### **43. Presiding in Parliament**

- (1) The Speaker or, if he or she is absent or unable to preside, the Deputy Speaker, presides at each sitting of Parliament.
- (2) If both the Speaker and the Deputy are absent from a sitting or unable to preside, the Clerk must inform Parliament and the members present must, by motion, elect a member (not being a Minister) to preside at that sitting (an Acting Speaker) and, for this purpose, the Clerk must conduct a vote if more than one person is nominated and seconded.
- (3) If the votes are equal or, if there are more than two candidates of which the votes for the highest polling candidates are equal, another vote must be held. If the votes are still equal, or the votes for the highest polling candidates are still equal, the election is determined by the candidates, or equal highest polling candidates, drawing lots in the manner that the Clerk determines.
- (4) The election of the member as an Acting Speaker is valid only for that sitting or, as the case may be, while the Speaker or Deputy Speaker is absent from or unable to preside at that sitting. If the Speaker and Deputy Speaker are absent on or unable to preside at the next or subsequent sitting days, a new election must be held for each sitting day.
- (5) When presiding at a sitting, the Deputy Speaker or an Acting Speaker has all the relevant functions, duties, and powers of the Speaker.

### **QUORUM**

#### **44. Quorum**

- (1) At least 12 members must be present in the Chamber during all sitting hours of Parliament.



- (2) If it appears to the Speaker that there is no quorum present, he or she must order the Clerk to sound a bell for a period of 60 seconds. If, five minutes from the ending of the bell sounding, there is no quorum, the Speaker must adjourn the sitting.
- (3) If a member objects to the transaction of business at a sitting on the ground that a quorum is not present, and the objection appears valid to the Speaker, the Speaker must act in accordance with clause (2).
- (4) If the Speaker is a member, he or she must not be counted for determining whether a quorum is present.

## **ADJOURNMENT OF PARLIAMENT**

### **45. Adjournment motion**

- (1) During any sitting of Parliament, the Prime Minister, 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 must 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 on it, lapses on the adjournment of the sitting concerned unless otherwise decided by Parliament.

### **46. Adjournment for urgent public business**

A motion under Standing Order 45 for the purpose of discussing a definite matter of urgent public importance is subject to the following restrictions—

- (a) only one such motion can be made at the same sitting;
- (b) only 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 considered by Parliament or refers to a notice of motion which has been previously given;
- (e) the motion must not raise a question of privilege.

### **47. Prime Minister may move adjournment**

- (1) 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.
- (2) If such a motion is moved, the proceedings on any business then under consideration are interrupted.
- (3) The motion is open to debate and any matters may be discussed, but no member may speak for more than 10 minutes.

## BUSINESS OF PARLIAMENT

### 48. Order of business

- (1) The business of Parliament each day is set out in the Order Paper and must be transacted in the following order–
  - (a) formal entry of the Speaker and the Mace
  - (b) Prayers
  - (c) swearing in of new members
  - (d) Messages from the Queen’s Representative
  - (e) communications from the Speaker
  - (f) obituaries
  - (g) presentation of reports of parliamentary committees
  - (h) presentation of Bills
  - (i) presentation of papers
  - (j) presentation of petitions
  - (k) statements by Minister
  - (l) personal explanations
  - (m) oral questions
  - (n) Orders of the Day
  - (o) consideration of reports of parliamentary committees
  - (p) consideration of papers
  - (q) motions with notice for the adjournment of Parliament
  - (r) Closing Prayer
- (2) Clause (1) applies unless–
  - (a) the Business Committee determines otherwise;
  - (b) another Standing Order requires business to be transacted in a different order; or
  - (c) leave of Parliament is given for business to be transacted in a different order.
- (3) Orders of the day under clause (1) (n) are either Government orders of the day or Members’ orders of the day.

### 49. Arrangement of Orders of the Day

- (1) Government orders of the day are set down on the Order Paper in the order determined by the Government.
- (2) Members’ orders of the day are set down on the Order Paper in the order as follows–
  - (a) members’ notices of motion
  - (b) Members’ bills
  - (c) where the debate on a Members’ bill has been interrupted or adjourned, the bill is taken ahead of other Members’ bills at the same stage.
- (3) At a Monday, Tuesday, Wednesday, Friday sitting, and any other day appointed by Parliament to be a sitting day, Government orders of the day take precedence over Members’ orders of the day.
- (4) At a Thursday sitting day, Members’ orders of the day take precedence over Government orders of the day.
- (5) Despite clause (4), Government orders of the day always take precedence if the Budget debate or consideration in detail of the Appropriation Bill and the Estimates is before Parliament.

## **50. Orders of the day**

- (1) Orders of the day are disposed of in the order in which they stand on the Order Paper, provided that the Government decides the order in which Government orders of the day and Government notices of motion are arranged on the Order Paper, subject to any requirements in the Standing Orders that a particular debate be taken ahead of other Government Orders of the day.
- (2) Orders of the day that are not reached are, subject to the Standing Orders, automatically set down on the following day's Order Paper.

## **51. Time allocations**

- (1) For oral questions and answers on each sitting day on a:
  - (a) Monday, Tuesday, Wednesday and Friday: 30 minutes
  - (b) Thursday: 1 hour.
- (2) For consideration of papers on each sitting day on a Thursday: 1 hour.
- (3) Parliament may extend the time under clause (1) and (2), by motion without notice and without debate, if it is not used up, as follows:
  - (a) for oral questions on any sitting day and consideration of papers on a Thursday, the Speaker moves to the next item of business;
  - (b) for oral questions on a Thursday, the Speaker adds the unused time to the consideration of papers on that sitting day.

## **52. Business statement**

Every Friday, the Prime Minister may make a statement in Parliament of the business arranged for the following week and may make supplementary statements at any time.

## **REMOTE PARTICIPATION IN SITTINGS**

### **53. Authority to participate in sittings remotely**

- (1) A sitting of Parliament may be held with members participating remotely by using the virtual means made available by the Parliament.
- (2) The Business Committee may determine rules for the conduct of sittings with members participating remotely.
- (3) A member must request the Speaker in advance for approval to participate in a sitting using virtual means, in accordance with any rules made under clause (2).

### **54. Remote participation part of proceedings**

- (1) The remote participation of members in a sitting is part of the proceedings of Parliament and those members are treated as if they were in the Chamber when they are participating remotely.
- (2) The Standing Orders, other rules and practices of Parliament apply to any sitting with members participating remotely to the extent possible and with any necessary modifications.

**55. Quorum and attendance**

- (1) For the purposes of a quorum, a member is regarded as present when participating remotely by using the virtual means made available by the Parliament.
- (2) A member will be recorded as present in Parliament on a sitting day for the purposes of Standing Order 33 if a member participates remotely in that sitting.
- (3) The attendance of a member who participates remotely will be identified in the Minutes of Proceedings.

**56. Voting**

- (1) For the purposes of voting, a member is regarded as present when participating remotely by using the virtual means made available by the Parliament.
- (2) Voting may be conducted in a manner determined by the Speaker to sufficiently show the will of Parliament, including by electronic means.
- (3) Where there is a division taken for any vote, the names of the members and the way that they voted must be recorded in the Minutes.

**57. Delivery of documents to the Clerk or at the Table**

When a sitting is held with members participating remotely, any documents required to be delivered to the Clerk or laid on the Table, can be sent by electronic means by the prior arrangement with the Clerk.

**58. Broadcasting of proceedings**

To the extent possible, the contribution of a member who has participated remotely by using the virtual means made available by the Parliament will be recorded, published and broadcast in accordance with the usual rules and processes, as if the member had been attending in the Chamber.

## CHAPTER 3: GENERAL PROCEDURES

### MAINTENANCE OF ORDER

#### 59. Speaker maintains order

- (1) The Speaker maintains order and decorum in Parliament.
- (2) Whenever the Speaker rises during a sitting, members must sit down and be silent so that the Speaker can be heard without interruption.

#### 60. Members' conduct in the Chamber

- (1) Members must acknowledge the Speaker or other person presiding by bowing when entering and leaving the Chamber.
- (2) Members must be seated when they are in the Chamber except when speaking in debate or voting.
- (3) When the Speaker is about to leave the Chamber at the conclusion of a sitting, members rise in their places and remain standing until the Speaker has left the Chamber.

#### 61. Points of order

- (1) Any member may raise a point of order. A point of order takes precedence of other business until ruled on by the Speaker.
- (2) The Speaker may rule on a point of order when it is raised without allowing any discussion apart from that of the member raising the point.
- (3) A member raising a point of order and any member permitted by the Speaker to speak to a point of order must put the point succinctly and speak only to the point of order raised. A point of order is heard in silence by Parliament.
- (4) The Speaker's decision on a point of order is not open to appeal and may not be considered by Parliament, except on a substantive motion with notice.

#### 62. Disorderly conduct

- (1) The Speaker may order any member whose conduct is highly disorderly or repeatedly violates the Standing Orders to withdraw immediately from Parliament for a period of time that the Speaker decides, being no more than the remainder of that sitting day.
- (2) A member ordered to withdraw before or during questions for oral answer may not return to the Chamber to ask or answer a question and no other member may ask a question on that member's behalf.
- (3) Any member ordered to withdraw from Parliament may not enter the Chamber and may not vote on any question put during the period of his or her withdrawal.

#### 63. Naming of member and suspension for grossly disorderly conduct

- (1) The Speaker may name any member whose conduct is grossly disorderly and call on Parliament to judge the conduct of the member by immediately putting the question "That [*member*] be suspended from the service of Parliament". There is no amendment or debate on the question.
- (2) If the majority of all members vote in favour, the member is suspended,—
  - (a) on the first occasion, for 24 hours;

- (b) on the second occasion during the same session, for seven days (excluding the day of suspension); or
  - (c) on the third or any subsequent occasion during the same session, for 28 days (excluding the day of suspension).
- (3) A member who is suspended who refuses to obey a direction of the Speaker to leave the Chamber is, without any further question being put, suspended from the service of Parliament for the remainder of the calendar year.
- (4) The fact that a member has been suspended under clause (3) or (4) does not prevent Parliament from also holding the member's conduct to be in contempt.

#### **64. Effect of suspension**

- (1) A member who is suspended from the service of Parliament may not enter the Chamber, vote, serve on a committee, or lodge questions or notices of motion.
- (2) The Minutes of Proceedings record the suspension of a member from the service of the House and state the day or days on which the member is suspended from the service of Parliament.

#### **65. Grave disorder in Parliament**

If there is grave disorder in Parliament, the Speaker may, if he or she thinks it necessary to do so—

- (a) suspend the sitting to a time named by him or her; or
- (b) adjourn Parliament without any question being put, to a time named by him or her.

### **MOTIONS**

#### **66. Notice necessary before motion moved**

A motion may be moved only after notice of it is given and the notice appears on the Order Paper, unless the requirement for notice is dispensed with leave of Parliament or a Standing Order provides that no notice is required.

#### **67. Giving of Notice of motion**

- (1) A notice of motion must be:
- (a) delivered to the Clerk, no less than two days before the day on which the member intends to move the motion.
  - (b) signed by the member proposing the motion or amendment.

#### **68. Notices examination and published**

- (1) Every notice is examined by the Speaker who may direct that it is printed in its original terms or with such amendment as he or she directs, or that it must be returned to the member submitting it as being inadmissible in accordance with Standing Order 69.
- (2) Every notice that is accepted as admissible must be made available at the Table and published in the Order Paper.
- (3) Notices of motion are set down as Government or Members' orders of the day according to whether they are Government notices of motion or Members' notices of motion.

#### **69. Form and content of motions**

- (1) A notice of motion must be expressed in a form and with content appropriate for a resolution of Parliament. It must clearly indicate the issue to be raised for debate and include only such material as may be necessary to identify the facts or matter to which the motion relates.
- (2) Notices of motion must not contain—
  - (a) unbecoming or offensive expressions, or expressions or words that would not be permitted in debate:
  - (b) statements of fact or the names of persons unless they are strictly necessary to render the notice intelligible and can be authenticated.
- (3) The Speaker may disallow any motion which is the same in substance as any question which was agreed to or defeated in the same calendar year.

#### **70. Precedence of motions**

- (1) Motions have precedence on each sitting day according to the order in which the notices are received by the Clerk and entered on the Order Paper.
- (2) Provided that by leave of the Speaker or agreement of the Business Committee and with the agreement of the member whose motion is due for consideration, the order of precedence may be altered.

#### **71. Motions to be seconded**

- (1) Unless otherwise expressly provided in any of these Standing Orders, every motion, unless made during consideration in detail, 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 or her motion before formally moving but if it is not then seconded it then lapses.

#### **72. Withdrawal of notice of motion**

- (1) A member who has proposed a motion or amendment may withdraw it, but if the motion or amendment has been seconded he or she may do so only with the leave of Parliament.
- (2) A motion to which an amendment has been moved may not be withdrawn until the amendment has either been disposed of or withdrawn.
- (3) The withdrawn motion may be moved again at a future sitting but must be treated for the purposes of these Standing Orders as a new motion and must satisfy any notice or other requirements of the Standing Orders.

#### **73. Question proposed on motion**

- (1) When a motion has been moved and seconded, the Speaker proposes the question, "That the motion be agreed to".
- (2) The member who moved the motion opens the debate and may reply to it.

#### **74. Motions to amend Standing Orders**

- (1) The notice of any motion for the amendment of any of these Standing Orders must be accompanied by a draft of the proposed amendments. When the motion has been proposed and seconded, the question is put forthwith, without further debate.



- (2) If the motion is agreed to, the proposed amendment stands referred to the Standing Orders Committee and does not proceed until the Standing Orders Committee has reported on it at its earliest convenience.

## **MOTIONS OF NO CONFIDENCE**

### **75. Motions of no confidence**

- (1) Any member may give notice of a motion of no confidence in the Cabinet (“a motion of no confidence”).
- (2) Members must be given at least 14 days notice of a motion of no confidence. In exceptional cases, members may be given a shorter period of notice if, in the opinion of the Business Committee, a shorter period is appropriate.
- (3) A motion of no confidence takes precedence over any other business.
- (4) The motion passes if it is supported by a majority of all members present in the Chamber and voting.
- (5) If the motion fails, no further motion of no confidence may be introduced for at least six months, calculated from the date on which the original notice of motion was defeated.

## **RULES OF DEBATE**

### **76. Speaker calls upon member to speak**

- (1) When two or more members rise together, the member called upon by the Speaker is entitled to speak.
- (2) In deciding whom to call, the Speaker takes account of the following factors:
  - (a) if possible, a member of each party should be able to speak in each debate:
  - (b) overall participation in a debate should be approximately proportional to party membership in Parliament:
  - (c) priority should be given to party spokespersons in order of size of party membership in Parliament:
  - (d) the seniority of members and the interests and expertise of individual members who wish to speak.

### **77. Protocols while speaking**

- (1) Members must stand while speaking. However, a member unable conveniently to stand because of illness or infirmity may, with the Speaker’s permission, speak from a sitting position.
- (2) Members must address all their speeches and observations to the Speaker.
- (3) A member must not be interrupted, except by the Speaker, or another member who is—
  - (a) raising a point of order; or
  - (b) trying to clarify some matter raised by the member in his or her speech, but only if the member speaking is willing to give way and resume his or her seat and the member wishing to interrupt is called by the Speaker.
- (4) When a member has finished speaking, the member resumes his or her seat, and any other members wishing to speak may rise.
- (5) A member may address the Speaker in the Maori or English language.



