

# Standing Orders

of the

Parliament

of the

Cook Islands

-----

## PART I

### INTRODUCTORY

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

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

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

amendment thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***“Publish” includes broadcast:***

“Precincts of Parliament” means the Chamber and offices of Parliament and places provided for the use of accommodation of strangers, members of the public or representatives of the press and includes, while Parliament is sitting, and subject to any exceptions made by direction of the Speaker, the entire building in which the Chamber is situated and any enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of Parliament:

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

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

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

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

“Queen’s Representative” means the Queen’s Representative in the Cook Islands

appointed pursuant to Article 3 of the Constitution; and includes any person performing the functions of the Queen's Representative pursuant to Article 7 of the Constitution:

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

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

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

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

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

“Table” means the Table of Parliament:

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

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

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

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

## PART II MEETING OF NEW PARLIAMENT

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

(a) The Clerk shall read the notice summoning the new Parliament together;

(b) A list of the names of the members elected to serve in Parliament shall then be read by the Clerk and laid on the Table;

(c) Parliament shall then elect a Speaker in the manner prescribed in Part III of these Orders;

(d) The Speaker when elected shall present himself to the Queen's Representative to take and subscribe the Oath of Allegiance pursuant to Article 31(3) of the Constitution and lay claim to the privileges of Parliament as provided under Order 11;

(e) The Speaker shall thereupon return to Parliament and report as provided by Order 12;

(f) The members shall then be called in alphabetical order to take the Oath of Allegiance before the Speaker pursuant to Article 30 of the Constitution;

(g) Parliament may then proceed to elect a Deputy Speaker in the manner prescribed in Part IV of these Orders, after which it shall adjourn.

## ELECTION OF SPEAKER

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Where at any ballot among three or more candidates two or more obtain an equal number of votes, and one of them has to be excluded from the election as provided

by paragraph (4) of this Order, the determination of the candidate to be excluded shall be by lot which shall be drawn in such a manner as the Clerk shall decide.

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

(7) As the ballot papers are counted they shall be placed in a box and when a candidate has been declared elected as Speaker, the box shall be sealed in the presence of Parliament and kept in the custody of the Clerk until the adjournment of the sitting when the Clerk shall burn the ballot papers.

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

**11. Speaker-elect presents himself to the Queen's Representative** – (1) As soon as possible after his election the Speaker-elect, accompanied by his proposer and seconder and other members, shall present himself to the Queen's Representative and shall take and subscribe the Oath of Allegiance.

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

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

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

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

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

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

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

**16. Two or more members proposed** - (1) If more than one motion for the appointment of Deputy Speaker is moved and seconded, the Speaker shall, after the second

motion, and after each subsequent motion (if any), ask if there is any further motion, and if there is not, shall say that the time for motions has expired.

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

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

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

## **PART V PRESIDING IN PARLIAMENT AND COMMITTEE**

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

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

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

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

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

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

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

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

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

## **PART VI**

### **OPENING OF PARLIAMENT**

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

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

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

## **PART VII**

### **ADDRESS IN REPLY**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PART IX LANGUAGES**

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

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

## **PART X SEATS OF MEMBERS**

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

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

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

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

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

## **PART XI ATTENDANCE OF MEMBERS**

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

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

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

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

## **PART XII DUTIES OF CLERK**

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

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

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

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

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

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

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

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

- (a) Papers laid on the Table;
- (b) Clerk's and Clerk-Assistant's notes including notices of motions and questions;
- (c) Manuscripts of division lists;
- (d) Draft Minutes, proceedings, and papers of select committees;
- (e) Draft reports of select committees;
- (f) Messages from the Queen's Representative;
- (g) Miscellaneous maps and plans which, in the opinion of the Clerk are no longer of any value;
- (h) Manuscript notes and other books which can be of no further use;

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

## **PART XIII OFFICIAL REPORT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PART XV**

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

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

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

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

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

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

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

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

## **PART XVI**

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

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

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

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

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

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

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

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

- (a) Not more than one such motion can be made at the same sitting;
- (b) Not more than one matter can be discussed on the same motion;
- (c) The motion must not revive discussion on a matter which has been discussed in the same session;
- (d) The motion must not anticipate a matter which has been previously appointed for consideration by Parliament or with reference to which a notice of motion has been previously given;
- (e) The motion must not raise a question of privilege.

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

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

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

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

- (a) While the Address in Reply debate is in progress;
- (b) In respect of the sitting when the Financial Statement is presented and read;
- (c) When urgency has been accorded a Bill or other proceedings; or

- (d) Where a substantive motion for the adjournment of Parliament has been moved under Order 59.

