### CHAPTER NO. 1.

# Organic Law on the Public Services Commission.

### Being a Provisional Organic Law-

- (a) to implement Section 190(4) (establishment of the Commission) of the Constitution by providing for and in respect of the appointment and the terms and conditions of employment of the members of the Public Services Commission, and for and in respect of the constitution, powers and procedures of the Commission; and
- (b) under Section 267 (transitional laws) of the Constitution to provide in relation to the offices of Chairman and members of the Commission for the immediate filling of the offices,

MADE by the Constituent Assembly to come into operation on Independence Day1.

#### PART I.—PRELIMINARY.

#### 1. Definitions.

In this Law, unless the contrary intention appears-

"member of the Commission" means a member of the Commission2;

"the Chairman" means the Chairman of the Commission and includes an acting Chairman;

"the Commission" means the Public Services Commission.

# PART II.—CONSTITUTION, ETC., OF THE COMMISSION.

# 2. Appointment of Chairman.

- (1) The Head of State, acting with, and in accordance with, the advice of the National Executive Council, shall appoint one of the members of the Commission to be the Chairman of the Commission.
  - (2) An appointment under Subsection (1) shall extend for but not beyond three years.

# 3. Term of office.

Subject to Section 16<sup>3</sup>, a member of the Commission shall be appointed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council given after consultation with any appropriate Permanent Parliamentary Committee—

- (a) in the case of an appointment for a first term of office made within 10 years after Independence Day—for a term of three years; and
- (b) in any other case—for a term of six years,

and is eligible for re-appointment.

<sup>&</sup>quot;Adopted" on 15 August 1975, after the adoption of the Constitution.

<sup>&</sup>lt;sup>3</sup> Semble, Section 17 was intended.

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# 4. Conditions of employment.

The salary and other conditions of employment of the Chairman and members of the Commission shall be as determined by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

#### 5. Declaration of Office.

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Before entering upon the duties of his office, a member of the Commission shall make the Declaration of Office before the Head of State or a person appointed by the Head of State.

# 6. Disqualifications from office.

A person is not qualified to be, or to remain, a member of the Commission if he is-

- (a) a member of the Parliament; or
- (b) a member of a provincial government body; or
- (c) a member of a local government body; or
- (d) an office holder in a registered political party; or
- (e) an undischarged bankrupt or insolvent; or
- (f) of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (g) under sentence of death or imprisonment.

# 7. Special conditions of employment.

- (1) A member of the Commission shall not-
  - (a) actively engage in politics; or
  - (b) subject to Subsection (2), engage either directly or indirectly in the management or control of a corporation or other body of persons carrying on business for profit; or
  - (c) except on leave granted by the Head of State, or because of illness, absent himself from duty for more than 14 consecutive days or more than 28 days in any period of 12 months; or
  - (d) subject to Subsection (3), acquire by way of a gift or otherwise, or use or hold in any other manner any interest in, any property of Papua New Guinea<sup>1</sup> or solicit, accept or receive any other benefit in addition to his terms and conditions of employment.
- (2) Nothing in Subsection (1)(b) or (d) prevents a member of the Commission from holding office—
  - (a) in a professional body in relation to which his qualifications are relevant; or
  - (b) as a nominee of Papua New Guinea in a corporation in which Papua New Guinea has a fiscal interest where—
    - (i) no direct or indirect financial benefit is received by the member as such a nominee; or
    - (ii) any direct or indirect financial benefit received by the member as such a nominee is paid by him to the Consolidated Revenue Fund.

(3) Subject to any Organic Law made for the purposes of Division III.2 (*leadership code*) of the Constitution, a member of the Commission may purchase, lease or otherwise acquire land in the same manner and subject to the same conditions as any other citizen.

#### 8. Resignation.

- (1) A member of the Commission may resign by giving three months' notice in writing of his intention to do so to the Head of State.
- (2) The period of three months referred to in Subsection (1) shall be deemed to commence on the twenty-second day after the receipt of the notice by the Head of State except where the Head of State, acting with, and in accordance with, the advice of the National Executive Council given after receiving a report from the appropriate Permanent Parliamentary Committee, by notice in writing to the member, fixes an earlier date for the commencement.
- (3) A member of the Commission may withdraw his resignation at any time before the period of three months referred to in Subsection (1) commences.

#### 9. Retirement.

- (1) Subject to Subsection (1)<sup>1</sup>, a person who has attained the age of 55 years shall not be appointed or re-appointed as the Chairman or a member of the Commission and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 55 years.
- (2) The Head of State, acting with, and in accordance with, the advice of the National Executive Council given after consultation with any appropriate Permanent Parliamentary Committee, may, for special reasons in a particular case, appoint or re-appoint a person who is over 55 years of age to be the Chairman or a member of the Commission but in no case shall the Chairman or any member of the Commission continue to act as the Chairman or a member of the Commission after he has attained the age of 60 years.

### 10. Acting Chairman and acting members of the Commission.

- (1) A member of the Commission may be appointed to be an acting Chairman of the Commission—
  - (a) to fill temporarily a vacancy; or
  - (b) in the case of the absence from duty for any reason of the Chairman.
- (2) A person who is qualified under this Law for appointment may be appointed to be an acting member of the Commission—
  - (a) to fill temporarily a vacancy; or
  - (b) in the case of the absence from duty for any reason of a member of the Commission.
  - (3) Acting appointments under this section shall be made—
    - (a) in the case of an appointment made for a period of one month or less—by the Head of State, acting with, and in accordance with, the advice of the Minister;
       and
    - (b) in the case of an appointment made for a period in excess of one month or an extension of an appointment—by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

<sup>&</sup>lt;sup>1</sup> This reference is incorrect, It obviously should be to Subsection (2).

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#### PART III.—POWERS OF THE COMMISSION.