## **78. Relevancy**

- (1) All debate must be relevant to the question before Parliament.
- (2) The Speaker, having first warned the member, may terminate a member's speech if it contains irrelevant argument or tedious repetition.
- (3) If more than one question has been proposed, by way of amendment, the debate must be relevant to the last question proposed until that question has been disposed of.
- (4) If an amendment is moved and seconded, a member who has not spoken previously may speak to the substantive motion as well as to all the amendments proposed by the time the member speaks.
- (5) A member may not allude to any debate of the same session unless it is relevant to the matter under discussion.

## **79. Member may speak only once to question**

- (1) Except as otherwise provided, a member may speak only once to a question before Parliament.
- (2) A member may speak more than once—
  - (a) to a point of order;
  - (b) when Parliament is in consideration in detail; or
  - (c) when another Standing Order expressly allows.
- (3) The mover of a substantive motion, other than a motion for an amendment, may, at the end of the debate on the motion, speak in reply to any matter raised in the debate. Once the mover has exercised the right of reply, no other member may speak on the motion and the question must be put.
- (4) A member who has spoken on a substantive motion may, when a motion to amend that motion has been moved and seconded, speak again, but only on the amendment.
- (5) A member may second a motion by rising and stating that the member seconds the motion, without losing his or her right to speak during the debate on the motion.

## **80. Misrepresentation**

- (1) A member who has spoken to a question may speak again to explain some material part of the member's speech which has been misquoted, misunderstood, or misrepresented in the same debate.
- (2) A member may not introduce any new matter or interrupt any member to explain a misquotation, misunderstanding, or misrepresentation.

## **81. Matters subject to judicial decision**

When speaking, a member must not refer to any matter in relation to which a judicial decision is pending or that has been suppressed by order of a Cook Islands' court.

## **82. Anticipating discussion**

- (1) A member may not anticipate discussion of any general business or order of the day.
- (2) In determining whether a discussion is out of order, the Speaker has regard to whether the matter anticipated is likely to be brought before Parliament within a reasonable time.

### **83. References not allowed**

A member may not:

- (a) refer to confidential proceedings of a parliamentary committee until those proceedings are reported to Parliament;
- (b) use offensive words against Parliament or against any member of the judiciary;
- (c) refer to the Sovereign or the Queen's Representative disrespectfully in debate or for the purpose of influencing Parliament in its deliberations;
- (d) refer to the absence of any member.

### **84. Offensive or disorderly words**

- (1) If any offensive or disorderly words are used, whether by a member who is speaking or by a member who is present, the Speaker intervenes.
- (2) The Speaker may terminate the member's speech where a member uses offensive or disorderly words and on being called to order, fails to retract, explain or apologise to the satisfaction of the Speaker.

### **85. Personal reflections**

A member may not make an imputation of improper motives against a member, an offensive reference to a member's private affairs, or a personal reflection against a member.

### **86. Reflections on votes of Parliament**

A member must not reflect upon any vote of Parliament, except on a motion that a vote be rescinded.

### **87. Time limits of speeches and debates**

- (1) The time limits for speeches and debates are set out in Appendix A, unless otherwise provided for in these Standing Orders.
- (2) An individual speaking time may be shared between two members of the same party or between two members of different parties if both parties agree.

## **RULES FOR AMENDMENTS**

### **88. General rules**

- (1) The general rules relating to amendments set out in Standing Orders 88 to 94 apply subject to any provision in the Standing Orders to the contrary.
- (2) An amendment must be relevant to the question that it proposes to amend.
- (3) An amendment must be put into writing, signed by the mover, and delivered to the Clerk at the Table.
- (4) Every amendment must be seconded other than an amendment to a clause or schedule of a Bill proposed during consideration in detail.

### **89. Amendments to motions**

- (1) An amendment to a motion must take one of the following forms—
  - (a) to leave out one or more of the words of the motion;
  - (b) to insert one or more words in the motion;
  - (c) to add one or more words at the end of the motion;

- (d) to leave out one or more words of the motion and insert one or more words instead; or
  - (e) to leave out one or more words at the end of the motion and to add one or more words instead.
- (2) If two or more amendments are proposed to be moved to the same motion, the Speaker calls on the movers in the order in which their amendments relate to the text of the motion or, in case of doubt or overlap, in the order decided by the Speaker.
  - (3) The Speaker may disallow any amendment which is the same in substance as any question which was agreed to or defeated in the same calendar year.
  - (4) An amendment must not be moved if it is inconsistent with a previous decision of Parliament.

#### **90. Question proposed on amendment**

- (1) When an amendment has been moved, the Speaker proposes the question, "That the amendment be agreed to".
- (2) After the Speaker has proposed the question on an amendment, the amendment cannot be withdrawn without leave.

#### **91. Debate on main question and amendment**

After the question has been proposed on an amendment, both the main question and the amendment, and any other amendments already moved, are open for debate.

#### **92. Amendment to amendment**

- (1) An amendment may be moved to a proposed amendment.
- (2) An amendment to an amendment must take one of the forms set out in Standing Order 89 and be disposed of in the same way as an amendment to a motion.
- (3) Once every amendment to an amendment has been disposed of, the Speaker again proposes the original amendment, or proposes the original amendment as amended, as the case may be.

#### **93. Member may not move further amendment**

Except during consideration in detail, a member who has moved, seconded or spoken to an amendment may not move a further amendment to the same question.

#### **94. Questions put on amendment**

- (1) At the conclusion of the debate on a motion, the question on any amendment that is in order is put.
- (2) Amendments are put in the order in which they were moved.
- (3) When amendments are agreed to, the question, as amended, is put.
- (4) When amendments are not agreed to, the question is put as originally proposed.

## INTERUPTION OF DEBATE

### 95. Interruption of member speaking

A member speaking may be interrupted—

- (a) by a point of order:
- (b) by the raising of a matter of privilege relating to the conduct of strangers present:
- (c) by the suspension or conclusion of a sitting:
- (d) in accordance with a decision of Parliament or a determination of the Business Committee.

### 96. Interruption of debate

The debate on a question may be interrupted—

- (a) by a point of order:
- (b) by the raising of a matter of privilege relating to the conduct of strangers present:
- (c) by the suspension or conclusion of a sitting:
- (d) by a message from the Queen's Representative:
- (e) by a member taking the oath:
- (f) by a motion that strangers be ordered to withdraw:
- (g) by the making of a ministerial statement or a personal explanation where leave is granted by the Speaker:
- (h) by Parliament being counted:
- (i) by the Speaker in cases of disorderly conduct:
- (j) in accordance with a decision of Parliament or a determination of the Business Committee.

## ADJOURNMENT OF DEBATE

### 97. Adjournment of debate

- (1) After a question has been proposed, any member, on being called to speak to that question, may move "That this debate be now adjourned" either to a later hour on the same day or to any other day. There is no amendment or debate on this question.
- (2) On the adjournment of Parliament, any debate in progress is adjourned and set down for resumption on the next sitting day.

### 98. Member entitled to speak first when debate resumes

The member upon whose motion a debate is adjourned or who was speaking when the House adjourned may speak first when the debate resumes if the member claims that right.

### 99. If motion negatived mover may speak

If a motion for the adjournment of the debate is negatived, the member moving the motion for the adjournment may speak, otherwise the member's speech lapses.

## CLOSURE OF DEBATE

### 100. Closure

- (1) After a question has been proposed, any member, on being called to speak to that question, may move “That the question be now put”. In all cases the speech of the member lapses on the moving of the closure motion.
- (2) The Speaker may not accept a closure motion if the time for the debate is prescribed by the Standing Orders, by resolution of Parliament or by a determination of the Business Committee.
- (3) The Speaker may accept a closure motion if, in the Speaker’s opinion, it is reasonable to do so.
- (4) If the Speaker accepts a closure motion, a question is put on the closure and decided without amendment or debate.

### 101. Effect of carrying of closure

- (1) When the question for the closure is agreed to, the question under debate is put without further amendment or debate.
- (2) Any other question (including any proposed amendment that has been properly notified on a Supplementary Order Paper or handed in to the Table before the closure motion was accepted and that relates to the matter under consideration) is then put to allow the main question itself to be decided without further amendment or debate.

## VOTING AND DIVISIONS

### 102. Voting

- (1) All questions must be decided by a majority of votes of the members present.
- (2) The person presiding over a sitting of Parliament has—
  - (a) if the person is a member, a deliberative vote, and a casting vote in the case of an equality of votes;
  - (b) if the person is not a member, a casting vote only in the case of an equality of votes.
- (3) When the question has been put by the Speaker at the conclusion of the debate, the votes must be taken by voices, Aye and No, and provided that no member then calls for a division, the result must be declared by the Speaker.
- (4) If the Speaker is not satisfied that the voices given sufficiently show the will of Parliament, he or she may put the question again, and the procedure in clause (3) applies.
- (5) A member must vote according to his or her voice.
- (6) Subject to the provisions of this paragraph, all members present in the Chamber when a division is taken must vote in the division.

### 103. Member with pecuniary interest may not vote

- (1) A member may not vote on any question in which he or she has a direct pecuniary interest. If the member does vote, the vote may be disallowed by a motion moved, without notice, either immediately after the vote is complete, or if the Speaker sees fit, at a later sitting day.
- (2) For the purposes of this Standing Order, the Speaker determines whether or not a member has a pecuniary interest in the question.

#### **104. Calling for division**

- (1) A division may be called by–
  - (a) any member on any vote;
  - (b) the Speaker, if he or she is not satisfied that the voices given sufficiently show the will of Parliament.
- (2) A division must be called by a member or the Speaker where a question has been put on a motion for –
  - (a) a vote of no confidence in the Cabinet;
  - (b) any question or issue which the Prime Minister has declared to be a question or issue of confidence;
  - (c) the second and third reading of any Appropriation Bill.
- (3) Clause (2) does not limit or restrict a division being called under clause (1).

#### **105. Voting procedure**

- (1) When a division has been requested by any member or the Speaker, the Speaker asks the Clerk to ring the bell for 2 minutes and call in the members.
- (2) At the expiry of 3 minutes, the Speaker must put the question again to Parliament and must call upon those members who are of the Affirmative opinion to rise in their places. The Clerk then calls the name of each member standing commencing with the Ministers and must record their votes on a printed list. A member may resume his or her seat when his or her name has been distinctly called by the Clerk.
- (3) When the votes of all the Affirmative have been recorded the Speaker calls on those members who are of the Negative opinion to rise in their places and a similar procedure is followed.
- (4) When all the votes, both Affirmative and Negative, have been recorded, the Clerk hands the division lists to the Speaker who declares the result.
- (5) If a member states that he or she voted in error he or she may, immediately after the Speaker has announced the figures and before the Speaker declares the result of the division, request to have his or her vote correctly recorded.
- (6) The Speaker must direct that a second division be called in case of confusion or error unless the result can be corrected by some other means.
- (7) If the Speaker is informed after a division that the numbers have been inaccurately reported, the Speaker directs the Clerk to correct the minutes.
- (8) The Speaker may refuse to call a division unnecessarily claimed.
- (9) No member may speak while a division is being taken except on a point of order, which, if raised, must immediately be decided by the Speaker, without debate.

#### **106. Records of decisions**

- (1) The names of the members who have voted on a division must be recorded in the Minutes and the *Hansard* of the Parliament showing separately those who were of the affirmative opinion and those who were of the negative opinion.
- (2) Any reason stated by the Speaker or other person presiding when exercising a casting vote must be recorded in the Minutes.

## EXAMINATION BY ORDER OF PARLIAMENT

### 107. Issue and service of summons

- (1) Parliament may order that a summons be issued to any person—
  - (a) to attend at Parliament or before any parliamentary committee to be examined and give evidence;
  - (b) to produce papers and records in that person's possession, custody, or control to Parliament or a committee.
- (2) Every summons issued at the direction of the Speaker or the chairperson of a parliamentary committee—
  - (a) must state the time and place at which it is to be complied with by the person to whom it is addressed, and
  - (b) is signed by the Clerk and served upon the person concerned under the direction of the Speaker or the chairperson as the case may be.

### 108. Examination on oath

- (1) Parliament may, on motion without notice, order that any person giving evidence before it be examined after taking an oath.
- (2) When a person is examined on oath, the oath is administered by the Clerk or the chairperson of a parliamentary committee.
- (3) Any person who conscientiously objects to taking an oath may make a solemn affirmation.

### 109. Conduct of examination

- (1) The examination of witnesses before the House is conducted by the Speaker, with the approval of the House, directs.
- (2) The Speaker, and every member through the Speaker, may put questions to a witness.

### 110. Protection of witnesses

- (1) Every witness examined before Parliament or any parliamentary committee:
  - (a) is entitled to the protection of Parliament under Article 36 of the Constitution in respect of anything he or she may say when giving evidence; and
  - (b) may be represented by legal counsel when attending to give evidence.
- (2) Every person summoned to give evidence or to produce papers and records in that person's possession, custody, or control to Parliament or a committee is entitled to exercise the privileges of a witness as set out in the Legislative Assembly Powers and Privileges Act 1967.
- (3) The Clerk may authorise the payment of an allowance and travelling expenses, out of the Cook Islands Government Account, for any person appearing as a witness before the Parliament or a parliamentary committee at the same rate as would be payable to such person if he or she were a witness attending a court of law.

(Refer also to the Legislative Assembly Powers and Privileges Act 1967)



## MESSAGES FROM THE QUEEN'S REPRESENTATIVE

### 111. Message from Queen's Representative

- (1) The Speaker must 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.
- (2) The Speaker reads the message to Parliament and, if necessary, fixes a time for considering the message, or if no further consideration is necessary, the message is then laid on the Table.
- (3) A verbal message from the Queen's Representative may be read to Parliament at any time before the commencement or close of any public business.

## INSTRUCTIONS TO PARLIAMENTARY COMMITTEES OR *HOUSE OF ARIKIS*

### 112. Instructions to parliamentary committees or *House of Arikis*

- (1) An instruction may be given to a parliamentary committee or the *House of Arikis*, extending or restricting its powers in regard to consideration of the bill or other matter referred to it or requiring it to carry out that consideration in a particular manner.
- (2) A parliamentary committee or *House of Arikis*, as the case may be, must follow those instructions when considering the matter.
- (3) Any debate on the question for an instruction is restricted to the subject-matter of the motion. It may not extend to the principles, objects, or provisions of the bill or other matter to which the motion relates.



## CHAPTER 4: PARLIAMENTARY COMMITTEES

### ESTABLISHMENT OF COMMITTEES

#### **113. Establishment and life of parliamentary committees**

- (1) The following parliamentary committees are established at the commencement of each Parliament as soon as possible after Parliament has conducted the proceedings specified in Standing Order 14:
  - (a) the select committees specified in Standing Order 157, and
  - (b) the standing committees specified in Standing Order 160.
- (2) The Parliament may establish other parliamentary committees as specified in Standing Order 167.
- (3) A parliamentary committee continues in existence for the duration of the Parliament unless the Parliament provides otherwise or, in the case of a committee established for a particular purpose, until the committee makes its final report.
- (4) Every committee must ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

#### **114. Composition of committees**

- (1) Unless Parliament directs otherwise, a parliamentary committee consists of the number of members as agreed between the Speaker and the Business Committee, but in any event, being no fewer than five and no more than seven members.
- (2) A Minister must not be a member of a select committee.
- (3) For purposes of (2), “Minister” does not include an Assistant Minister.
- (4) Each party is, as far as possible, entitled to be represented on a parliamentary committee in a way that fairly reflects that party’s representation in Parliament.
- (5) The composition of committees must, as far as practicable, reflect the gender representation in Parliament.

