

PART XXV PUTTING THE QUESTION

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

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

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

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

PART XXVI RESOLUTIONS AND VOTES

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

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 Resolution or vote rescinded - No resolution or other vote of Parliament may be rescinded during the same session unless 7 days notice be given.

PART XXVII AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART XXVIII VOTING AND DIVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART XXIX RULES OF DEBATE

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

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

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

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

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

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

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

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

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

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

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

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

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

However, -

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

No debatable matter may be brought forward; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART XXX RULES OF ORDER

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

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

203. Decision of Speaker on point of order to be final - The Speaker shall be responsible for the observance of the rules of debate and order in Parliament and in committee, and his decision upon any point of order shall not be open to appeal and shall not be reviewed by Parliament except upon a substantive motion made after notice.

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

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

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

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

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

209. Irrelevance or tedious repetition - The Speaker after having called the attention of Parliament or of a committee to the conduct of a member who persists in

irrelevance or tedious repetition either of his own arguments or the arguments used by other members in debate, may direct the member to discontinue his speech.

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

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

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

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

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

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

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

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

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

PART XXXI

BILLS

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

FIRST READING

227. First reading of Bill - At the time appointed for "Presentation of Bills" under Order 64 the Speaker shall call upon the Minister or member in charge of the Bill to present it to Parliament. The Minister or member shall rise in his place and hand a copy of the Bill to the Clerk:

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

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

SECOND READING

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

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

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

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

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

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

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

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

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

COMMITTEE OF THE WHOLE HOUSE

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

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

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

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

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

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

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

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

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

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

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

242. Chairman reads numbers and introductory notes of clauses -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMITTAL

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

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

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

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

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

COMMITTAL TO SELECT COMMITTEE OR HOUSE OF ARIKIS

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

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

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

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

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

A recommendation under subclause (1) shall be –

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

(b) *Accompanied by a concise statement of the reasons for the recommendation; and*

(c) *Presented to the Speaker no later than 3 months from the date on which the B is referred to the Select Committee or (as the case may be) the House of Arikis; and*

(d) *Laid on the Table by the Speaker at the first available opportunity at the time prescribed for presentation of papers under Order 64.*

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

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

Bill is referred to the select committee or (as the case may be) the House of Arikis under Order 234.

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

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

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

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

(2) A report on a Bill by the House of Arikis shall be -

(a) Signed by the President of the House of Arikis; and

(b) Presented to the Speaker; and

(c) Laid on the Table by the Speaker at the time prescribed for presentation of papers under Order 64.

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

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

(a) In the case of a report by a select committee, "That the report from the select committee be approved";

(b) In the case of a report by the House of Arikis, "That the report from the House of Arikis be approved".

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

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

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

THIRD READING AND PASSING

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

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

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

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

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

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

ASSENT TO BILLS

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

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

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

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

(3) When the Bill has been fully considered and reported the Speaker shall forthwith proposed the question, "That the Bill be again passed" (with or without

amendments), and if the motion is carried the Bill shall again be presented to the Queen's Representative for assent as provided by Order 275.

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

MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

PART XXXII PRIVATE BILLS

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

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

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

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

284. Procedure for consideration of Private Bill - A Private Bill shall be considered in the same manner as a Public Bill under the provisions of Part XXXI of these

Orders except that when a Private Bill has been read a second time it shall be referred to the Bills Committee.

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

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

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