#### 11. Powers of the Commission.

- (1) The Commission may at any time, for the purpose of performing its functions—
  - (a) enter premises occupied or used by-
    - (i) a department of government; or
    - (ii) any State Service (other than the Defence Force); or
    - (iii) any provincial government body; or
    - (iv) any other governmental service; and
  - (b) summon a person whose evidence appears to be material to the determining of any subject of inspection, inquiry or investigation being conducted by the Commission; and
  - (c) take evidence on oath or affirmation and for that purpose administer oaths or affirmations; and
  - (d) require any person to produce documents within his possession or subject to his control.
- (2) A person shall not knowingly make any false or misleading statement in any evidence before the Commission.

Penalty: K50.00<sup>1</sup>.

(3) An officer who neglects or fails, without reasonable cause (the burden of proof of which lies upon him), to attend in obedience to a summons under Subsection (1), or to be sworn or answer questions or produce documents relevant to the subject of an inspection, inquiry or investigation when required to do so under that subsection, is guilty of an offence.

Penalty: K50.001.

(4) A person other than an officer who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause (the burden of proof of which lies upon him), to attend in obedience to a summons under Subsection (1) or to be sworn or answer questions or to produce documents relevant to the subject of an inspection, inquiry or investigation when required so to do under that subsection, is guilty of an offence.

Penalty: K50.001.

- (5) Nothing in this section renders any person compellable to answer any question that might tend to incriminate him.
  - (6) In this section, "officer" means-
    - (a) an officer of the National Public Service; and
    - (b) an officer of the Police Force; and
    - (c) an officer or employee of a provincial government body; and
    - (d) an officer of any government service; and
    - (e) an employee of a service or force referred to in paragraphs (a) to (d),

but does not include an officer of the Defence Force.

<sup>&</sup>lt;sup>1</sup> In report of the Constitutional Laws, there is no provision similar to Sections 14 and 15 of the *Interpretation Act*, declaring such penalties to be maxima only.

### 12. Disclosure of certain matters not to be required.

Where the Prime Minister certifies that the giving of any information or the answering of any question or the production of any documents or papers or things—

- (a) may prejudice the security, defence or international relations of Papua New Guinea (including Papua New Guinea's relations with the Government of any other country or with any international organization) or the investigation or detection of offences; or
- (b) may involve the disclosure of the proceedings, deliberations or decisions of the National Executive Council, or of any Committee of that Council, relating to matters of a secret or confidential nature and would be injurious to the public interest.

the Commission shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced.

# PART IV.—PROCEDURES OF THE COMMISSION.

#### 13. Procedures of the Commission.

- (1) The Commission shall meet at such times and places as are fixed by the Chairman.
- (2) The Chairman shall preside at all meetings of the Commission if he is present.
- (3) If the Chairman is not present at a meeting of the Commission, the other members of the Commission present shall elect one of themselves to preside at the meeting.
  - (4) The quorum at a meeting of the Commission is three.
- (5) All matters before a meeting of the Commission shall be decided in accordance with the majority of votes.
- (6) In the event of an equality of votes on a matter, the Chairman has a casting, as well as a deliberative vote.
  - (7) The Commission shall cause minutes of its meetings to be kept.
  - (8) Subject to this Law, the procedures of the Commission are as determined by it.

# 14. Delegation by the Commission.

- (1) The Commission may, by instrument in writing under the hand of the Chairman, delegate to any person all or any of its powers and functions (other than this power of delegation or any prescribed power or function) so that the delegated powers and functions may be exercised and performed by the delegate in relation to the matters or class of matters specified in the instrument of delegation.
- (2) Every delegation under Subsection (1) is revocable, in writing, at will, and no such delegation affects the exercise of a power or the performance of a function by the Commission.

# 15. Annual reports by Commission.

(1) The Commission shall, at least once during each period of 12 months, at such times as are fixed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, give to the Head of State, for presentation to the National Parliament, a report on the work of the Commission and the National Public Service, with such recommendations as to improvement as it thinks proper.

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(2) Nothing in Subsection (1) prevents the Commission from making, on its own initiative, or at the request of the National Parliament or of the National Executive, other reports of the work of the Commission.

### 16. Annual reports by Departmental Heads.

- (1) As soon as practicable after 30 June in each year or at such other times as the Commission determines, each Departmental Head shall submit to the Commission a detailed report, covering the period of 12 months ended on that date or such other period as is specified by the Commission, on the efficiency, economy, discipline and general working of his department.
  - (2) A report under Subsection (1) shall be supported by returns showing-
    - (a) the cost of administration; and
    - (b) any increase or decrease in revenue or expenditure; and
    - (c) any increase or decrease in business; and
    - (d) any increase or decrease in staff,

as compared with the period of 12 months immediately preceding the period covered by the report, and the reasons for it.

#### PART V.—TRANSITIONAL.

#### 17. First Chairman and members of the Commission.

The persons specified in Column 1 of the Schedule being the persons in office immediately before Independence Day as the Chairman and members of the pre-Independence Public Service Board are the first Chairman and members of the Commission on the same terms and conditions that were applicable to them immediately before that day for the periods specified in Column 2 opposite the name of the person in Column 1.

# 18. First members may be re-appointed.

Nothing in this Part prevents a first member of the Commission from being re-appointed as a member of the Commission at the expiration of his term of office.

#### SCHEDULE.

Sec. 17.

### First Chairman and members of the Commission.

Column 1	Column 2	
Sere Pitoi - Chairman	The period of 11 months commencing on Independence Day.	
William Lawrence	The period of 17 months commencing on Independence Day.	
Ignatius Kilage	The period of 23 months commencing on Independence Day.	
Dawa Lynch	The period of 29 months commencing on Independence Day.	

CHAPTER No. 1.