#### **115. Appointment of members of committees**

- (1) The members of a parliamentary committee are appointed by the Speaker for the duration of the Parliament.
- (2) Where there is a vacancy in the membership of a parliamentary committee, the Speaker shall fill that vacancy as soon as possible.
- (3) Prior to determining the membership of a parliamentary committee in clauses (1) and (2), the Speaker consults the leader of each party.
- (4) The names of members that have been appointed to a parliamentary committee must be published in the Minutes of Proceedings as soon as possible.
- (5) Where a member of a parliamentary committee or the whip of a party satisfy the chairperson of the committee that the member will be unable to attend a meeting or meetings of the committee as a result of circumstances beyond the control of the member, the chairperson may agree to allow an alternative member from the same party to serve on the committee during the absence of the member.

### **116. Special measures for committees**

- (1) The Speaker may, after consultation with the Prime Minister, approve special arrangements for meetings of any parliamentary committee.
- (2) Special arrangements for committees under paragraph (1)—
  - (a) may include meetings, or other forms of decision-making, by electronic means with remote participation:
  - (b) may apply for a specified period:
  - (c) may make different arrangements for a specified committee or committees.
- (3) These Standing Orders must be read in accordance with any special arrangements made under paragraph (1).

### **117. Forfeit of membership of committee**

- (1) If any member of a parliamentary committee has been absent without leave of absence or in the opinion of the chairperson of the committee, without good cause from more than three consecutive meetings of the committee, that member is deemed to have forfeited his or her seat on the committee.
- (2) The Speaker must fill that vacancy in accordance with Standing Order 115(2) to (4) Appointment of members of committees, above.

### **118. Lists of members of committees to be notified**

Lists of members serving on each parliamentary committee must be posted in such place or places as the Speaker may direct.

## **MEETINGS OF COMMITTEES**

### **119. Time for meetings**

- (1) The first meeting of a parliamentary committee is held at a time appointed by the Speaker.
- (2) A committee adjourns until the time it decides that it should next meet. In the absence of a time decided by the committee for its next meeting, the chairperson, by notice in writing, decides when it should next meet.
- (3) If there is no chairperson or deputy chairperson or if they are both absent from the Cook Islands, the Speaker may exercise the chairperson's power to decide when the committee should meet.
- (4) Unless Parliament or the Business Committee otherwise determines, a parliamentary committee must not sit during a sitting of Parliament.
- (5) The Business Committee may determine that a committee may meet at a time otherwise prohibited under these Standing Orders.

### **120. Place of meeting**

- (1) A parliamentary committee may meet at any place within the Cook Islands.
- (2) A committee may meet outside the precincts of the Parliament or undertake a parliamentary committee visit if the Speaker has endorsed the place of meeting or the funding for the visit.
- (3) A committee must be authorised by the Parliament before it can meet outside the Cook Islands.
- (4) Where a committee is authorised to meet outside the Cook Islands it may adopt such practices and procedures that it sees fit for its meetings overseas.

### **121. Chairperson and deputy chairperson**

- (1) Every parliamentary committee, before proceeding to any other business must, by show of hands, elect a chairperson and deputy chairperson who holds office during the life of the committee.
- (2) The chairperson of a committee (except in the case of a Speaker who is not an elected member of Parliament) has a deliberative as well as a casting vote.

### **122. Absence of chairperson**

- (1) In the absence of the chairperson—
  - (a) during a meeting, or
  - (b) from the Cook Islands,—and during a vacancy in the office, the deputy chairperson may perform the duties and exercise the authority of the chairperson.
- (2) If the chairperson and the deputy chairperson are not present at the commencement of a meeting, the committee may elect a member of the committee to chair that meeting and perform the duties and exercise the authority of the chairperson in respect of the meeting.
- (3) The chairperson or the deputy chairperson may, while chairing a meeting, ask any member of the committee to chair the meeting while the chairperson or deputy chairperson is absent. Any such member performs the duties and exercises the authority of the chairperson while chairing the meeting.

### **123. Transfer of powers of chairperson during meeting**

- (1) The chairperson of a parliamentary committee may invite the committee to authorise the deputy chairperson or, in the absence of the deputy chairperson, any other member of the committee to chair meetings while a particular item of business is considered.
- (2) The chairperson may participate as a committee member when the deputy chairperson or another member is authorised to chair a meeting under this Standing Order.
- (3) A member who chairs a meeting under this Standing Order performs the duties and exercises the authority of the chairperson while chairing the meeting.

## **POWERS OF COMMITTEES**

### **124. Seeking evidence**

- (1) The chairperson of a parliamentary committee may, on behalf of the committee, request any person to attend and give evidence before the committee.
- (2) The chairperson may, on behalf of the committee, request that papers and records that are relevant to its proceedings be produced.

### **125. Exercise of power to send for persons, papers and records**

- (1) All parliamentary committees have power to send for persons, papers and records.
- (2) The chairperson of a parliamentary committee may on behalf of the committee request any person to attend and give evidence before the

committee, and such person shall be given written notification or notified by any other means necessary in no less than 24 hours.

- (3) Any parliamentary committee may request a Government department to submit a report on any Bill, motion or other matter under consideration or to send its representative to appear as a witness for that purpose.
- (4) A committee may direct that any person be summoned to attend and be examined and give evidence before the committee. The chairperson shall sign the summons served upon that person.
- (5) The chairperson may, on behalf of the committee, request that papers and records relevant to its proceedings be produced.
- (6) A committee may direct that any person be summoned to produce papers and records in his or her possession, custody or control that are relevant to the committee's proceedings. Such summons shall be signed by the chairperson and served upon that person.
- (7) If any person summoned by the committee to attend before a parliamentary committee or produced papers and records does not comply with the summons, the committee may report the fact to the Parliament.
- (8) Every person who gives evidence to a parliamentary committee is entitled to the protections given to witnesses under Standing Order 110.

(Refer also Legislative Assembly Powers and Privileges Act 1967.)

#### **126. Subcommittees**

- (1) A parliamentary committee may appoint a subcommittee.
- (2) Committees may prescribe rules for the conduct of subcommittee proceedings provided that these rules are consistent with the Standing Orders.
- (3) Subject to any such rules, the same rules for the conduct of proceedings in a subcommittee apply as apply to a parliamentary committee.

#### **127. Criminal wrongdoing**

- (1) Without the express authority of the Parliament, a parliamentary committee may not inquire into, or make findings in respect of, allegations of crime by persons who are named or otherwise identifiable.
- (2) A parliamentary committee is not prevented, by reason of paragraph (1), from conducting inquiries, and making findings, of a general nature into alleged criminal wrongdoing by persons who are not named or otherwise identifiable.

#### **128. Charges against members**

- (1) A parliamentary committee (except the Privileges Committee) may not enquire into, or make findings in respect of, the private conduct of any member of Parliament, unless it is specially directed by the Parliament to do so.
- (2) If any information comes before a parliamentary committee or any allegation is made to a committee (except the Privileges Committee) charging any member with reprehensible conduct, the committee must inform the member concerned of the details of the charge and give the member a reasonable opportunity to make any statement to it bearing on the matter. Otherwise, the committee may not proceed further on that information or allegation without being specially directed by the Parliament to do so.

## CONDUCT OF PROCEEDINGS

### 129. Conduct of proceedings

Subject to the express provisions of the Standing Orders or any practice of the Parliament to the contrary, the same rules for the conduct of proceedings are followed by parliamentary committees as apply to the conduct of proceedings of Parliament when in consideration in detail.

### 130. Notice of meeting

- (1) The chairperson of each parliamentary committee must, in consultation with the Clerk, arrange the time and place for each meeting of the committee.
- (2) A written notice informing members of the committee of a meeting of the committee must be circulated by the Clerk no later than one day before the meeting. The notice must contain a summary of the items of business proposed to be dealt with at the meeting.
- (3) The requirement for a written notice to be circulated may be waived if all members of the committee, or the leaders or whips of their respective parties, agree. When a meeting has lapsed or been adjourned for lack of a quorum, agreement is required under this paragraph only from those members who were expected to attend that meeting. Agreement from non-voting members is not required under this paragraph.

### 131. Giving notice of business

- (1) Members of a parliamentary committee may give notice of business or motions to be considered by the committee either orally at a meeting of the committee or in writing to the clerk of the committee.
- (2) Notices given at a meeting and notices given to the clerk of the committee before 2 pm on the day before a meeting are placed on the agenda for the next meeting of the committee or, where the Standing Orders prescribe a longer period of notice, for the first meeting at which the notice may be considered.
- (3) Nothing in this Standing Order affects the chairperson's power to rule on whether a proposed notice is in order.

### 132. Question previously decided

A motion or an amendment that is the same in substance as a motion or amendment that was agreed to or defeated in a parliamentary committee may be proposed again in that committee in the same calendar year only by leave or if notice has been given.

### 133. Names of members present

The names of members present in each meeting of any parliamentary committee must be entered in the minutes of the proceedings of the committee.

### 134. Quorum

- (1) The quorum of a parliamentary committee is half of the membership of the committee, rounded upwards where applicable, including for the avoidance of doubt, the chairperson.

- (2) A non-voting member is not counted as part of the membership of a committee for the purposes of determining the quorum.
- (3) If there is no quorum present within 15 minutes of the time for a meeting to commence, the meeting is adjourned.
- (4) If there is no quorum present during a meeting, the meeting is suspended for up to 15 minutes and, if no quorum is formed, the meeting is adjourned.

**135. Motion or amendment does not require to be seconded**

A motion or amendment proposed in a parliamentary committee is not required to be seconded.

**136. Members may be present**

- (1) Any member of Parliament (not being a member of the committee) may attend any of the proceedings of a parliamentary committee but can only take part with the leave of the committee.
- (2) A parliamentary committee may invite a Minister to be present at meetings of the committee for clarification of a Bill, regulation, paper, report or other issue for which the Minister is responsible for. When present at such a meeting, the Minister may take part in the proceedings but may not vote on any question put to the committee.
- (3) Except by leave of the committee, only members of the Privileges Committee may attend any meeting of that committee while the committee is deliberating.

**137. Advisers**

- (1) A parliamentary committee may seek the assistance of persons as advisers to the committee during its consideration of a matter.
- (2) Advisers may remain present during relevant proceedings that are not open to the public, unless excluded by the committee.

**138. Attendance by strangers**

A parliamentary committee may—

- (a) invite any person to be present during relevant proceedings that are not open to the public to assist it in its consideration of any matter:
- (b) by leave, allow a stranger (not present to assist the committee) to be present during proceedings that are not open to the public.

**139. Disorder**

- (1) The chairperson may order any person (not being a member of the committee) to withdraw from a meeting if that person's conduct is disorderly.
- (2) A parliamentary committee may resolve to exclude a member of the committee from its meeting if that member's conduct is highly disorderly. The member may be excluded for up to the remainder of the meeting held on that day.

**GENERAL PROVISIONS FOR EVIDENCE**

**140. Evidence and procedure**

- (1) Each parliamentary committee must keep its own minutes, including details of any voting that takes place on any item of business.



- (2) If the committee is required to report to Parliament on any item of business, the minutes of the committee in relation to that item must be included with the report of the committee to Parliament where a division is recorded.
- (3) A committee may decide to record and if it thinks fit, transcribe oral evidence given to it and may include transcripts of evidence in the report of the committee.
- (4) Reasonable opportunity will be given to witnesses to make corrections of transcription in any transcript of their evidence.
- (5) All persons whose individual rights or interests are affected by a matter before a parliamentary committee must have the right to provide a representation before the committee either in person or by way of counsel, in a manner that is determined by the committee.

#### **141. Private evidence**

- (1) Some or all of the evidence to be given to a parliamentary committee may, by leave, be heard or received in private.
- (2) The committee may require all strangers or any stranger to withdraw from a meeting while evidence is being heard in private.
- (3) Evidence heard or received in private is confidential to the committee until it reports to the Parliament or otherwise concludes its consideration of the item of business to which the private evidence relates.

#### **142. Secret evidence**

- (1) A parliamentary committee may, by leave, declare evidence to be secret evidence where—
  - (a) information that it wishes to obtain can be obtained only if it can assure a witness, or other person in possession of that information, that evidence given to it will remain confidential, or
  - (b) it is satisfied that it is necessary to do so to protect the reputation of any person.
- (2) All strangers must withdraw from a meeting while secret evidence is being heard, unless leave is given for them to remain present.
- (3) Except as authorised under these Standing Orders, secret evidence may not be disclosed to any other person by the committee or by any member of the committee or by any other person, unless Parliament expressly authorises such disclosure. Following the committee's report to Parliament, secret evidence is delivered into the custody of the Clerk.

#### **143. Application for evidence to be secret or private**

- (1) Before providing written evidence to a parliamentary committee, a person may apply for that evidence to be received in private or in secret. Where practicable, witnesses are informed before providing written evidence that such an application may be made.
- (2) Before giving evidence, or at any time while being heard, a witness may apply for any or all of the evidence of that witness to be heard in private or in secret. All witnesses are informed before giving evidence that such an application may be made.
- (3) A witness must give reasons for any such application.
- (4) Before giving evidence in private, a witness will be informed that the evidence will become available when the committee reports to Parliament. Before

giving evidence in secret, a witness will be informed that Parliament has the power to order the disclosure of such evidence.

## HEARING OF EVIDENCE

### **144. Public attendance at hearings**

- 1) The proceedings of any parliamentary committee during the hearing of evidence are open to the public, unless the evidence is private or secret.
- (2) A committee may require any person who is not a member of Parliament to withdraw from a meeting while the committee is formally receiving a delegation that includes a member, or members, of another Parliament.

### **145. Conduct of examination**

- (1) The examination of witnesses is conducted as the chairperson, with the approval of the committee, directs.
- (2) The chairperson, and every member through the chairperson, may put questions to a witness.

### **146. Relevance of questions**

- (1) The chairperson will take care to ensure that all questions put to a witness are relevant to the committee's proceedings and that the information sought by those questions is necessary for the purpose of those proceedings.
- (2) A witness may object to a question on the ground that it is not relevant. The chairperson will then determine whether it is relevant to the committee's proceedings.

### **147. Evidence on oath**

- (1) A parliamentary committee may order any person to take an oath or make an affirmation before giving evidence to it.
- (2) When a person gives evidence on oath or affirmation, the oath or affirmation is administered by the clerk of the committee.

## NATURAL JUSTICE

### **148. Evidence containing allegations**

- (1) At any stage during a parliamentary committee's proceedings, the committee may consider hearing in private evidence that contains an allegation that may seriously damage the reputation of a person. The committee may also invite that person to be present during the hearing of such evidence.
- (2) A person who is to appear before a committee will be informed of or given a copy of any evidence (other than secret evidence) or material in the committee's possession that contains an allegation that may seriously damage the reputation of that person.