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

## **PART XVII ARRANGEMENT OF BUSINESS**

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

- (a) Formal entry of Speaker;
- (b) Prayers;
- (c) Swearing in of new members (Order 32);
- (d) Messages from the Queen's Representative (Order 84);
- (e) Other announcements by the Speaker;
- (f) Obituary;
- (g) Statements by Ministers (Order 87);
- (h) Personal explanations (Order 90);
- (i) *Questions to Ministers and other members (Part XXIII)*;
- (j) Presentation of Bills (Order 219);
- (k) Presentation of Papers (Order 72);
- (l) Presentation of Petitions (Order 78);
- (m) Orders of the Day (Order 70);
- (n) Consideration of Papers (Order 74);
- (o) Motions with notice for the adjournment of Parliament other than (1) above (Order 105);
- (p) By leave of the Speaker the order of business set out in the Order Paper may be altered on any particular day
- (q) Closing Prayer

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

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

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

(3) *On Thursday, -*

*Private members' motions shall take precedence over private*

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

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

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

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

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

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

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

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

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

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

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

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

## **PART XVIII PAPERS**

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

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

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

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

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

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

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

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

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

## **PART XIX PETITIONS**

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

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

- (i) Every petition shall be clearly written by hand, typewritten, duplicated, or printed, or partly one and partly one or more of the others;
- (ii) No erasures or interlineations may be made on any petition;
- (iii) Every petition must be properly addressed to Parliament, respectful, decorous and temperate in its language, and must conclude with a prayer setting forth the general object of the petitioner;
- (iv) Every petition must be signed by at least one person on every sheet on which the prayer of the petition is written;
- (v) If signatures are affixed to sheets other than that containing the petition itself, such sheets shall carry at their head the prayer of the petition;
- (vi) Every petition shall be signed by the parties thereto, by their own hand, and by no one else, except in the case of incapacity by sickness or otherwise; any person unable to write shall affix his mark in the presence of a witness who shall affix his signature beside such mark; every signature must be written upon and not pasted or otherwise attached to each of the sheets on which the petition or prayer, as the case may be, is written;
- (vii) The petition of a corporation shall be under its common seal, if it has one;
- (viii) Every petition shall be in the Maori or English language, and be accompanied by a translation;
- (ix) No letters, affidavits, or other documents may be attached to a petition;
- (x) No reference shall be made in a petition to any debate in Parliament.

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

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

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

**SHEWETH:**

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

(Signatures, with addresses to follow.)”

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

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

**80. Member’s statement restricted** - A member presenting a petition shall confine himself to a brief statement of the parties from whom it comes, the number of

signatures attached to it, and the material allegations contained in it, and to reading the prayer of such petition.

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

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

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

## **PART XX**

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

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

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

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

## **PART XXI**

### **MINISTERIAL STATEMENTS**

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

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

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

## **PART XXII PERSONAL EXPLANATIONS**

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

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

## **PART XXIII QUESTIONS TO MINISTERS AND MEMBERS**

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

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

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

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

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

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

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

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

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

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

*(3) Notice of a question may be given -*

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

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

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

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

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

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

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

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

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

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

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

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

## **PART XXIV MOTIONS**

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

- (a) A motion for the suspension of a Standing Order (Order 4);
- (b) A motion for the election of a member to preside in Parliament (Order 18);
- (c) A motion for the closure of debate (Order 198);
- (d) A motion relevant to a paper under consideration (Order 74);
- (e) A motion that a petition be read (Order 81);
- (f) A motion to amend a motion of which no notice is required or which is debated within 24 hours after notice has been given (Order 106);
- (g) A motion that a member be no longer heard (Order 196);
- (h) A motion for the suspension of a member named (Order 211);

- (i) A motion for the reference of a Bill to a select committee or *the House of Arikis* (Order 234);
- (j) A motion that Parliament resolve itself into committee of the whole House (Order 287);
- (k) A motion that a Bill be recommitted (Order 254);
- (l) A motion to report progress and ask leave to sit again (Order 298);
- (m) A motion for any reading of a Bill (Orders 230 and 270);
- (n) A motion for the withdrawal of a Bill (Order 278);
- (o) A motion for the withdrawal of strangers (Order 378);
- (p) A motion relating to a matter of privilege (Order 384);
- (q) At the discretion of the Speaker, a motion for amendment of a grammatical or printer's error or other form of minor amendment (Order 270);
- (r) Any adjournment motion (Order 59);
- (s) A motion for a vote of thanks or an expression of the appreciation of Parliament (Order 110);
- (t) In a committee of the whole House, a motion, provided it is relevant to the business of the committee (Order 293);
- (u) A motion that a ministerial statement be printed and laid on the Table (Order 89);
- (v) A motion for the adjournment of Parliament (Orders 59, and 63);
- (w) A motion for the extension of the time limit of any speech (Order 392);
- (x) A motion challenging the vote of a member pecuniarily interested (Order 146);
- (y) A motion for the resumption of a debate interrupted by Parliament being counted out (Order 187).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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