Organic Law on the Relief of Members of Disciplined Forces from the Responsibility for the Consequences of Carrying out a Lawful Order.

# ARRANGEMENT OF SECTIONS.

- 1. Disciplined forces.
- 2. Member of disciplined force not liable for the consequences of carrying out lawful order, etc.
- 3. Liability to make compensation in certain cases to lie on authority responsible for disciplined force.

# CHAPTER NO. 1.

# Organic Law on the Relief of Members of Disciplined Forces from the Responsibility for the Consequences of Carrying out a Lawful Order.

Being an Organic Law to implement Section 208 (protection of members of disciplined forces) of the Constitution by providing for—

- (a) the relief of members of disciplined forces from the responsibility for the consequences of carrying out a lawful order; and
- (b) liability to make compensation to lie on the authority responsible for the disciplined force,

and for related purposes.

1. Disciplined forces.

For the purposes of this Organic Law-

- (a) the Police Force; and
- (b) the Defence Force; and
- (c) the Correctional Services,

are disciplined forces.

2. Member of a disciplined force not liable for the consequences of carrying out lawful order, etc.

A member of a disciplined force is not liable for the consequences of carrying out—

- (a) a lawful order; or
- (b) an order which he honestly, and on reasonable grounds believed to be a lawful order (the onus of establishing his belief and the reasonable grounds on which it was based, being on him).
- 3. Liability to make compensation in certain cases to lie on authority responsible for disciplined force.
- (1) Where, but for the provisions of Section 2, a member of a disciplined force would be liable to make compensation, the liability to make compensation shall lie on the authority responsible for that disciplined force.
- (2) The provisions of Subsection (1) do not derogate any other right to compensation from an authority responsible for that disciplined force.

# Chapter No. 1.

# Organic Law on Residence.

# ARRANGEMENT OF SECTIONS.

- 1. Definition—
  "temporary absence".
- 2. Residence.

#### CHAPTER NO. 1.

# Organic Law on Residence.

Being a Provisional Organic Law to implement Section Sch.1.15 (residence) of the Constitution in relation to citizenship by naturalization by providing for and in relation to periods of temporary absence from the country,

MADE by the Constituent Assembly to come into operation on Independence Day1.

#### 1. Definition.

In this Law, "temporary absence" means absence for temporary purposes with the intention of returning.

#### 2. Residence.

Where in any Constitutional Law or other law relating to citizenship by naturalization there is a requirement of permanent residence or of continuous residence in the country—

- (a) any periods of temporary absence from the country not exceeding six months at any one time shall be counted as periods of residence in the country; and
- (b) any periods of temporary absence from the country exceeding six months but not exceeding two years at any one time shall not, except in relation in each case to the first six months of the period, be counted as periods of residence in the country but otherwise do not affect the continuity of residence; and
- (c) any periods of temporary absence exceeding two years at any one time shall not be counted as periods of residence and break continuity of residence.

<sup>1 &</sup>quot;Adopted" on 20 August 1975, after the adoption of the Constitution.

# Chapter No. 1.

Organic Law on the terms and conditions of employment of the Governor-General.

# ARRANGEMENT OF SECTIONS.

- 1. Salary.
- 2. Other conditions of employment.
- 3. Special conditions of employment.
- 4. Pensions.
- 5. Appropriation.

#### CHAPTER NO. 1.

# Organic Law on the terms and conditions of employment of the Governor-General.

Being a Provisional Organic Law to implement Section 96 (terms and conditions of employment) of the Constitution by providing for the terms and conditions of employment of the Governor-General,

MADE by the Constituent Assembly to come into operation on Independence Day<sup>1</sup>.

### 1. Salary.

- (1) Subject to Subsection (2), the salary of the Governor-General is as fixed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.
- (2) The salary of the Governor-General shall not be less than the salary payable to the Speaker.

# 2. Other conditions of employment.

Subject to Section 3, the other terms and conditions of employment of the Governor-General are as determined by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

# 3. Special conditions of employment.

The Governor-General is entitled to-

- (a) rent free accommodation for himself and his dependant relatives suitable to his status as Governor-General; and
- (b) at least one motor vehicle free of any charge to himself for the use of himself and his dependant relatives; and
- (c) domestic, gardening and other staff free of any charge to himself; and
- (d) an official free telephone,

as determined by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

# 4. Pensions.

This section does not apply to a Governor-General who-

- (a) ceases to be eligible to hold office as Governor-General under Section 87 (qualification<sup>2</sup> for appointment) of the Constitution; or
- (b) is dismissed from office under Section 90(2) (declaration of loyalty, etc.) of the Constitution; or
- (c) is dismissed from office under Section 93(1) (dismissal from office<sup>3</sup>) of the Constitution.

<sup>&</sup>lt;sup>1</sup> "Adopted" by the Constituent Assembly on 12 August 1975, before the adoption of the Constitution, and "made" on 15 August 1975.

<sup>&</sup>quot;Qualifications" in the Constitution as adopted.
"Dismissal and removal from office" in the Constitution as adopted.

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- (2) The Governor-General is entitled-
  - (a) after his term of office has expired; or
  - (b) where he is removed from office under Section 93(3) (dismissal from office<sup>1</sup>) of the Constitution,

to an annual retirement pension equivalent to 70 per centum of the salary payable from time to time to the occupant of the office of Governor-General.

- (3) Where—
  - (a) a Governor-General in office; or
  - (b) a Governor-General to whom a pension is payable under Subsection (2),

dies--

- (c) his widow; and
- (d) such of his children as the Head of State, acting with, and in accordance with, the advice of the National Executive Council, considers are in need of financial support,

shall be paid an annual pension by Papua New Guinea of such an amount as is fixed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

# 5. Appropriation.

The revenues and monies of Papua New Guinea are, to the extent necessary to make any payment under this Law, appropriated accordingly.