## INFORMATION ON PROCEEDINGS

### 149. Confidentiality of proceedings

- (1) The proceedings of a parliamentary committee or a subcommittee other than during the hearing of evidence are not open to the public and remain strictly confidential to the committee until it reports to Parliament.
- (2) Clause (1) does not prevent—
  - (a) the disclosure, by the committee or by a member of the committee, of proceedings to a member of Parliament or to the Clerk or another officer of Parliament in the course of their duties:
  - (b) the disclosure of proceedings in accordance with the Standing Orders.
- (3) The following proceedings may be disclosed:
  - (a) those proceedings that do not relate to any business or decision still before the committee:
  - (b) those proceedings in respect of matters of process or procedure that do not—
    - (i) relate to decisions on matters of process or procedure that are still before the committee, or
    - (ii) include any substantive proceedings relating to business before the committee, or
    - (iii) reflect, or divulge the content of, a report or draft report or the committee's potential findings.
- (4) A committee making an interim report or a special report to Parliament may resolve that some or all proceedings relating to the report remain confidential to the committee until it reports finally to Parliament.

### 150. Confidentiality of reports

- (1) A report or a draft of the report of a parliamentary committee or a subcommittee is strictly confidential to the committee until it reports to Parliament.
- (2) Clause (1) does not prevent—
  - (a) the disclosure, by the committee or by a member of the committee, of a report or a draft report to a member of Parliament or to the Clerk or another officer of Parliament in the course of their duties:
  - (b) the disclosure of a report or a draft report in accordance with the Standing Orders.

### 151. Information on committee's proceedings

- (1) The chairperson of a parliamentary committee or a subcommittee may, with the agreement of the committee, make a public statement to inform the public of the nature of the committee's consideration of a matter.
- (2) The committee or subcommittee may make its proceedings available to any person for the purpose of assisting in the committee's consideration of a matter. When proceedings have been disclosed under this paragraph, any evidence provided in response to those proceedings is received in private, unless it is received in secret.
- (3) Parliamentary committee proceedings that cease to be confidential under Standing Order 149 become available to the public.

## **152. Committee's consideration of Bills**

- (1) A parliamentary committee to which a Bill has been referred must consider the Bill in the same manner as the consideration of Bills in detail under Standing Order 195 and that Standing Order applies accordingly with any necessary modifications.
- (2) For greater clarity—
  - (a) a committee to which a Bill has been referred may amend the Bill and, where amendments have been made, its report to Parliament shall include an amended version of the Bill that will be tabled in Parliament for further deliberation; and
  - (b) where a committee is considering its report to Parliament, the committee must—
    - (i) make a strong effort to achieve a consensus on all the content of the report; and
    - (ii) where a consensus cannot be achieved, ensure there is a vote with regard to each paragraph of the report or clause of the Bill and such votes must be recorded in the minutes of the committee.

## **REPORTS**

### **153. Committee may report from time to time**

- (1) A parliamentary committee must report—
  - (a) on a Bill referred to it within 6 months from date of referral, unless Parliament by resolution directs otherwise, or Parliament or the Business Committee extends the time for report; and
  - (b) in relation to any other matter referred to it, on or before the day fixed for the presentation of its report, unless Parliament or the Business Committee grants an extension
  - (c) in relation to any other matter initiated by the committee, as soon as it has completed its consideration and deliberations.
- (2) The committee's report on –
  - (a) any Bill must describe the committee's proceedings and consideration of evidence, and highlight any proposed amendments; and
  - (b) any other matter referred to it or initiate by it under subclause (1) (b) and (c) must describe the committee's proceedings and consideration of evidence and recommendations.
- (3) The report of a parliamentary committee must be signed by the chairperson on behalf of the committee, or some other member authorised to do so by the committee and is presented by the chairperson or some other member of the committee authorised by the chairperson or the committee on their behalf.
- (4) A committee report must be supported by the majority of its members.
- (5) A committee may, in its report, indicate the differing views of its members.
- (6) A committee may from time to time make an interim report informing Parliament of some only of its conclusions on a bill or other matter before it or of the progress of its investigation into a bill or other matter.

#### **154. Presentation of Reports**

- (1) A report of a parliamentary committee is presented by delivering it to the Clerk on any working day but no later than 10 am on a day when there is an afternoon sitting or before 5 pm on the day before a morning sitting.
- (2) Once a report has been presented it is published under the authority of Parliament.
- (3) The Clerk announces the presentation of reports of committees at the time appointed by Standing Order 48.

#### **155. Reports set down**

Following their presentation, reports of select committees are set down as follows:

- (a) a report from the Privileges Committee, except a report on a bill or a petition, is set down for consideration as general business:
- (b) a report on a bill is set down as prescribed in Standing Order 48 according to whether the bill is a Government Bill, a Member's Bill or a Private Bill:
- (c) reports on the financial statements of the Government, Estimates, Supplementary Estimates, and annual reviews are considered as set out in Standing Order 220.

#### **156. Consideration of reports**

- (1) On the consideration of any parliamentary committee report (other than a report on a bill or a report to which subclause (2) applies), the chairperson or a member of the committee moves a motion to take note of the report.
- (2) On the consideration of a report of the Privileges Committee containing a recommendation to Parliament, the chairperson or a member of that committee may move a motion that reflects that recommendation.
- (3) Where the motion noted in subclause (1) is adopted—
  - (a) the report of the committee must be delivered to the relevant government department by the Clerk within 7 days; and
  - (b) the Minister responsible for the relevant government department must table a substantive response to the committee's report within 60 working days of receiving the report.

### **SELECT COMMITTEES**

#### **157. Select committees**

- (1) The following select committees are established at the commencement of each Parliament—
  - (a) Public Accounts Committee; and
  - (b) Bills, Petitions and Papers Committee.
- (2) Where there is a dispute regarding which committee has jurisdiction over a matter before Parliament, the Speaker, in consultation with the Business Committee, determines to which committee to assign the matter.
- (3) The select committees in clause (1) remain convened until the dissolution of Parliament.
- (4) The select committees established under this clause may receive briefings on, or initiate inquiries into, matters related to their areas of responsibility.

### **158. Public Accounts Committee**

- (1) The Public Accounts Committee is responsible for the scrutiny and review of—
  - (a) the Estimates of expenditure of the Government and its entities;
  - (b) the annual financial statements, the Audit Report on the annual financial statements of the Government, budget policy statements, fiscal strategy reports, economic and fiscal updates and annual reports and other financial reports required to be submitted to Parliament;
  - (c) ministerial and departmental financial management and performance;
  - (d) any legislation or petition relating to public finance, revenue or taxation;
  - (e) all accounts and expenditure of the Parliament (including expenditure and reports on constituency allowances);
  - (f) any other matters within its subject area.
- (2) The Director of Audit is an adviser to the committee.

### **159. Bills, Petitions and Papers Committee**

- (1) The Bills, Petitions and Papers Committee is responsible for the scrutiny and review of any Bill, petition, report or other matter referred to it by the Parliament or pursuant to these Standing Orders.
- (2) It is the responsibility of the Committee to consider and report back to the Parliament on any matter referred to under clause (1).

## **STANDING COMMITTEES**

### **160. Standing Committees**

- (1) The following Standing Committees are established at the commencement of each Parliament for the purposes of managing the business of Parliament—
  - (a) Business Committee
  - (b) Privileges Committee; and
  - (c) Standing Orders Committee.
- (2) The standing committees in clause (1) remain convened until the dissolution of Parliament.
- (3) Standing Orders relating to meetings, powers and procedures apply to all standing committees.
- (4) Standing Order 161 applies to the Business Committee.
- (5) Standing Order 165 applies to the Privileges Committee.
- (6) Standing Order 166 applies to the Standing Orders Committee.
- (7) Otherwise, a standing committee may determine its own procedure.

### **161. Business Committee**

- (1) The Speaker convenes a Business Committee at the commencement of each Parliament.
- (2) The Speaker chairs the Business Committee. If the Speaker is unable to act as chairperson of the committee, the Deputy Speaker must act as the chairperson for so long as the chairperson is unable to do so.
- (3) Every party is entitled to be represented at each meeting of the committee by one member nominated by its leader.
- (4) The names of the members nominated are given to the Speaker.

### **162. Basis of making decisions in Business Committee**

- (1) The committee reaches decisions on the basis of unanimity or, if this is not possible, near-unanimity having regard to the numbers in the Parliament represented by each of the members of the committee. Near-unanimity means agreement has been given on behalf of the overwhelming majority of members of Parliament.
- (2) The Speaker is the judge of whether unanimity is possible and, if it is not, whether a sufficient degree of near-unanimity has been reached for there to be an effective determination by the committee.
- (3) Before determining that near-unanimity has been reached, the Speaker must be satisfied that, having regard to the party membership in the Parliament, the proposed determination is fair to all parties and does not discriminate against or oppress a minority party or minority parties.

### **163. Business of the Parliament**

The Business Committee may determine—

- (a) that a minor adjustment is to be made to the hours of a specified sitting day:
- (b) the order of business to be transacted in the Parliament:
- (c) when business will be transacted in the Parliament:
- (d) the time to be spent on an item of business:
- (e) that any two or more items of business may be taken together for the purpose of debate:
- (f) how time on an item of business is to be allocated among the parties represented in the Parliament:
- (g) the speaking times of individual members on an item of business:
- (h) any other matters delegated to the committee under the Standing Orders.

### **164. Determination of the Business Committee**

- (1) A determination of the Business Committee takes effect when it is notified in writing to all members of Parliament. A determination must be published, and circulated on the Order Paper, before any sitting of the Parliament at which it is to apply.
- (2) A determination of the Business Committee applies despite any other Standing Order to the contrary.

### **165. Privileges Committee**

- (1) The Privileges Committee is established at the commencement of each Parliament and consists of the number of members as agreed between the Speaker and the Business Committee, but in any event, being no fewer than five and no more than seven members.
- (2) The Privileges Committee elects a chairperson and deputy chairperson from the members of the committee.
- (3) The Privileges Committee considers and reports on any matter referred to it by the Parliament relating to or concerning—
  - (a) parliamentary privilege;
  - (b) breaches of the Code of Conduct.
- (4) The committee has the power to send for persons, papers, and records.

## **166. Standing Orders Committee**

- (1) The Standing Orders Committee is established at the commencement of each Parliament and must consist of the following members—
  - (a) Speaker, who is the chairperson of the committee;
  - (b) Deputy Speaker, who acts as chairperson of the committee in the absence of the Speaker;
  - (c) Prime Minister;
  - (d) one other Minister;
  - (e) Leader of the Opposition; and
  - (f) two other members not being from the Government.
- (2) The quorum of the committee is four.
- (3) The functions of the Standing Orders Committee are to—
  - (a) at least once in every term of Parliament review the Standing Orders, procedures, and practices of the Parliament:
  - (b) consider and report to the Parliament on any matter relating to the Standing Orders, procedures, and practices of the Parliament:
  - (c) recommend to the House the amendment, revocation, or addition of any Standing Order or the alteration of any procedure or practice of the Parliament:
  - (d) consider and report to the Parliament on any matter referred by the Parliament or otherwise under the Standing Orders.

## **167. Special Committees**

- (1) A special committee may be established by resolution of Parliament to carry out the assignment specified in the resolution.
- (2) A special committee continues in existence until—
  - (a) it completes its assignment; or
  - (b) Parliament resolves to discharge the committee.
- (3) Members of a special committee must be appointed as part of the resolution of Parliament that establishes the committee.
- (4) A special committee has—
  - (a) the powers of a parliamentary committee conferred by these Standing Orders; and
  - (b) other powers specified in the resolution of Parliament that establishes the committee.
- (5) These Standing Orders apply to a special committee subject to any necessary modifications and the resolution of Parliament that establishes the committee.

## CHAPTER 5: LEGISLATIVE PROCEDURES

### GENERAL PROVISIONS

#### 168. Classification of bills

- (1) A bill may be introduced as—
  - (a) a Public bill—a bill dealing with a matter of public policy introduced by a Minister, or
  - (b) a Private bill—a bill promoted by a person or body of persons (whether incorporated or not) for the particular interest or benefit of that person or body of persons
  - (c) a Member's bill—a bill dealing with a matter of public policy introduced by a member who is not a Minister,—  
and a bill must show on its face which of these types it is.
- (2) If any question arises as to the classification of a bill, the Speaker decides the matter.

#### 169. General rules for Bills

- (1) Subject to the provisions of the Constitution and these Standing Orders, any member of Parliament may introduce any Bill to Parliament which must be disposed of in accordance with these Orders.
- (2) A Bill must not be presented to the Queen's Representative for assent until it has been read three times.
- (3) Every Bill must—
  - (a) be distinguished by titles and divided into successive clauses consecutively numbered and every clause must have an introductory note;
  - (b) be accompanied by an explanatory note stating the objects of and the reasons for the Bill; and
  - (c) must not contain anything foreign to that which its Long Title indicates.
- (4) Matters which in the opinion of the Speaker have no proper relation to each other must not be included in the same Bill.
- (5) Except as provided in Standing Order 171, a Bill must not 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.

#### 170. Distribution of copies of Bill

Copies of every Bill must, as far as possible, be distributed to members before the commencement of the sitting at which it is proposed to be presented.

#### 171. Certificate of urgency

Whenever the Speaker receives a Certificate of Urgency signed by the Queen's Representative he or she must lay the 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*.

#### 172. Briefing on Bills

- (1) By way of assistance to members, the Speaker after consultation with the Attorney-General and any Ministers responsible for the bills, may convene



- briefing meetings for members on Bills which are proposed to be introduced by Ministers at any session of Parliament.
- (2) Such meetings may be convened at any time during the period between the time when members have received their copies of Bills from the Clerk under Standing Order 173 and the time when Bills are introduced in Parliament for first reading under Standing Order 180(1).
  - (3) The purpose of this rule is to enable members to be briefed on the contents of the Bills and to allow members to seek clarification of any provisions in the Bills before introduction in Parliament, having regard to the importance for members to fully understand the contents of the Bills before they can satisfactorily debate their principles and merits during the second reading and when explaining the Bills to their constituents.
  - (4) Such meetings are not part of the proceedings of Parliament and while no quorum is required for the attendance of members at the briefing meetings, all Members are encouraged to attend.

## INTRODUCTION

### **173. Procedure on introduction of a Bill**

- (1) Any Minister or member who wishes to introduce a Bill before Parliament must, not less than ten days before the sitting day at which the Bill is intended to be read—
  - (a) give the Clerk notice of his or her intention to introduce a bill; and
  - (b) provide to the Clerk a hard copy and an electronic copy of any Bill to be introduced.
- (2) The Clerk must on receiving any notice and a Bill under clause (1):
  - (a) publish a notice of the Bill in the *Cook Islands Gazette*; and
  - (b) send a copy of the Bill to each member not less than seven days prior to the meeting at which the Bill is to be introduced.
- (3) A Bill may be sent to members in hardcopy or electronic form.
- (4) The requirements of this Standing Order do not apply to the introduction of an Appropriation Bill, a supplementary Appropriation Bill or any bill which has been given a certificate of urgency and introduced under Standing Order 175.

### **174. Presentation of Bills**

Any Minister or member may present a Bill after the expiry of the period of notice required under Standing Order 173.

### **175. Introduction of Appropriation bills, supplementary Appropriation bills, and bills under urgency**

An Appropriation Bill, a supplementary Appropriation Bill, and any bill which has been given a Certificate of Urgency may be introduced and proceeded with at any time but not so as to interrupt a debate.

### **176. Member's Bill**

A Member's Bill must not contain any clause that would dispose of or change any public revenue or alter any rate, tax or duty.



### **177. Fair Copy of Member's Bill to be delivered to the Clerk**

- (1) A member must deliver to the Clerk a fair copy of every Member's Bill no later than the time prescribed under Standing Order 173.
- (2) The Clerk must arrange for the Bill to be printed and for copies to be circulated to the members on the day on which the motion for leave to introduce it is to be moved.
- (3) A fair copy of a bill under clause (1) is a bill that:
  - (a) is in written form in both the Maori language and the English language; and
  - (b) meets the requirements of the Constitution and Standing Order 169.

### **178. Debate on motion to introduce Member's Bill**

- (1) The debate on any motion to introduce any Member's Bill is held at the time appointed for dealing with Member's notices of motion under Standing Order 49.
- (2) The time limits for the debate and speeches are set out in Appendix A.
- (3) Ten minutes before the expiration of the total time allowed for the debate, the Speaker interrupts the member then speaking, and call upon the mover of the motion to speak in reply.

### **179. Government may adopt a Member's Bill**

- (1) The Government may, with the consent of the member in charge of a Member's Bill, adopt the bill as a Government Bill.
- (2) Before that Bill is dealt with as a Government Bill, the Minister adopting it must notify the Speaker in writing that the Bill has been adopted by the Government and the Speaker then informs Parliament that the Bill will now proceed as a Government Bill.

## **FIRST READING**

### **180. First reading of Bill**

- (1) At the time appointed for "Presentation of Bills" under Standing Order 48, the Speaker calls on the Minister or member in charge of the Bill to present it to Parliament. The Minister or member rises and hands a copy of the Bill to the Clerk.
- (2) Provided that for the purpose of the first reading it is sufficient if the copy of the Bill consists of the Short Title only.
- (3) Where a motion is moved "That [name of Bill] be now read a first time", it is passed without debate and without the question being put. The Clerk then reads the Short Title of the Bill and the Bill is then set down for second reading.
- (4) At the time of moving First reading of a Bill, the member must table four copies of the Bill in Parliament.
- (5) Copies of the Bill must be made available to each member as soon as is practicable.

## SECOND READING

### 181. Date of second reading

- (1) The second reading of a Bill may 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.
- (2) Provided that the sitting appointed under clause (1) must be not more than one month after the first reading of the Bill.

### 182. Second reading of Bill

- (1) On a motion being moved and seconded “That [name of Bill] be now read a second time”, a debate may take place on the principles and merits of the Bill.
- (2) To the question “That [name of Bill] be now read a second time”, an amendment may be moved and seconded to leave out all the words after the word “now” and the words “on this day 6 months” be inserted. If the amendment is seconded, the question “That the amendment be made” must be proposed and a debate may take place on the amendment until the question is put.
- (3) No amendment may be moved to an amendment under clause (2) and if the amendment is carried, the second reading of the Bill is considered to have been negatived.
- (4) The amendment described in clause (2) is the only amendment permitted to be moved at a second reading.
- (5) If the question that the Bill be read a second time is carried, the Clerk then reads the title of the Bill.
- (6) Immediately after the Bill has been read a second time, the member in charge of the Bill may move a motion, without notice or debate, to refer the bill to:
  - (a) the Bills, Petitions and Papers Committee; or
  - (b) a special committee (whether existing or established for the purpose of considering the Bill); or
  - (c) the *House of Arikis*.
- (7) On the motion of the member in charge of the Bill being passed by Parliament, the Speaker refers the Bill in accordance with that motion.

### 183. Second reading *pro forma* of Bill

- (1) When it is intended to refer a Bill to a parliamentary committee or the *House of Arikis*, the second reading may be moved *pro forma* and there is no speech by the mover or seconder and no debate on such motion.
- (2) 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, to be notified on the Order Paper.

## PARLIAMENTARY COMMITTEE CONSIDERATION

### 184. Committee consideration of bills

- (1) When a Bill has been referred to a parliamentary committee, no further proceedings may be taken until the committee has reported to Parliament.
- (2) Each committee to which a bill is referred examines the bill and—
  - (a) determines whether to recommend that the bill be passed, and

- (b) may recommend amendments in accordance with Standing Order 185.
- (3) In the case of a private bill, the committee also determines whether or not the statements in the preamble have been proved to the satisfaction of the committee.

#### **185. Recommendation of amendments**

- (1) Except as otherwise provided in this Standing Order, a select committee may recommend only amendments that are relevant to the subject-matter of the bill, are consistent with the principles and objects of the bill, and otherwise conform to the Standing Orders and the practices of the House.
- (2) In its report to Parliament recommending amendments to a bill, a committee must distinguish between those amendments adopted unanimously by the committee and those adopted by a majority of the committee.

#### **186. Parliamentary committee may divide bill**

- (1) A parliamentary committee may divide into two or more separate bills any bill which—
  - (a) is drafted in parts, or
  - (b) lends itself to division because it comprises more than one subject-matter,—and report such bills separately to the House.
- (2) A new bill must have inserted into it an enacting formula, title, and commencement provision.

### **PARLIAMENTARY COMMITTEE REPORTS**

#### **187. Time for report**

- (1) A parliamentary committee must finally report to Parliament on a bill within six months of the bill being referred to it or by such other time as fixed by Parliament or the Business Committee.
- (2) The Business Committee may extend the time for report for any bill.
- (3) If the committee has not reported within the time for report, the bill is discharged from further consideration by the committee and set down for its next stage in Parliament at a future sitting day following.

#### **188. Parliamentary committee reports**

- (1) When a Bill has been reported by a parliamentary committee, the consideration of the report and the Bill is taken forthwith or on a future sitting day.
- (2) When a Bill has been reported by a parliamentary committee, Parliament then proceeds to consider the Bill as reported upon a motion “That the report from the [.....] committee be approved”.

#### **189. Adoption of report and recommended amendments**

- (1) Where a parliamentary committee has presented a report on a bill and Parliament has approved the committee’s report, the Speaker puts a question that the amendments recommended by the committee by majority be agreed to. There is no amendment or further debate on the question.

- (2) Amendments recommended by a committee by majority that are agreed to by Parliament and amendments recommended by the committee unanimously are adopted as part of the bill.

#### **190. Next stage of the Bill**

The bill then proceeds to be considered in detail, immediately or at a future sitting day, unless Parliament resolves that the bill does not require consideration in detail, in which case the order of the day is altered and the bill is set down for third reading.

### **REFERRAL TO HOUSE OF ARIKIS**

#### **191. Referral to House of Arikis**

- (1) Parliament may resolve to refer a bill to the *House of Arikis*.
- (2) When a Bill has been referred to the *House of Arikis*, no further proceedings may be taken until the *House of Arikis* has reported to Parliament.

#### **192. Procedure where bill referred to the House of Arikis**

- (1) Where a bill is referred by Parliament to the *House of Arikis*, the Speaker must 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* must 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 appointed for presentation of papers under Standing Order 48.
- (3) No report on a bill by the *House of Arikis* may be laid on the Table later than six months of the bill being referred to it or by such other time as fixed by Parliament.
- (4) When a Bill has been reported by the House of Arikis, the consideration of the report and the Bill is taken forthwith or on a future sitting day.
- (5) When a Bill has been reported by the House of Arikis, Parliament then proceeds to consider the Bill as reported upon a motion "That the report from the House of Arikis be approved".

### **CONSIDERATION IN DETAIL**

#### **193. Parliament to consider bill in detail**

After the second reading, Parliament considers the bill in detail immediately unless:

- (a) the bill has been referred to a parliamentary committee;
- (b) the bill has been referred to the *House of Arikis*;
- (c) Parliament resolves to dispense with the detail stage and to proceed immediately to the third reading of the Bill.

#### **194. Consideration of bill in detail**

- (1) Parliament then proceeds to discuss the details rather than principle of the Bill.

- (2) No more than one bill may be considered in detail at one time if objection is taken to doing so, being determined by Parliament without amendment or debate.
- (3) When considering a bill in detail, members may speak more than once to the same question; but when more than one member rises to speak, the Speaker may give preference to a member who has not previously spoken to the same question.
- (4) A motion or amendment proposed during consideration in detail is not required to be seconded.
- (5) The number and time limit of speeches are as set out in Appendix A.

#### **195. Order of considering bill**

- (1) The following order of business must be observed in considering a bill in detail:
  - (a) Clauses as printed;
  - (b) Postponed clauses;
  - (c) New clauses (including those substituted for others disagreed to);
  - (d) Schedules;
  - (e) New schedules;
  - (f) Preamble;
  - (g) Long Title.
- (2) If the bill is reconsidered, the same order is followed.
- (3) In considering an Appropriation Bill or a Bill to impose taxation any schedule must, where applicable, be considered before the clauses.

#### **196. Amendments may be placed on Supplementary Order Paper**

- (1) Any member intending to move an amendment to a bill may lodge a written copy of the amendment with the Clerk in time for the amendment to be printed on a Supplementary Order Paper and circulated to members.
- (2) An amendment lodged in accordance with clause (1) takes precedence over any oral amendment.

#### **197. Consideration of amendments**

- (1) Amendments may be made to a Bill provided the amendments (including new clauses and new Schedules) comply with the following conditions:
  - (a) they must be relevant to both the subject matter of the Bill and to the subject matter of the clause to which they relate;
  - (b) they must not be inconsistent with any clause already agreed to or any decision already reached;
  - (c) if they refer to, or are not intelligible without a subsequent amendment, or schedule notice of the subsequent amendment or schedule unless the Speaker 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 is not within the title of the Bill, the Title shall be amended accordingly;
  - (e) the provisions of Standing Order 90 applies to the consideration of amendments to Bills, and any amendments proposed to an amendment shall be dealt with before a decision is taken on the original amendment.

- (2) Any relevant amendment that is on a Supplementary Order Paper that has been circulated to members, or that is delivered to the Clerk at the Table, can be referred to in the course of the debate on the provision proposed to be amended.

### **198. Procedure for Consideration of Bills in Detail**

- (1) In considering a bill in detail, the following procedure applies—
- (a) the Speaker must call the number of each clause in order and read the introductory note to each clause and if no amendment is offered, the Speaker must, after a convenient number of clauses has been called, put the question, “That clauses ..... to ..... stand part of the Bill”;
  - (b) if any member announces, while the clauses are being called, that he or she wishes to move an amendment to, or make some comment on a clause, the Speaker forthwith puts the question with regard to all the clauses which have been called but not yet agreed to, excluding the clause indicated by the member which is then considered;
  - (c) after the Clause has been so considered, and after any proposed amendment to it has been agreed to or negatived, the Speaker puts the question, “That clause ..... (or clause ..... as amended ..... ) stand part of the Bill”;
  - (d) a clause in the bill as printed may be postponed, unless on an amendment the Speaker puts a question on it;
  - (e) 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;
  - (f) on the title of any new clause being read by the Speaker, the clause is deemed to have been read the first time. The Speaker then proposes the question, “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 is, “That the clause (or the clause as amended) be added to the Bill”;
  - (h) new Schedules are considered and treated in the same way as new clauses;
  - (i) When a new clause or Schedule has been agreed to by, or amended and agreed to, it is not competent for Parliament to resume consideration of that clause or Schedule.
- (2) In the case of Bills containing a large number of parts and clauses, the Speaker may, with the leave of Parliament, read the number and heading of each part only.

### **199. Detail stage completed**

- (1) When the detail stage has been completed, the Speaker proposes the question “That the Bill [as amended] be agreed to” immediately.
- (2) The question must be decided without amendment or debate.

## RECONSIDERATION

### 200. Reconsideration of Bill

- (1) A motion to reconsider a Bill may be moved after the order of the day for the third reading of the Bill has been called. There is no amendment or debate on the question.
- (2) If the motion for reconsideration is agreed to, Parliament immediately or on a future day as stated in the motion, proceeds to reconsider to consider that business.
- (3) The procedure for reconsidering a Bill is the same as for considering a Bill in detail under these Standing Orders. If a Bill has been referred for reconsideration of a particular clause, Part, Schedule or proposed new clause or part of a Schedule, Parliament considers only that matter and any amendment to it.

## THIRD READING AND PASSING

### 201. Third reading of Bills

- (1) Once Parliament has considered the Bill in detail, the Bill may, on motion, be read a third time, either immediately or at some subsequent sitting.
- (2) A motion for this purpose must state, "That this Bill be now read the third time", and amendments for the correction of errors or oversights may, with Speaker's permission, may be made, but no amendment of a material character is to be proposed.
- (3) When the question is put, "That the Bill be now read the third time", any member may move an amendment for deferment as allowed under Standing Order 182(2). If such an amendment is carried, the third reading of the Bill is considered to have been negated.
- (4) If the motion, "That the Bill be now read the third time" is carried, the Clerk reads aloud the Long Title of the Bill, which is then treated as being read for the third time.

### 202. Bill passed

When a Bill has been read a third time, no further questions may be put and it has been passed by Parliament.

## ASSENT TO BILLS

### 203. Bills passed to be printed fair, certified, and presented for assent

When a Bill has been passed by Parliament, it must be printed fair, by direction of the Clerk, who certifies eight copies to be true copies, and must present them to the Queen's Representative for assent in accordance with Article 44 of the Constitution.

### 204. 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 stand referred to Parliament for consideration in detail.

- (2) The Parliament must go through the Bill in the manner provided under Standing Orders 198, 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, the Speaker immediately proposes the question, "That the Bill be again passed" (with or without amendments).
- (4) If the motion is carried, the Bill is again presented to the Queen's Representative for assent as provided by Standing Order 203.

#### **205. After assent given**

When the assent to a bill has been given, the Clerk deposits one of the assented copies with the Registrar of the High Court, delivers copies to the secretary of the Queen's Representative and retains one copy in the office of the Clerk.

### **PRIVATE BILLS**

#### **206. Notice of Private Bill**

- (1) Before a Private Bill is introduced, the member intending to introduce it must give notice of his or her intention to introduce the Bill by publishing the general nature and objectives of the Bill in the *Cook Islands Gazette* and a newspaper circulating in the Cook Islands.
- (2) A notice under clause (1) must be given at least one month prior to introduction of a Private bill.

#### **207. Private Bill process**

- (1) Every Private Bill must contain–
  - (a) an express provision declaring it to be a Private Act
  - (b) a preamble, setting out –
    - (i) the facts on which the bill is founded and the circumstances giving rise to the necessity for it;
    - (ii) if the objects of the bill could be attained otherwise than by legislation, why legislation is preferred.
- (2) The cost of preparation and printing of a Private Bill must not be charged to the Government if the Bill is rejected by Parliament.
- (3) Subject to clause (4) and (5), the procedure for a Private Bill is the same as applies to a Public Bill under these Standing Orders.
- (4) When a Private Bill has been read a second time, it must be referred to a parliamentary committee as directed by the Speaker.
- (5) When a Private Bill has been referred to the parliamentary committee as directed by the Speaker under clause (3), any party affected by the Bill may apply to the committee to be heard, either in person or by counsel, together with any witnesses.
- (6) The committee may take any oral or other evidence as it determines.
- (7) A private Bill may be withdrawn under Standing Order 209.