<sup>&</sup>lt;sup>1</sup> "Dismissal and removal from office" in the Constitution as adopted.

# CHAPTER No. 1.

# Organic Law on the Terms and Conditions of Employment of Judges.

# ARRANGEMENT OF SECTIONS.

- Definition—
   "Judge of the National Court".
- 2. Term of office.
- 3. Conditions of employment.
- 4. Disqualifications from office.
- 5. Special conditions of employment.
- 6. Resignation.
- 7. Retirement.

# CHAPTER No. 1.

# Organic Law on the Terms and Conditions of Employment of Judges.

Being a Provisional Organic Law to implement Section 223(1) (general provision for constitutional office-holders) of the Constitution by making provision, where provision is not made by the Constitution, for and in respect of the terms and conditions of employment of Judges,

MADE by the Constituent Assembly to come into operation on Independence Day<sup>1</sup>.

# 1. Definition.

In this Law-

"Judge of the National Court" includes the Chief Justice and the Deputy Chief Justice.

### 2. Term of office.

A Judge of the National Court shall be appointed-

- (a) in the case of a citizen of Papua New Guinea appointed to office for the first time within 10 years after Independence Day—for a term of three years; and
- (b) in the case of any other citizen—for a term 10 years; and
- (c) in the case of a non-citizen—for a term not exceeding three years, and is eligible for re-appointment.

# 3. Conditions of employment.

The salary and other conditions of employment of the Judges of the National Court (other than in relation to pensions or other retirement benefits) are as determined by the Head of State, acting with, and in accordance with, the advice of the National Executive Council given after receiving a report from the Public Services Commission.

# 4. Disqualifications from office.

A person is not qualified to be, or to remain, a Judge of the National Court if he is-

- (a) a member of the Parliament; or
- (b) a member of a provincial government body; or
- (c) a member of a Local Government Council or Authority; or
- (d) an office-holder in a registered political party; or
- (e) an undischarged bankrupt or insolvent; or
- (f) of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (g) under sentence of death or imprisonment.

# 5. Special conditions of employment.

- (1) A Judge of the National Court shall not-
  - (a) actively engage in politics; or

<sup>1&</sup>quot;Adopted" on 15 August 1975, after the adoption of the Constitution.

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- (b) subject to Subsection (2), engage either directly or indirectly in the management or control of a corporation or other body of persons carrying on business for profit; or
- (c) subject to Subsection (3), acquire by way of gift or otherwise, or use or hold in any other manner any interest in, any property of Papua New Guinea<sup>1</sup> or solicit, accept or receive any other benefit in addition to his terms and conditions of employment.
- (2) Nothing in Subsection (1)(b) prevents a Judge of the National Court from holding office in a professional body in relation to which his qualifications are relevant.
- (3) Subject to any Organic Law made for the purposes of Division III.2 (leadership code)<sup>2</sup>, a Judge of the National Court who is a citizen may purchase, lease or otherwise acquire land in the same manner and subject to the same conditions as any other citizen.

# 6. Resignation.

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- (1) A Judge of the National Court may resign by giving three months' notice in writing of his intention to do so to the Judicial and Legal Services Commission.
- (2) The period of three months specified in Subsection (1) shall be deemed to commence on the twenty-second day after the receipt by the Judicial and Legal Services Commission of the notice except where the Commission, by notice in writing to the Judge fixes an earlier date for its commencement.
- (3) A Judge of the National Court may withdraw his resignation at any time before its commencement.

#### 7. Retirement.

- (1) Subject to Subsection (2), a person who has attained the age of 60 years shall not be appointed or re-appointed to be a Judge of the National Court, and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 60 years.
- (2) The Judicial and Legal Services Commission may, in its deliberate judgement, in a particular case, extend the retiring age specified in Subsection (1) to, but not beyond, 65 years.

(Amended by Organic Law on the Terms and Conditions of Employment of Judges (Amendment No. 1) Law.)

<sup>&</sup>lt;sup>1</sup>Sic.

<sup>2</sup>Semble, "of the Constitution" was omitted.

#### CHAPTER NO. 1.

#### Constitutional Laws and Documents.

# 3.—PROCEDURAL, ETC., MATTERS RELATING TO THE ADOPTION OF THE CONSTITUTION.

(a) Resolution of the pre-Independence House of Assembly, that Papua New Guinea move to independent nation status.

NOTE.—Strictly speaking, this resolution was rescinded on 18 June 1975, immediately before the date for Independence was fixed.

Resolution of 9 July 1974-

"That this House resolves that Papua New Guinea do move to independent nation status as soon as practicable after a constitution has been enacted by this House and that any proposed date for independence is to be endorsed by this House.".

(b) Resolution establishing the National Constituent Assembly.

Extract from Minutes of Proceedings of the National Constituent Assembly, No. 1, Friday, 23 May 1975<sup>1</sup>:—

"The elected representatives of the people of Papua New Guinea assembled in the House of Assembly Chamber, Port Moresby, at four o'clock p.m., the twenty-fifth day of May, One thousand nine hundred and seventy-five.

"Mr Michael Somare (East Sepik Regional Representative) addressed the assembled leaders:

'WHEREAS on 9 July 1974 the House of Assembly resolved that Papua New Guinea move to independent status

AND WHEREAS the General Assembly of the United Nations on 13 December 1974 noted that resolution and resolved that, on the date on which Papua New Guinea became independent, the Trusteeship Agreement would cease to be in force

AND WHEREAS it is necessary for the people of Papua New Guinea to make provision for the establishment of the Independent State of Papua New Guinea in anticipation of and in the event of the lawful repeal of all legislation currently operating in or extending to the whole or any part of Papua New Guinea and the lawful cessation of any right or claim by Australia to have any sovereignty, sovereign rights or rights of administration in respect of or appertaining to the whole or any part of Papua New Guinea

NOW WE THE ELECTED REPRESENTATIVES OF THE PEOPLE OF PAPUA NEW GUINEA will constitute ourselves into a National Constituent Assembly for the purpose of establishing and adopting a Constitution for Papua New Guinea, certain other organic laws, ordinary

<sup>&</sup>lt;sup>1</sup> At the time of printing, only the draft minutes were available.