## AMENDMENTS TO THE CONSTITUTION

### 208. Bills amending the Constitution

- (1) These Standing Orders apply to a bill to amend the Constitution or making any provision inconsistent with any provision of the Constitution with the following modifications—
  - (a) the Bill, on introduction, must be expressed as a Bill for an Act to amend the Constitution;
  - (b) the Bill must be referred to and reported on by a parliamentary committee;
  - (c) not less than two-thirds of the total membership (including vacancies) of the Parliament vote in favour of the Bill at the final vote and the vote preceding that final vote;
  - (d) there is an interval of not less than 90 days between the date on which that final vote is taken and the date on which the preceding vote is taken;
  - (e) a debate must be held at the third reading of the Bill;
  - (f) the Bill may be reconsidered in accordance with the procedure under Standing Order 200, and if amended on reconsideration, the third reading of the Bill, with debate, must take place no earlier than 90 days after the date that Parliament has voted at the completion of the reconsideration;
  - (g) the Speaker certifies that the requirements of Article 41(1) of the Constitution have been met.
- (2) A bill to amend any of the provisions of sections 2 to 6 of the Cook Islands Constitution Act 1964 or Article 2 or Article 41 of the Constitution or making any provision inconsistent with any provision of the Constitution must comply with the following—
  - (a) the Bill has been passed in accordance with the requirements of Clause (1) of this Standing Order; and
  - (b) the Bill has been submitted to a poll, conducted in the manner prescribed by law, of the persons who are entitled to vote as electors at a general election of members of the Parliament; and
  - (c) the Bill has been supported by not less than two-thirds of the valid votes cast in such a poll; and
  - (d) the Speaker certifies that the requirements of Article 41(2) of the Constitution have been met.
- (3) In this Standing Order, “amend” means repeal, amend, modify or extend the Constitution or any of its provisions, or make any provision inconsistent with any provision of the Constitution.

## WITHDRAWAL OF BILLS

### 209. Withdrawal of Bills

- (1) 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.
- (2) A Member’s Bill is automatically withdrawn if the member in charge of the Bill ceases to be a member of Parliament or becomes a Minister.

## REVIVAL OF BILLS

### **210. Revival of Bills lapsed in a 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.

## CHAPTER 6: FINANCIAL PROCEDURES

### THE BUDGET AND ESTIMATES

#### **211. Annual budget**

- (1) The Appropriation Bill for a financial year must be introduced into Parliament on a day previously notified to Parliament by the Government.
- (2) If Parliament is not sitting, the Government must notify the date of introduction of the Appropriation Bill by the Minister in charge of the Bill lodging a notice with Speaker.
- (3) The Speaker must, as soon as possible, notify the date to members of Parliament and publish the notice on the Parliament website.

#### **212. Appropriation Bill and Estimates**

- (1) After introducing an Appropriation Bill or delivering the Budget, or at any time prior to that time on the same day, a Minister may present the Estimates or any other papers relating to the Budget or the bill.
- (2) A Minister delivers the Budget statement in moving the second reading of the main Appropriation Bill.
- (3) The debate is confined to the financial and economic state of the Cook Islands and the Government's financial policy.

#### **213. Referral to the Public Accounts Committee**

- (1) When the Appropriation Bill has completed its second reading, Parliament is then adjourned for up to 14 days and the Estimates stand referred to the Public Accounts Committee for consideration and report.
- (2) A maximum of 10 working days is allocated for consideration by the Public Accounts Committee which must report to Parliament on its examination of the Estimates as soon as possible after it completes its consideration or within 14 days of the referral.

#### **214. Consideration of Appropriation Bill and Estimates in detail**

- (1) Consideration of the Appropriation Bill and the Estimates is resumed on a date and time fixed by the Speaker at which time the Parliament proceeds to consider the Bill and the Estimates in detail, along with the report of the Public Accounts Committee.
- (2) The time and date set under clause (1) must be as soon as possible after the Public Accounts Committee has completed its consideration or no later than 14 days after the adjournment under Standing Order 213(1).

#### **215. Consideration in detail debate**

- (1) A maximum of ten sitting days is allocated for consideration in detail of the Appropriation Bill and the Estimates.
- (2) The hours of sitting of any days or day may be determined by the Business Committee to complete the consideration by the required date.
- (3) Before the commencement of the debate, the Speaker makes an allocation of the time limit that may be imposed on the consideration of any departmental vote and announces that allocation to the Parliament.

- (4) In making the allocation, the Speaker, after consultation with party whips, has regard to:
  - (a) the sum of money allocated to the vote relative to other departmental votes
  - (b) the likely amount of public interest in the department concerned and its vote, relative to other departments and their votes.
- (5) Where a time limit has been allocated for the consideration of any departmental vote, at the expiration of such period if that departmental vote has not been disposed of, the Speaker must immediately put any question necessary to dispose of such departmental vote.

## **216. Consideration of Departmental votes**

- (1) The Minister in charge of the Estimates may select the order in which the departmental votes of the Estimates must be considered.
- (2) The clause of the Appropriation Bill stand postponed until after the consideration of any schedule or schedules to such a Bill.
- (3) On consideration of the first schedule, the Speaker calls the title of each department in turn and must propose the question, "That the sum of .... dollars for the .... Department or.... Departmental Vote stand part of the schedule."
- (4) Any member may move an amendment to reduce by.... dollars the sum to be allotted for any item in a departmental vote. At least one clear day's notice of any amendment is required.
- (5) When several such amendments are proposed to reduce any items in a departmental vote they must be—
  - (a) called in the order in which they appear on the Order Paper; and
  - (b) disposed of before the next is called; and
 debate on each amendment is confined to the item which is sought to be reduced.
- (6) Any amendments proposed under subclause (5) must be placed on the Order Paper in numerical order of vote items and where notice is given of more than one amendment to the same item, the larger amount shall be put first.
- (7) 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 prior recommendation of the Queen's Representative has been obtained and transmitted to the Parliament pursuant to Article 43 of the Constitution. At least one day's notice of any such amendment is required.
- (8) An amendment to increase shall take precedence of any amendment to decrease any item in a departmental vote to which the said amendment to increase relates and if carried, no amendment to decrease the item in a departmental vote concerned is called.
- (9) After an amendment to an item has been disposed of, no amendment or debate on a previous item of that departmental vote is permitted.
- (10) When all amendments in respect of any particular departmental vote have been disposed of, the Speaker proposes the Question "That the sum (or reduced or increased sum) of .... dollars for ..... department/departmental vote stand part of the Schedule".
- (11) When all the departmental votes have been decided, the Speaker puts the question "That the first schedule (with or without amendments) stand part of

the bill”, as the case may be. Any remaining schedules are then considered in the same manner.

- (12) The Speaker then calls each clause of the Bill indicating to members any consequential amendments relating to the clause.

#### **217. Votes not dealt with**

At the conclusion of the total time for the Estimates debate the Speaker must forthwith put successively, without debate, the question on every departmental vote not yet disposed of.

#### **218. Third Reading of Appropriation Bill**

When the Appropriation Bill and the Estimates have passed consideration in detail, the third reading of the Bill is taken immediately. No debate is permitted on the motion for the third reading.

#### **219. Appropriation Bill takes precedence**

An Appropriation Bill takes precedence over all other business and until disposed of, is set down each day as an Order of the Day at the commencement of the next sitting day.

### **REPORTS**

#### **220. Financial Reports**

- (1) The following reports may be submitted to Parliament by sending or delivering a copy of the report to the Speaker, in hard copy or electronically:
  - (a) a budget policy statement;
  - (b) a fiscal strategy report;
  - (c) an economic and fiscal update;
  - (d) any other financial report required to be submitted to Parliament.
- (2) The Speaker must refer the reports submitted under clause (1) to the Public Accounts Committee for consideration.
- (3) The committee must report to Parliament on the results of its scrutiny and review of the reports as soon as practicable.
- (3) In any debate on the committee’s report, the chairperson of the Public Accounts Committee (or, in the chairperson’s absence, another member of the committee) may move a motion relevant to the report and speak first.

### **SUPPLEMENTARY ESTIMATES**

#### **221. Supplementary estimates**

- (1) Subject to clause (2), if at any time supplementary Estimates and a Supplementary Appropriation Bill are introduced into Parliament, the provisions of Standing Orders 212-218 apply to the bill with necessary modifications.
- (2) The following time limits apply to the consideration of supplementary Estimates and a Supplementary Appropriation Bill:
  - (a) Parliament is adjourned for up to 7 days for referral of the above matters to the Public Accounts Committee;

- (b) a maximum of 5 working days is allocated for consideration by the Public Accounts Committee;
- (c) Parliament resumes to consider the supplementary Estimates, the Supplementary Appropriation Bill and the report of the Public Accounts Committee as soon as possible after the committee has completed its consideration or no later than 7 days after the adjournment;
- (d) a maximum of 5 working days is allocated for consideration in detail by Parliament.

## **MONEY GRANTS AND TAXATION**

### **222. Grant of money considered in detail**

Parliament must 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 consideration of detail.

### **223. Motion for any public aid or charge considered in detail**

Any motion for public aid or charge made in Parliament must be considered in detail before any resolution or vote of the Parliament is taken on it.

## **ANNUAL REVIEW**

### **224. Annual Reviews**

- (1) As soon after the commencement of the financial year as it thinks fit, the Public Accounts Committee conducts an annual review of—
  - (a) the performance in the previous financial year and the current operations of each department, Government agency, public enterprise or other public organisation; and
  - (b) what has been achieved with expenditure from appropriations administered by each department, Government agency, public enterprise or other public organisation.
- (2) When the annual report of each department, Government agency, public enterprise or other public organisation is presented to Parliament, its annual review stands referred the Public Accounts Committee.
- (3) When the annual financial statements of the Government for the previous financial year are presented, their annual review stands referred to the Public Accounts Committee.
- (4) When the Audit Office report on the annual financial statements is presented to Parliament, that report stands referred to the Public Accounts Committee.

### **225. Time for report on annual reviews**

The Public Accounts Committee must, no later than 31 March in each year, report to Parliament on:

- (a) the annual financial statements of the Government as at the end of the previous financial year or the most recent statements available:
- (b) every annual review considered to it.

## **226. Annual review debate**

- (1) The annual review debate is the consideration of–
  - (a) the financial position of the Government as reflected in the report of the Public Accounts Committee on the annual financial statements of the Government for the previous financial year or the most recent statements available:
  - (b) the report of Public Accounts Committee on the annual reviews.
- (2) When the annual review debate commences, the question is that the report of the Public Accounts Committee for the previous financial year or the most recent statements available be noted.
- (3) The annual review debate is for no more than four hours.
- (4) The annual review debate is held at a date notified to the Parliament by the Government but must be completed before the tabling of the Estimates in each year.

## CHAPTER 7: NON-LEGISLATIVE PROCEDURES

### STATEMENTS IN PARLIAMENT

#### 227. Ministerial statements

- (1) A Minister who wishes to make a statement relating to the decisions, policies and position of the Government on any matter must inform the Speaker and each party represented in Parliament, no less than 1 hour before the beginning of the sitting day at which the Minister wishes to make the statement, of his or her wish to do so and provide the topic of the statement to the Speaker.
- (2) The Speaker must, as soon as practicable give a copy of the topic of the statement in clause (1) to the Whips of each party represented in Parliament.
- (3) A statement is made at the time appointed under Standing Order 48.
- (4) There is no debate on a statement but the leader of each opposition party represented in Parliament, or his or her designate, may comment, for no more than five minutes each, on the statement.
- (5) Clause (1) does not prevent, the interruption of the debate upon any question before Parliament, by leave of Speaker, to enable a Ministerial Statement to be made.

#### 228. Personal explanations

- (1) A member may explain matters of a personal nature with the permission of the Speaker at the time appointed under Standing Order 48.
- (2) A personal explanation may not be debated.
- (3) The text of the proposed statement must be first submitted to the Speaker, prior to the commencement of the sitting.

### PAPERS AND PUBLICATION

#### 229. Presentation of Papers

- (1) Papers may be presented to Parliament by a Minister delivering them to the Clerk before the Parliament meets on any sitting day. Papers delivered to the Clerk by Ministers are deemed to be tabled the moment the Parliament meets.
- (2) The Clerk must at the time for presentation of papers read out to the Parliament a list of such papers.
- (3) The Speaker may also present papers to Parliament at the time for presentation of papers.
- (4) Any paper desired by a member to be presented to Parliament must be obtained only by a resolution of Parliament.
- (5) A record must be made on the Order Paper of all papers presented to Parliament.
- (6) Papers must be classified by the Clerk and may be distributed to the most appropriate parliamentary committee appointed under Standing Order 157 prior to being tabled in Parliament.



### **230. Consideration of papers**

- (1) Papers tabled on motion for consideration are listed under: Papers for Consideration.
- (2) When such papers are called, the Speaker calls the number of each paper and its title in the order under which each paper appears on the Order Paper, and any member who wants to debate that paper may move “That the paper be received or adopted or referred ...”, or some other motion relevant to the paper.
- (3) If no motion is made on the paper called, it is removed from the Order Paper.

### **231. Presentation of reports of parliamentary committees**

A report of a committee must be presented to Parliament by the committee chairperson, or a member designated by the committee chairperson, laying the report on the Table at the time appointed under Standing Order 48.

### **232. Documents quoted by Minister**

Whenever a Minister quotes from a document relating to public affairs a member may, on a point of order, require the Minister to table the document. The Minister must then table the document unless it is of a confidential nature.

## **PETITIONS**

### **233. A Request to Parliament**

A petition must be addressed to Parliament and request that Parliament take some action in respect of the subject matter of the petition.

### **234. Requirements for petitions**

- (1) Before a petition is presented to Parliament, it must be endorsed by the Clerk as being in accordance with the following rules—
  - (a) every petition must be properly addressed to Parliament, respectful, decorous, and temperate in its language, and must conclude with a prayer setting out the general object of the petitioner;
  - (b) every petition must be signed by at least one person on every sheet on which the petition is written;
  - (c) every signature must be written on the petition or on pages on which the request to Parliament to take action is written in full. A signature must not be pasted on or otherwise transferred to such a petition or pages;
  - (d) if signatures are written on pages other than that containing the petition itself, such pages must have at their head the prayer of the petition;
  - (e) A signatory to a petition must sign by his or her own hand except in the case of incapacity. A person signing on behalf of a person incapacitated must state this fact alongside the signature;
  - (f) A petition from a corporation must be signed by a duly authorised officer of the corporation. In the case of a body incorporated outside the Cook Islands, it may be signed by an authorised attorney;
  - (g) every petition shall be in the Maori or English language, and be accompanied by a translation;
  - (h) no letters, affidavits, or other documents may be attached to a petition;

- (i) no reference must be made in a petition to any debate in Parliament.
- (2) Except on the recommendation by the Queen's Representative, Parliament will not receive any petition requesting financial measures as provided under Article 43 of the Constitution.
- (3) The form of a petition to Parliament must be as set out in Appendix C.
- (4) The petition is accepted by the Clerk only if the petition complies with the Standing Orders and practices of Parliament.

### **235. When subject matter of petitions not accepted**

A petition will not be accepted if the subject matter of the petition is—

- (a) currently before a Cook Islands' court or tribunal (including proceedings that are about to be commenced, are ongoing, or are awaiting adjudication), or where a statutory appeal right remains available to the petitioner:
- (b) suppressed by an order of any Cook Islands' court:
- (c) currently the subject of a complaint to the Ombudsman, and the matter has not been finally determined by the Ombudsman:
- (d) substantially the same as an earlier petition that has been reported to Parliament during the current term of Parliament.

### **236. Presentation of petitions**

- (1) A petition may be presented to Parliament only by a member, who must affix his or her name in the beginning of the petition and deliver it to the Clerk.
- (2) A member may not present a petition signed by himself or herself.
- (3) A member presenting a petition at the time set for presentation of petitions under Standing Order 48 must confine himself or herself to a brief statement of the parties from whom it comes, the number of signatures attached to it, the material allegations contained in it and to reading the prayer of the petition.
- (3) Once a member has presented the petition under subclause (3), the Speaker orders that the petition is to be laid on the Table, without a motion or debate.
- (4) The Clerk then reads the petition.

### **237. Referral of petition**

- (1) When a petition has been presented and laid on the Table, it stands referred to the Bills, Papers and Petitions Committee established under Standing Order 159.
- (2) The Bills, Papers and Petitions Committee considers and reports to Parliament on every petition referred to it.
- (3) Despite subclause (1), Parliament may establish a Special Committee under Standing Order 167 for the purpose of considering any petition referred to it by resolution of Parliament.

## **QUESTIONS TO MINISTERS AND MEMBERS**

### **238. Questions to Ministers**

Questions may be put to a Minister relating to—

- (a) public affairs with which the Minister is officially connected, or
- (b) proceedings in Parliament or any matter of administration for which the Minister is responsible.

### 239. Questions to other members

- (1) Questions may be put to a member who is not a Minister, relating to any bill, motion, or public matter connected with the business of Parliament, of which the member has charge.
- (2) Questions to other members are dealt with following questions addressed to Ministers and urgent questions.

### 240. Contents of Questions

- (1) Every question be concise and must conform to the following rules:
  - (a) a question must not include the names of persons or statements not strictly necessary to render the question intelligible;
  - (b) a question must not contain statements which the member who asks the question is not prepared to substantiate;
  - (c) a question must not contain argument, inferences, opinions, imputations, epithets, or contentious, ironical, or offensive expressions;
  - (d) a question must not refer to debates or answers to questions in the current session;
  - (e) a question must not refer to proceedings in a parliamentary committee which have not been reported to Parliament;
  - (f) a question must not seek information about any matter which is of its nature secret;
  - (g) a question must not reflect on a decision of a court of law and no question must be asked on any matter which is *sub judice*;
  - (h) a question must not be asked for the purpose of obtaining an expression or opinion, the solution of an abstract legal case, or the answer to a hypothetical proposition;
  - (i) a question must not be asked as to the character or conduct of any person except in his or her official or public capacity;
  - (j) a question must not be asked seeking information readily available in official publications or ordinary works of reference; and
  - (k) a question fully answered must not be asked again during the same meeting.
- (2) 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 this order, he or she may direct:
  - (a) that it be printed or asked with such alteration as he or she may direct; or
  - (b) that the member concerned be informed that the question is inadmissible.

### 241. Asking oral questions

- (1) A question may be asked on any sitting day without notice and must 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 such Minister or member to have written notice of the question to enable this to be done.
- (2) If the Speaker is of the opinion that clause (1) applies, he or she may direct that:
  - (a) the question be withdrawn; and

- (b) notice of the question be given at least two full sitting days before the date on which the answer is required.
- (3) Notices of oral questions may be lodged by members in writing to the Clerk. A notice of an oral question must be—
  - (a) signed by the member or by another member on the member's behalf, and
  - (b) delivered or sent by electronic mail to the Clerk.
- (4) If the Speaker considers that the question deals with matters of a statistical nature, the Speaker may direct that the question instead be treated as a question for written answer.
- (5) A member may not give notice for more than one question for oral answer, or two questions for written answer, to be answered on the same day.
- (6) An oral question on notice lodged under clause (3) appears on the Order Paper for answer each sitting day at the time appointed under Standing Order 48.

#### **242. Manner of asking oral questions**

- (1) Subject to the Standing Orders, oral questions are taken at the time appointed by Standing Order 48.
- (2) At the commencement of the period of time allocated for questions and answers on a sitting day, a question without notice may be asked, and each member wishing to ask a question that day must indicate his or her intention to the Speaker.
- (3) The Speaker must determine the order in which the members are entitled to ask questions and calls each member in turn for this purpose.
- (4) A member called by the Speaker rises and asks a question.
- (5) 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, has priority to ask that question on the next sitting day on which questions may be asked.
- (6) If the question is an oral question on notice, where notice has been given in accordance with Standing Order 241(3) the Speaker calls on the member in whose name the question appears on the Order Paper and the member called rises and asks the question.
- (7) A member may ask an oral question on behalf of a member who is absent when authorised by that member to do so.

#### **243. Written questions and replies**

- (1) If the question is a written question, the member rises and asks the question by referring only to its number on the Order Paper and the Minister to whom the question is addressed lays the answer on the Table.
- (2) If the Minister does not do so and does not provide an answer to the question within 7 sitting days of the day on which the question was set down on the Order Paper for written answer, the Clerk must place the question on the Order Paper for oral answer, if the member in whose name the question stands and so requests.

#### **244. Answers to questions**

- (1) The Minister must reply to a question, unless it would be inconsistent with the public interest to do so.

- (2) A reply must be relevant, concise and confined to the subject-matter of the question asked, and must not contain—
  - (a) statements of facts and the names of any persons unless they are strictly necessary to answer the question;
  - (b) arguments, inferences, imputations, epithets, or ironical expressions;
  - (c) discreditable references to Parliament or any member or any offensive or unparliamentary expression;
  - (d) references to proceedings in committee at meetings closed to the public that have not yet been reported to Parliament; or
  - (e) references to a case pending adjudication by a court.
- (3) A copy of the answer to a question, whether oral or written, must be supplied to the member by the Minister.

**245. Supplementary questions**

- (1) At the discretion of the Speaker, a supplementary question may be asked by any member to elucidate or clarify a matter raised in an oral question or in an answer given to a question.
- (2) Supplementary questions cannot be asked on behalf of another member.

## CHAPTER 8: PARLIAMENTARY PRIVILEGE

### 246. Raising a matter of privilege

- (1) A member may raise a matter of privilege with the Speaker in writing at the earliest opportunity.
- (2) In any case a matter of privilege must be raised before the next sitting of Parliament or, if the matter relates to the proceedings of a parliamentary committee, before the commencement of the sitting of Parliament following the day of the next meeting of the committee concerned.
- (3) A matter of privilege relating to the conduct of strangers present may be raised forthwith in Parliament and dealt with in such way as the Speaker determines.

### 247. Allegation of breach of privilege or contempt

An allegation of breach of privilege or of contempt must be formulated as precisely as possible so as to give any person against whom it is made a full opportunity to respond to it.

### 248. Consideration by Speaker

- (1) The Speaker considers a matter of privilege and determines if a question of privilege is involved.
- (2) In considering if a question of privilege is involved, the Speaker takes account of the degree of importance of the matter which has been raised.
- (3) No question of privilege is involved if the matter is technical or trivial and does not warrant the further attention of Parliament.

### 249. Members to be informed of allegations against them

Any member raising a matter of privilege which involves another member of Parliament must, as soon as reasonably practicable after raising the matter, forward to that other member a copy of the matter that has been raised with the Speaker.

### 250. Speaker's ruling

- (1) If the Speaker considers that a matter involves a question of privilege, this is reported to Parliament at the first opportunity.
- (2) The Speaker will not report to the House that a matter involving another member involves a question of privilege without first informing that member that it is intended to do so.

### 251. Question of privilege stands referred to Privileges Committee

- (1) Any matter reported to Parliament by the Speaker, as involving a question of privilege stands referred to the Privileges Committee.
- (2) A member who makes an allegation of breach of privilege or of contempt may not serve on an inquiry into that allegation.

### 252. Precedence to Report of Privileges Committee

- (1) Precedence over other business is given to the consideration of any report of the Privileges Committee on a question of privilege.

- (2) No member may speak for more than 10 minutes in any discussion of a report from the Privileges Committee.

### **253. Contempt of Parliament**

- (1) Parliament may treat as a contempt any act or omission which—
- (a) obstructs or impedes Parliament in the performance of its functions, or
  - (b) obstructs or impedes any member or officer of Parliament in the discharge of the member's or officer's duty, or
  - (c) has a tendency, directly or indirectly, to produce such a result.
- (2) In deciding whether or not to treat any act or omission as a contempt, Parliament may consider—
- (a) the conduct of any person taking part in parliamentary proceedings:
  - (b) the nature of any action taken against any person on account of that person's actions when taking part in parliamentary proceedings.

### **254. Examples of contempts**

Without limiting the generality of Standing Order 253, Parliament may treat as a contempt any of the following:

- (a) the breach of one of the privileges of Parliament:
- (b) deliberately attempting to mislead Parliament or a committee (by way of statement, evidence, or petition):
- (c) serving legal process or causing legal process to be served within the parliamentary precincts, without the authority of Parliament or the Speaker, on any day on which Parliament sits or a committee meets:
- (d) removing, without authority, any papers or records belonging to Parliament:
- (e) falsifying or altering any papers or records belonging to Parliament:
- (f) as a member, failing to declare, before participating in the consideration of any item of business, any financial interest that the member has in that business:
- (j) as a member, receiving or soliciting a bribe to influence the member's conduct in respect of proceedings in Parliament or at a committee:
- (k) as a member, accepting fees for professional services rendered by the member in connection with proceedings in Parliament or at a committee:
- (l) offering or attempting to bribe a member to influence the member's conduct in respect of proceedings in Parliament or at a committee:
- (m) assaulting, threatening, or intimidating a member or an officer of Parliament acting in the discharge of the member's or the officer's duty:
- (n) obstructing or molesting a member or an officer of Parliament in the discharge of the member's or the officer's duty:
- (o) reflecting on the character or conduct of Parliament or of a member in the member's capacity as a member of Parliament:
- (p) misconducting oneself in the presence of Parliament or a committee:
- (q) divulging the proceedings or the report of a parliamentary committee or a subcommittee contrary to the Standing Orders:
- (r) publishing a false or misleading account of proceedings before Parliament or a committee:
- (s) failing to attend before Parliament or a committee after being ordered to do so:



- (t) failing to obey an order of Parliament or a summons issued by order of Parliament or by the Speaker:
- (u) intimidating, preventing, or hindering a witness from giving evidence, or giving evidence in full, to Parliament or a committee:
- (v) refusing to answer a question as ordered by Parliament or a committee:
- (w) assaulting, threatening, or disadvantaging a member on account of the member's conduct in Parliament:
- (x) assaulting, threatening, or disadvantaging a person on account of evidence given by that person to Parliament or a committee:
- (y) knowingly making reference to a matter that is suppressed by an order of a Cook Islands' court, contrary to the Standing Orders, in any proceedings of Parliament or of a committee.

**255. Reference to parliamentary proceedings before court**

- (1) Subject to this Standing Order, permission of Parliament is not required for reference to be made to proceedings in Parliament in any proceedings before a court.
- (2) Reference to proceedings in Parliament is subject always to article 9 of section 1 of the Bill of Rights 1688, which prohibits the impeaching or calling into question in a court of such proceedings. Nothing in paragraph (1) is intended to derogate from the operation of article 9.
- (3) Paragraph (1) does not authorise reference to proceedings in Parliament contrary to any Standing Order or other order of Parliament relating to the disclosure of proceedings of Parliament or of a committee.

**256. Evidence of proceedings not to be given**

The Clerk and other officers of Parliament and any other person employed to make a transcript of proceedings of Parliament or of a committee may not give evidence of proceedings in Parliament without the authority of Parliament.

## CHAPTER 9: CONTROL AND ADMINISTRATION

### CONTROL AND ADMINISTRATION VESTED IN THE SPEAKER

#### 257. Speaker's function, duties and powers

- (1) The control and administration of the Parliamentary precinct is vested in the Speaker, on behalf of Parliament, whether or not Parliament is in session, and the Speaker has authority to maintain order and decorum in Parliament, in accordance with these Standing Orders and parliamentary tradition.
- (2) Without limiting clause (1), the Speaker is responsible—
  - (a) for ensuring the rights and privileges of all members;
  - (b) for ensuring public access to the proceedings of Parliament and its committees; and
  - (c) for carrying out any other functions and duties and exercising any other powers set out in these Standing Orders.

### STRANGERS

#### 258. Admission of strangers to Parliament

- (1) No stranger may enter Parliament without the authority of the Speaker, Clerk or any person authorised the Speaker or the Clerk to grant such permission.
- (2) If at a sitting of Parliament, any member brings to the notice of Parliament or committee the desirability for the exclusion of all strangers; the Speaker or the Chairperson must immediately put the question, "That strangers do withdraw", without debate or amendment.
- (3) If Parliament resolves that strangers be ordered to withdraw,—
  - (a) all strangers must leave; and
  - (b) all members of the media must leave, and
  - (c) official reporters must leave the Chamber and no official report of the proceedings is made, and
  - (d) no recording, transmission, or broadcast of proceedings may be made, and the Clerk makes a note of proceedings for the Minutes of the Proceedings.
- (4) The Speaker or the Chairperson may, at any time, order the withdrawal of strangers from any part of Parliament.
- (5) No member of Parliament may bring any stranger into the parts of Parliament or area appropriated to the Members of Parliament while Parliament is sitting.
- (6) For the purposes of this clause, the Speaker may make rules regulating the admission of members of the public, including any media, and the Clerk must ensure that those orders are complied with.

#### 259. Special provision for media representatives

- (1) The Speaker may grant the representative of any media a general permission to attend Parliament:  
Provided that the Speaker may revoke such permission if the news media 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.

- (2) Prior to attending a sitting of Parliament, every media representative must identify him or herself and the identity of the media represented to the Speaker.
- (3) If the media represented at a sitting publishes a report of the proceedings or evidence taken at the sitting which the Speaker considers inaccurate or unfair, where Parliament resolves, the Speaker may order the media representative to withdraw from Parliament for a specified period not exceeding six months.

## **BROADCASTING OF PROCEEDINGS**

### **260. Broadcasting**

- (1) The proceedings of Parliament are broadcast on radio during all hours of sitting and are available for television coverage.
- (2) When the Clerk, or a provider of official radio, television, or other coverage on behalf of the Clerk, broadcasts, transmits, or otherwise makes available either live or recorded coverage of the proceedings of Parliament or any public proceedings of a committee, the Clerk or that provider does so under the authority of Parliament.
- (3) Any broadcast of the televised proceedings of Parliament must maintain such standard of fairness as is determined, from time to time, by Parliament.
- (4) When strangers are excluded under Standing Order 260 or at any other time when a direction may be given to suspend the broadcasting or proceedings during the sitting of Parliament, the Speaker announces on the air, "That the proceedings will no longer be broadcast until further notice". The Clerk then immediately notifies the controlling operator.
- (5) The Speaker warns Parliament when the broadcasting of proceedings is to be commenced again and the Clerk then instructs the controlling operator accordingly.
- (6) The Speaker may make rules regarding the filming within the parliamentary precincts and conditions for use of official television coverage.

## CHAPTER 10: COMMENCEMENT AND REPEAL

### **261. Commencement**

These Standing Orders come into force on 1 July 2022.

### **262. Repeal**

The Standing Orders that were in force before are repealed and replaced by these Standing Orders, revised and endorsed by Parliament on 1 July 2022.