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laws and rules and of doing any other thing that may be necessary or desirable for ensuring a peaceful, orderly and effective transition to Independence and an independent and home-grown Constitution *PROVIDED ALWAYS* that such establishment and adoption and the doing of such other things shall have force and effect only upon such repeal and the lawful cessation of such rights or claims becomming operative.'

"Mr Michael Somare moved—That we, the duly elected representatives of the people of Papua New Guinea, herein assembled, do resolve ourselves into a National Constituent Assembly to debate and approve the Constitution and to discuss and decide on any other things that are necessary for a smooth transition to Independence.

Motion agreed to unanimously.".

# (c) Rules of Procedure of the National Constituent Assembly.

# PAPUA NEW GUINEA NATIONAL CONSTITUENT ASSEMBLY ${\it RULES~OF~PROCEDURE}$

(Agreed to on 28 May 1975)

#### Rule

# 1. Functions of Constituent Assembly

The function of the National Constituent Assembly will be to consider and adopt the Constitution and related matters (organic laws, ordinary laws and Standing Orders, etc.) and to do any other thing that may be necessary or desirable for ensuring a peaceful, orderly and effective transition to Independence.

2. The Chairman shall apply the following rules for conducting the proceedings of the Assembly, and follow where appropriate the Standing Orders of the House of Assembly which are not affected by the following rules.

# 3. Chairman shall decide

Any question on procedure not provided for in these rules or in the Standing Orders, the Chairman shall decide.

#### 4. Definitions

The following words in the Standing Orders have the following meanings:—

"House of Assembly" to mean "National Constituent Assembly";

"Speaker of the House" to mean "Chairman of the Assembly";

"Members of the House" to mean "Members of the Assembly";

"Clerk of the House" to mean "Clerk of the Assembly".

#### 5. Prayers

Upon the Chairman taking the Chair each day, and a quorum of Members being present, he shall read the following Prayers:—

Almighty God Our Father, the Creator of Heaven and Earth,

the law giver of the world and of our country, Papua New Guinea.

Thank you for our people and our wise leaders in our towns, in our villages and in this Assembly.

It is true we differ in many ways.

But we are here, as one United Assembly.

We often fail to do what is right by you.

May we listen to you today and try to understand the ideas of other Members. We need your love and peace to work for the united and freedom of all our

May the harmony of our ancestors guide us today.

Let this Assembly and the Constitution that it adopts, reflect our good past, answer the needs of all our people and offer a new hope for a United Papua New Guinea and to the world.

We pray through our Lord Jesus Christ.

# 6. Days and Hours of Sittings

The Assembly shall meer on every Monday, Tuesday, Wednesday, Thursday and Friday from nine o'clock in the forenoon to one o'clock in the afternoon.

# 7. Routine of Business

The Assembly shall proceed each day with its business in the following routine:-

- (a) Prayers
- (b) Business of the day as determined by the Chairman.

### 8. 3 Stages of Consideration

The Constitution and other relevant matters shall be considered in the following stages:—

Stage 1-presentation, and general debate.

Stage 2-Amendments.

Stage 3—Question of adoption.

#### 9. Time Limits for Speeches

Stage 1, General debate on the Constitution

-30 minutes

Stage 2 of the Constitution and other matters relevant thereto

-20 minutes

Stage 3—debate limited to 10 minutes each Member.

Extension of time to be determined by consent of majority of Members present without debate, but must not exceed half of the original period allotted. Standing Order 30 does not apply.

# 10. Inconsistent Amendment

The Chairman has a discretion to allow the moving of a proposed amendment which is inconsistent with or otherwise affects a previous decision if in his opinion it is fair to do so, and in that case he may allow a consequential amendment of the previous decision without recommitting it.

#### 11. Order of moving Amendments

An amendment proposed shall be disposed of before another amendment to the original question, but in the case of a consequential amendment to a previous decision, Standing Order 201 shall apply.

### 12. Offensive Words

No Member may use offensive words against the Head of State or her representatives or Members of this Assembly or the Judiciary but the Chairman shall interpret this rule in such a manner as to permit adequate debate of all issues before the Assembly.

#### 13. Adjournment

The Chairman to interrupt the business at one o'clock p.m. each day and propose the question—That the Assembly do now adjourn. (This cannot be debated, but can be

#### Constitutional Laws and Documents

negatived and proceedings will continue for up to one hour at which time the Chairman shall adjourn the meeting without any question being put.).

# 14. Selection of Head of State or Governor-General

Ch. No. 1

Any person who is eligible to be a Member of Parliament under the Constitution may be nominated to be Head of State or Governor-General in accordance with the following paragraphs:—

- (a) a nominee must be an automatic citizen;
- (b) he or she must have at least fifteen Members of the Assembly supporting the nomination;
- (c) the nomination must be indicated by a nomination paper (in the form marked "A" hereunder) and at least fifteen Members showing their support on the floor of the Assembly;
- (d) One Member may only nominate one candidate.

"A"

# PAPUA NEW GUINEA

# RULES OF PROCEDURE OF NATIONAL CONSTITUENT ASSEMBLY Form of Proposal for Nomination of Person for Appointment as Head of State or Governor-General.

I, the undersigned Member of the National Consituent Assembly, propose who is qualified to be a Member of the National Parliament and to be a full citizen under the Constitution adopted by this National Constituent Assembly for nomination by this National Constituent Assembly as Head of State or Governor-General.