## APPENDIX A: TIME LIMITS OF SPEECHES AND DEBATES

### TIME LIMITS OF SPEECHES AND DEBATES

<i>Item of business and member speaking</i>	Time limits for speeches and debates
<b>IN PARLIAMENT</b>	
<b>Motions and amendments not otherwise provided for</b>	
Each member	20 minutes
<b>Debate on a Member's motion</b>	
Each member	20 minutes
Whole debate	2 hours
<b>Address in Reply</b>	
Each member	30 minutes
<b>Consideration of Papers</b>	
Each member	15 minutes
<b>Budget Debate (second reading of main Appropriation Bill)</b>	
Minister in charge of Bill, on first speaking	Unlimited
Each member	20 minutes
Minister in reply	10 minutes
<b>Annual review debate</b>	
Each member	10 minutes
Whole debate	Maximum of 4 hours
<b>Motion for adjournment to discuss matter of urgent public importance</b>	
Mover	20 minutes
Minister first speaking	20 minutes
Other Ministers and members	10 minutes
Each member	10 minutes
<b>Personal explanation</b>	
Each member	15 minutes
<b>Amendments to the Constitution</b>	
At the second and third reading	
Each member	20 minutes
<b>CONSIDERATION IN DETAIL</b>	
<b>On the Short Title, clause, schedule or any amendment of a Bill,</b>	
A Minister or member in charge of Bill	Unlimited
Each member, 3 speeches	10 minutes
<b>Motion to reduce vote in Estimates</b>	10 minutes
Each member, 3 speeches	10 minutes
<b>Any other question</b>	
Each member, 3 speeches	10 minutes

## **EXCEPTIONS**

- (1) These limitations during consideration of detail do not apply to:
  - (a) a Minister or member in charge of a Bill, motion, or other matter;
  - (b) a Minister when delivering the Budget Statement;
  - (c) a Minister in charge of a class of the Estimates in regard to the number of his or her speeches.
- (2) Leave may be granted by Parliament to extend a member's time speaking, providing that no speech can be extended to exceed half the original period of time for the speech.

## APPENDIX B: CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

[Standing Order 22: Code of Conduct]

### 1 PREAMBLE

- 1.1 Parliament is the highest legislative authority in the Cook Islands. Its major functions are:
  - a) legislating (examining, debating and approving new or amended laws);
  - b) budget-making (approving the collection of taxes and other revenue and authorising spending by the government);
  - c) representation of the citizens; and
  - d) oversight (monitoring the work of government).
- 1.2 Members of Parliament are public officers. They:
  - a) must act in the best interest of the nation;
  - b) have a fiduciary relationship with the people on whose behalf they act;
  - c) are entrusted with the responsibility to protect and uphold the common interests of the people; and
  - d) must always put the public interest above all others.
- 1.3 Members of Parliament have complimentary obligations to Parliament:
  - a) their own behaviour should reflect favourably on the reputation and integrity of the institution of Parliament; and
  - b) they should protect, strengthen and promote Parliament.
- 1.4 In the Oath of Allegiance taken by all those elected to Parliament, members swear to 'justly and faithfully carry out my duties as a member of Parliament of the Cook Islands.'
- 1.5 Members of Parliament accordingly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of the Cook Islands.
- 1.6 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.
- 1.7 Rules regulating the conduct of Members of Parliament are provided for in the Parliament Standing Orders 22 and 103.
- 1.8 Section 18(1) of the Civil List Act 2005 further obliges the Speaker and all Members to make an annual declaration of financial or other interests held in a company, partnership or unincorporated body; and Section 19 places a duty of propriety on Members:
  - a) to avoid private pecuniary interests in conflict with their public duty;



- b) not to use official information for private interests;
- c) not to use official influence for private purposes;
- d) not to use her or his official position in support of a candidate for employment or promotion in the Public Service;
- e) not to accept any favor from those in or seeking a contractual, proprietary, or pecuniary relationship with government.

## 2 THE CODE

### 2.1 Purpose of this Code

This code is intended to provide guidance to, and standards against which Members, individually and collectively should perform their duties, obligations and responsibilities to Parliament, their constituents and the public at large.

### 2.2 Responsibilities of Members

- (1) Members must accept that their prime responsibilities are to:
  - a) perform their public duty in an objective manner and without consideration of personal or financial interests, including a duty to declare any relevant private interests;
  - b) represent the interests of their own electorate and their constituents; and
  - c) represent the interests of the public at large.
- (2) Members of Parliament have individual responsibility as contributors to the efficient functioning of the Parliament institution.
- (3) Members of Parliament must respect the roles, independence, rights and responsibilities of parliamentary staff.
- (4) Every Member of Parliament has a responsibility to ensure that the Executive Government is accountable to the Parliament.
- (5) Members of Parliament must:
  - a) Act in good conscience
  - b) Act so as to earn the trust and respect of the community
  - c) Hold themselves accountable for conduct for which they are responsible
  - d) Exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.

## 3 PRINCIPLES

A Member of Parliament must behave according to the following principles to:

### 3.1 Loyalty to the nation and its people

Uphold the contents of the Oath of Allegiance at all times and maintain the dignity and integrity of the Cook Islands; its institution and its people.

### 3.2 Respect for the Law

Uphold the laws of the Cook Islands and safeguard the principles contained in the Constitution. They shall give effect to the ideals of democratic government and abide by the letter and spirit of the Constitution and uphold the separation of powers and the rule of law.

### **3.3 Respect for all Persons**

Treat other members, the public and officials with respect and dignity, honestly, fairly, and acting with integrity at all times. Standing Order 77 provides guidance on protocols while speaking.

### **3.4 Selflessness**

Act solely in terms of the public interest. They must exercise the privileges and perform the duties of public office diligently and with civility, dignity, care and honour.

### **3.5 Integrity**

Avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They must not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3.6 Objectivity**

Take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **3.7 Accountability**

Be accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this. Any breaches of a personal nature can be addressed and explained through personal statements in Parliament in accordance with Standing Orders 49(1) (I) and 228.

### **3.8 Openness**

Act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons, as set out in the Official Information Act 2008, for so doing.

### **3.9 Honesty**

Be truthful and act so as to earn the trust and respect of the community.

### **3.10 Leadership**

Exhibit these principles in their own behaviour. They must actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **4 EXERCISE OF POWER**

### **4.1 Influence and authority**

Every Member must arrange their affairs, use any and all information obtained from their public office, and exercise any influence or authority obtained from public office only to advance the public interest.

## **4.2 Disclosure and Publication of Interests**

- (1) Where any potential and actual conflict of interest arises whether in the Member's private, financial, pecuniary or any other interest the Member must be required to declare that interest and take any steps to remove the conflict or withdraw from the particular process or transaction.
- (2) A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest or another person's private interest directly or indirectly.
- (3) A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will improperly and dishonestly benefit their or another person's private interests directly or indirectly.
- (4) Members are individually responsible for preventing conflicts of interest and must carry out their official functions and duties and arrange their private affairs to the best of their endeavours to prevent such conflicts of interest arising.
- (5) Members must take steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office in accordance with Sections 18 and 19 of the Civil List Act 2005. This may be done through the following process:
  - a) Declaring their business and financial interests prior to being sworn in as a Member of Parliament at the commencement of each parliamentary session by way of completion and signing of a declaration of interests' form administered by the Clerk of Parliament in the presence of the Speaker of Parliament;
  - b) Declaring their interest when speaking on issues raised in Parliament or a Committee, or in any other public and appropriate manner.
- (6) Declarations made under this section must be updated annually (prior to 31<sup>st</sup> January) and published as soon as possible in the most accessible means available, including the Parliament website. Members may voluntarily add further disclosures at any other time as required.
- (7) These provisions also apply to interests held by the member's spouse or close family members.

## **4.3 Inducements**

- (1) In accordance with the Crimes Act 1969 and any subsequent amendments, members must not promote any matter, vote on any bill or resolution, or ask any question in the Parliament or its Committees, in return for bribes, payments or any other personal financial benefit.
- (2) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests in Section 4.2 (1) of this code.
- (3) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.
- (4) Members may accept and account for political contributions only in accordance with regulations that may be prescribed under the Electoral Act 2004 and any subsequent amendments.
- (5) Members must not engage in paid lobbying, paid parliamentary advice or paid advocacy.

#### **4.4 Use of public resources**

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

#### **4.5 Use of confidential information**

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

#### **4.6 Proper relations with Ministers and the public service**

- (1) Members must not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.
- (2) Members must not improperly use their influence in order to obtain appointment, promotion, advancement, transfer or any other advantage within the public sector on behalf of themselves or another or to affect the proper outcome of any procedure established under the legislation for the management of the public sector.

#### **4.7 Misleading the Parliament or the Public**

Members must not knowingly mislead the Parliament or the public in statements they make and are obliged to correct the Parliamentary record as soon as possible when incorrect statements are made unintentionally.

#### **4.8 Participation in Political Parties**

It is recognised that some members are non-aligned to and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

## 5 PARLIAMENTARY PRIVILEGES

### 5.1 Immunity from prosecution

Provisions are made for Privileges of Parliament and of its Members under Article 36 of the Constitution of the Cook Islands, the Legislative Assembly Powers and Privileges Act 1967, the Legislative Assembly Powers and Privileges Amendment Act 1986 and Parliament **Standing Orders, Chapter 8**. Under Article 36 of the Constitution and Parts 1 and 4 of the Legislative Assembly Powers and Privileges Act 1967, parliamentary immunity (i.e. parliamentary privilege) protects the right of Members of Parliament to speak in parliament without fear of prosecution or suit for defamation under the Defamation Act 1993.

### 5.2 Freedom of Speech

Members must be mindful of the privileges conferred when speaking in the Parliament and should consciously avoid causing undeserved harm to any individual who does not enjoy the same privileges.

### 5.3 Civility and Tolerance

- (1) It is recognised that a balanced and diversity-respecting Parliament benefits the society it reflects and represents. A sense of tolerance and respect of different political positions should direct the working environment in the Parliament.
- (2) Members must apply high standards of behaviour and consciously avoid personal abuse and denigration of Parliamentary colleagues.

### 5.4 Attendance

Every member shall attend every sitting of the House, in accordance with practice of the House, except with reasonable excuse, or in the case of extended absences, if excused in accordance with the practice of the House.

---

*Constitution of the Cook Islands, Article 36.*

*Privileges of Parliament and of its members -*

*(1) The validity of any proceedings in Parliament or in any committee thereof shall not be questioned in any Court.*

*(2) No officer or member or Speaker of Parliament in whom powers are vested for the regulation of procedure or the conduct of business or the maintenance of order shall in relation to the exercise by him of any of those powers be subject to the jurisdiction of any Court.*

*(3) No member or Speaker of Parliament and no person entitled to speak therein shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in Parliament or in any committee thereof.*

*(4) No person shall be liable to any proceedings in any Court in respect of the publication by or under the authority of Parliament of any report, paper, vote or proceeding.*

*(5) Subject to the provisions of this Article, the privileges of Parliament and of the committees thereof, and the privileges of members and the Speaker of Parliament and of the persons entitled to speak therein may be determined by Act; Provided that no such privilege of Parliament or of any committee thereof may extend to the imposition of a fine or to committal to prison for contempt or otherwise, unless provision is made by enactment for the trial and punishment of the person concerned by the High Court.*

---

## 6 ENFORCEMENT OF THE CODE

### 6.1 Complaints and Investigations.

- (1) A complaint alleging breach of the Code by a Member must be made by any eligible voter in the Cook Islands to the Clerk of Parliament who, after consulting with the Speaker, must forthwith refer it to an independent investigator for investigation of the facts and preparation of a report with recommendations.
- (2) The investigator must be selected by a non-partisan process or other method designed to secure multiparty support, and appointed by the Clerk of Parliament.
- (3) An investigator shall be independent of Parliament, any Member of the Parliament, the Government, or a political party or grouping, and is appointed for a fixed term.
- (4) An investigator must have knowledge, investigative skills, experience, personal qualities and standing within the community suitable to the office.
- (5) The investigator is protected from removal except for proven misbehaviour or other reasonable grounds.
- (6) The investigator may determine whether a complaint is frivolous or vexatious and decline to investigate it.
- (7) A Member and the complainant must treat any complaint as if sub judice meaning the complaint is subject to investigation and can't be discussed elsewhere.
- (8) Any Member of Parliament must cooperate with and assist an investigator in the investigation of any complaint under this Code.
- (9) If there is evidence of a breach of criminal law, the Clerk of Parliament, after consulting with the Speaker, must forthwith refer the case to the police.
- (10) After investigation, the investigator must present a report to the Speaker of the House (or Deputy if concerning the Speaker) who must determine whether or not a breach has occurred, and if a breach has occurred, refer the report to the House for further proceedings in accordance with its rules.
- (11) If a complaint has become known publicly and has not been upheld, this outcome must be made public.

### 6.2 Appeal or Review

- (1) A Member against whom a complaint has been upheld, has rights to appeal or review the decision.
- (2) Appeals must be dealt with by a Case Review Committee (CRC) consisting of the Speaker of Parliament, Clerk of Parliament and the Chairperson of the Privileges Committee.
- (3) The decisions of the CRC are final and no further appeals are permitted.

## 7 SANCTIONS AND PENALTIES FOR BREACHES OF THE CODE

### 7.1 Breaches

Breaches of this Code must be dealt with by the Privileges Committee.

### 7.2 Sanctions

The Privileges Committee is responsible for developing, adopting and imposing graduated sanctions and penalties for breaches of the Code

according to the seriousness of the effects of breaches on the functioning, reputation and legitimacy of the Parliament.

### **7.3 Exclusion from holding Public Office**

The provisions of the Electoral Act 2004 and any amendments in relation to eligibility for candidacy and for tenure of office applies to each member.

## **8 UPDATING THE CODE**

### **8.1 Ongoing Reviews**

The Code must be subject to continuous and regular review.

### **8.2 Managing Reviews and reporting to Parliament**

The Privileges Committee is charged with the responsibility of managing the review process and reporting to Parliament on its findings and recommendations immediately following each general election, and in response to requests by the Speaker and at such other times as it deems necessary.

## **9 GLOSSARY**

**Civility** - *politeness and courtesy in behaviour or speech.*

**Close family member** – *is limited to a parent, a spouse or de facto partner, sibling or a child.*

**Conflict of interest** - *when a member's personal interests are contrary to his/her loyalty to public business.*

**Graduated sanctions** - *a set of intervention strategies designed to operate in unison to enhance the accountability by Members of Parliament under the Code of Conduct aimed at preventing criminal behaviour.*

**Immunity** - *being protected or exempted from penalty or punishment.*

**Inducements** - *personal benefits that lead someone to do something for another person.*

**Non-partisan** - *not biased towards any particular political group.*

**Official Information** – *as defined in the Official Information Act 2008, No.2*

**Parliamentary Privilege** - *legal immunities granted to Members of Parliament to allow them to perform their duties without interference from outside Parliament.*

**Pecuniary** - *relating to or consisting of money.*

**Privileges Committee** - *a Parliamentary Committee responsible for the oversight of processes dealing with the rights and privileges of Members of Parliament.*



**Proprietary** – *a person's ownership right to property*

**Sub judice** - *prohibition of public discussion of a matter under judicial consideration.*

## APPENDIX C: FORM OF PETITION

[Standing Order 234: Petitions]

### 0.1 Form of petition

#### TO THE PARLIAMENT OF THE COOK ISLANDS

The petition of \_\_\_\_\_ (name of petitioner)

\_\_\_\_\_ (address)

\_\_\_\_\_ (signature)

\_\_\_\_\_ (Contact phone number and email)

\_\_\_\_\_ (Date)

and (insert number) of others

Petition title

**Respectfully requests:**

***That***

Signature of member of Parliament

(Signature sheets with heading, signatures, with addresses to follow.)