Dated this

1975.

Signature of Proposer. Electorate of Proposer.

I, being the person referred to in the above proposal, accept the proposal.

Signature of Person Proposed.

WE, the undersigned Members of the National Constituent Assembly, support the above proposal.

Electorates of Supporters of Proposal Signatures of Supporters of Proposal.

# 15. Standards of Dress

All Members must be respectfully dressed and wear a necktie.

# (d) Resolution adopting the Constitution, etc.

Resolution of 15 August 1975-

# "ADOPTION OF THE CONSTITUTION, PROVISIONAL ORGANIC LAWS AND PROVISIONAL ACTS OF THE PARLIAMENT:

- Mr. Michael Somare (East Sepik Regional) moved—'That now we the Members of the National Constituent Assembly acting as the representatives of and for and on behalf of the people of Papua New Guinea do this fifteenth day of August 1975 hereby—
  - (1) Establish, adopt and give to ourselves as the Constitution the document known as the Fourth Draft of 10/5/1975 (renumbered and revised), the Constitution of the Independent State of Papua New Guinea, as amended by this Constituent Assembly.

- (2) Make the Provisional Organic Laws described briefly as-
  - Provisional Organic Law on Certain Constitutional Office-Holders draft of 14/7/75;
  - Provisional Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-Holders draft of 26/6/75;
  - Provisional Organic Law on the Nomination of the Governor-General draft of 29/7/75;
  - Provisional Organic Law on the Number of Ministers draft of 5/6/75;
  - Provisional Organic Law on the Advisory Committee on the Power of Mercy draft of 5/6/75;
  - Provisional Organic Law on the boundaries of the National Capital District draft of 5/6/75;
  - Provisional Organic Law on the Terms and Conditions<sup>1</sup> of the Governor-General draft of 21/7/75.
- (3) Make the Provisional Acts of the Parliament described briefly as-
  - Provisional Principal Legal Adviser Act draft of 23/2/75;
  - Provisional National Name (Protection) Act draft of 5/6/75;
  - Provisional Citizenship Act draft of 30/7/75;

as amended by this Constituent Assembly, to come into full and effective operation as the Constitution, Organic Laws and Acts of the Parliament on the commencement of Independence Day, that is to say, 16 September 1975.'."

(e) Resolution of the pre-Independence House of Assembly fixing Independence Day.

Resolution of 18 June 1975-

"That this House now nominates the 16th day of September 1975 as the date upon which Papua New Guinea is to achieve Independence.".

<sup>1</sup> Sic: "of Employment" omitted.

#### CHAPTER NO. 1.

# Constitutional Laws and Documents.

# 4.—PAPUA NEW GUINEA INDEPENDENCE ACT 1975 OF AUSTRALIA.

#### INTRODUCTORY NOTES.

The importance of this Australian Act for the National Constitution is that it does not purport in any way to grant independence, or even to recognize it, but it merely abdicates sovereignty, sovereign rights, etc.

The Preamble, too, is a useful brief guide to significant aspects of the constitutional history of the independence of Papua New Guinea from the Australian point of view.

# Papua New Guinea Independence Act 1975

No. 98 of 1975

#### AN ACT

Relating to the attainment of Independence by Papua New Guinea.

[Assented to 9 September 1975]

WHEREAS certain territories and islands formerly constituting the Possession of British New Guinea and placed by the Crown under the authority of Australia were administered by Australia under the *Papua Act* 1905-1940 as the Territory of Papua:

AND WHEREAS, in accordance with a Mandate under the Covenant of the League of Nations, certain territories and islands, being former German possessions, were administered by Australia under the *New Guinea Act* 1920-1935 as the Territory of New Guinea:

AND WHEREAS the Territory of Papua and the Territory of New Guinea were, for a period, administered jointly by Australia under the *Papua-New Guinea Provisional Administration Act* 1945-1946:

AND WHEREAS Australia's administration of the Territory of Papua became subject to Chapter XI of the Charter of the United Nations:

AND WHEREAS, in accordance with Chapter XII of that Charter, the General Assembly of the United Nations on 13 December 1946 approved the terms of a Trusteeship Agreement for the Territory of New Guinea, submitted to it by the Government of Australia, in substitution for the terms of the Mandate, which Agreement designates the Government of Australia as the sole Authority to exercise the administration of the Territory of New Guinea:

AND WHEREAS the *Papua and New Guinea Act* 1949 provided for the administration of the Territory of Papua and the Territory of New Guinea by Australia in an administrative union, by the name of the Territory of Papua and New Guinea, whilst maintaining the

#### Constitutional Laws and Documents

identity and status of the Territory of New Guinea as a Trust Territory and the identity and status of the Territory of Papua as a Possession of the Crown:

AND WHEREAS on 18 November 1963 a House of Assembly was established by the *Papua and New Guinea Act* 1963 to make laws for the peace, order and good government of the Territory of Papua and New Guinea:

AND WHEREAS, by virtue of the *Papua New Guinea Act* 1971, the Territories governed in the administrative union became together known as Papua New Guinea:

AND WHEREAS on 9 July 1974 the House of Assembly resolved that Papua New Guinea move to independent nation status:1

AND WHEREAS the General Assembly of the United Nations on 13 December 1974 noted that resolution and resolved that, on the date on which Papua New Guinea became independent, the Trusteeship Agreement would cease to be in force:

AND WHEREAS on 18 June 1975 the House of Assembly nominated 16 September 1975 as the date on which Papua New Guinea is to become independent:

AND WHEREAS on 16 September 1975 Papua New Guinea is to become an independent sovereign state by the name of the Independent State of Papua New Guinea, having a constitution established, adopted and given to themselves by the people of Papua New Guinea acting through their Constitutent Assembly:

BE IT THEREFORE ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

#### 1. Short title.

Ch. No. 1

This Act may be cited as the Papua New Guinea Independence Act 1975.

#### 2. Commencement.

This Act shall come into operation on the day on which it receives the Royal Assent.

# 3. Interpretation.

(1) In this Act-

"Independence Day" means 16 September 1975;

"Papua New Guinea" has the same meaning as in the Papua New Guinea Act 1949-1975.

(2) In this Act, a reference to an Act or to an Imperial Act includes a reference to an instrument made under an Act or an Imperial Act.

# 4. Withdrawal of sovereignty, etc., of Australia.

On the expiration of the day preceding Independence Day, Australia ceases to have any sovereignty, sovereign rights or rights of administration in respect of or appertaining to the whole or any part of Papua New Guinea.

#### 5. Repeal, etc., of laws.

On the expiration of the day preceding Independence Day-

(a) the Acts specified in the Schedule are repealed; and

<sup>&</sup>lt;sup>1</sup> See, also, the note to Item 3(a) of this chapter.

(b) every Act, and every Imperial Act, extending to the whole or any part of Papua New Guinea as part of the law of Papua New Guinea ceases so to extend.

# 6. Regulations.

- (1) The Governor-General may make regulations making provision for or in relation to matters arising out of or connected with the attainment of the independence of Papua New Guinea, including regulations making modifications or adaptations of any Act.
- (2) Regulations under sub-section (1) made before Independence Day shall not have effect before that day.

#### SCHEDULE ACTS REPEALED

Section 5

Papua and New Guinea Act 1949 Papua and New Guinea Act 1954 Papua and New Guinea Act 1957 Papua and New Guinea Act 1960 Papua and New Guinea Act (No. 2) 1960 Papua and New Guinea Act 1963 Papua and New Guinea Act 1964 Papua and New Guinea Act 1966 Papua and New Guinea Act 1968 Papua and New Guinea Act (No. 2) 1968 Papua and New Guinea Act 1971 Papua New Guinea Act 1971 Papua New Guinea Act 1972 Papua New Guinea Act 1973 Papua New Guinea Act (No. 2) 1973 Papua New Guinea Act 1974 Papua New Guinea Act (No. 2) 1974 Papua New Guinea Act 1975

# CHAPTER No. 1.

# Constitutional Laws and Documents.

# 5.—LIST OF PROVISIONAL ORGANIC LAWS AND PROVISIONAL ACTS OF THE PARLIAMENT.

Part 1.—Provisional Laws made before the Adoption of the Constitution<sup>1</sup>. A.—Provisional Organic Laws.

Title		Presented.	Adopted.	Made.
Provi.	sional Organic Law on— The boundaries of the National Capital District (draft of 5/6/1975—not amended).	31/7/1975	31/7/1975	15/8/1975
2.	The Advisory Committee on the Power of Mercy (draft of 5/6/1975—amended by the Constituent Assembly).	31/7/1975	31/7/1975	15/8/1975
3.	The Number of Ministers (draft of 5/6/1975—not amended).	31/7/1975	31/7/1975	15/8/1975
4.	Provincial Boundaries (draft date not shown in minutes—not amended).	31/7/1975	31/7/1975 15/8/1975 <sup>2</sup>	
5.	The Nomination of the Governor-General (draft of 29/7/1975—not amended).	12/8/1975	12/8/1975	15/8/1975
6.	The Terms and Conditions of Employment of the Governor-General (draft of 21/7/1975—not amended).	12/8/1975	12/8/1975	15/8/1975
7.	Certain Constitutional Office-Holders (draft of 14/7/1975—amended by the Constituent Assembly).	12/8/1975	12/8/1975 15/8/1975²	15/8/1975
8.	The Guarantee of the Rights and Independence of Constitutional Office-Holders (draft of 26/6/1975—amended by the Constituent Assemby).	12/8/1975	12/8/1975	15/8/1975

With the exception of the Provisional Organic Law on Provincial Boundaries the provisional laws made before the adoption of the Constitution and listed in Part 1 not only were formally "adopted" by individual resolutions on the days shown, but also were "made" by the same resolution on 15 August 1975 that established, adopted and gave to the People of Papua New Guinea, the Constitution. Provisional laws made after that time, plus the Organic Law on Provincial Boundaries, were merely "adopted"—and see footnote to Part 2.
2 The following provisional laws were re-considered and re-adopted on 15 August 1975:—
Provisional Organic Law on Provincial Boundaries. Provisional Organic Law on Certain Constitutional Office-Holders.

# Constitutional Laws and Documents

Title		Presented.	Adopted.	Made.
	B.—Provisional Acts	of the Parlia	ment. <sup>1</sup>	
$p_{rov}$	isional—			
9.	National Name (Protection) Act (draft of 5/6/1975—not amended).	31/7/1975	31/7/1975	15/8/1975
10.	Principal Legal Adviser Act (draft of 23/2/1975—not amended).	13/8/1975	13/8/1975	15/8/1975
11.	Citizenship Act (draft of 30/7/1975—amended by the Constituent Assembly).	13/8/1975	13/8/1975	15/8/1975

Part 2.—Provisional Laws made after the Adoption of the Constitution.<sup>2</sup> A.—Provisional Organic Laws.

Title	2.	Presented.	Adopted.
Provisional Organic Law on—			
12.	The Terms and Conditions of Employment of Judges (date not shown in minutes—not amended).	15/8/1975	15/8/1975
13.	The Calling of Meetings of the Parliament (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
14.	The Ombudsman Commission (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975 <sup>8</sup>
15.	The Public Services Commission (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
16.	The Judicial and Legal Services Commission (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
17.	The Duties and Responsibilities of Leadership (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
18.	National Elections (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
19.	Immediate and transitional constitutional provisions (date not shown in minutes—amended by the Constituent Assembly).	20/8/1975	20/8/1975

Although these Provisional Acts (with the exception of the National Name (Protection) Act) were listed in a Public Notice published by the Chairman of the Constituent Assembly in National Gazette No. 1 of 16 September 1975 and were shown in it (and in their printed forms) as having the date "1975" included in their short titles, the date does not appear in the Minutes of the Constituent Assembly: presumably it was included by the Chairman, before certification, by virtue of a resolution by the Constituent Assembly (Item No. 16 in the minutes of 15 August 1975) allowing him to make amendments of a verbal or formal nature "but not so as to effect any change in the substance"—while the National Name (Protection) Act was simply overlooked.

2 As noted in Footnote 1 to Part 1, these Provisional Acts, with the exception of the Prime Minister (Constitutional Provisions) Act 1975, were only "adopted" and not specifically "made".

3 The Provisional Organic Law on the Ombudsman Commission was adopted, and subsequently re-considered and re-adopted, on 15 August 1975.

Title	·.	Presented.	Adopted.
20. 21.	Residence (date not shown in minutes—not amended).  The First Meetings of the National Parliament (date not shown in minutes—not amended).	20/8/1975	20/8/1975
	B.—Provisional Acts of the Parlian	nent.1	
Provi	sional—		
22.	Constitutional Commission (Interim Provisions) Act (date not shown in minutes—not amended).	15/8/1975	15/8/1975
23.	National Court Act (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	15/8/1975
24.	Supreme Court Act (date not shown in minutes—amended by the Constituent Assembly).	15/8/1975	20/8/1975
25.	Prime Minister (Constitutional Provisions) Act (date not shown in minutes—amended by the Constituent Assembly).	20/8/1975	20/8/1975 <sup>2</sup>
26.	Parliamentary Service Act (date not shown in minutes—amended by the Constituent Assembly).	20/8/1975	20/8/1975
27.	Magisterial Service Act (date not shown in minutes—not amended).	20/8/1975	20/8/1975
28.	Defence (Australian Forces) Act (date not shown in minutes—not amended).	20/8/1975	20/8/1975
29.	Parliamentary Salaries Tribunal Act (date not shown in minutes—amended by the Constituent Assembly).	20/8/1975	20/8/1975

<sup>&</sup>lt;sup>1</sup> See footnote to B. of Part 1. <sup>2</sup> The Prime Minister (Constitutional Provisions) Act 1975 was, for some reason, merely "agreed to".

## CHAPTER NO. 1.

# Constitutional Laws and Documents.

# 6.-DECLARATION OF INDEPENDENCE AND FULL SOVEREIGNTY.1

Statement by His Excellency Sir John Guise.

"Papua New Guinea is now independent.

"The Constitution of the Independent State of Papua New Guinea under which all power vests with the people is now in effect.

"We have at this point of time broken with our colonial past and we now stand as an independent nation in our own right.

"Let us unite with the Almighty God's guidance and help in working together for the future as a strong and free country.".

<sup>&</sup>lt;sup>1</sup> For some reason, this declaration was not gazetted. It is reproduced from the Papua New Guinea Post-Courier newspaper, Port Moresby, Tuesday, 16 September 1975, and from a tape kindly loaned by the National Broadcasting Commission.

# CHAPTER No. 1.

# Constitutional Laws and Documents.

7.—WARRANT OF ACCEPTANCE OF OFFICE BY HER MAJESTY THE QUEEN.

NOTE.—Since the terms of the resolution of the National Constituent Assembly requesting Her Majesty to become Queen and Head of State of Papua New Guinea are recited in the Warrant, it is not necessary to repeat them again. See, also, Constitution, Section 82 (the adoption of which, of course, purporting to recite Her Majesty's acceptance, pre-dated the formal acceptance in the Warrant).

"Elizabeth the Second, Queen of Papua New Guinea and of Our other Realms and Territories, Head of the Commonwealth, to all to whom these Presents shall come.

#### Greeting!

Whereas the National Constituent Assembly of Papua New Guinea, acting as the representatives of and for and on behalf of the People of Papua New Guinea, resolved on the fifteenth day of August, One Thousand Nine Hundred and Seventy-five as follows:

'That Her Majesty Queen Elizabeth the Second be requested to become Queen and Head of State of Papua New Guinea,'

Know therefore, that We, bearing great affection for the People of Papua New Guinea and having full regard to their National Goals and Principles as expressed in the Constitution, have accepted for Us, Our Heirs and Successors, the Crown of Papua New Guinea.

And whereas the National Constituent Assembly also noted that on the twenty-ninth day of July, One Thousand Nine Hundred and Seventy-five, it had by a simple majority in an exhaustive secret ballot, nominated Sir John Guise, Knight Commander of the Most Excellent Order of the British Empire, to be Our first Governor-General and requests Our approval,

Know also that we have been pleased to approve the appointment of Sir John Guise as Our first Governor-General of Papua New Guinea.

Given at Our Court at Balmoral on the sixteenth day of September, One Thousand Nine Hundred and Seventy-five in the twenty-third year of our Reign.".

# CHAPTER NO. 1.

## Constitutional Laws and Documents.

## 8.-MEMBERSHIP OF THE UNITED NATIONS.

# (a) Application for Membership.

PRIME MINISTER PAPUA NEW GUINEA. PORT MORESBY. 16th September, 1975.

Your Excellency,

On behalf of the Government of Papua New Guinea and in my capacity as Prime Minister, I have the honour to inform you that Papua New Guinea, having attained Independence on the sixteenth day of September, 1975, makes application for membership of the United Nations with all the rights and responsibilities attached thereto.

Accordingly I shall be grateful if this application could be submitted to the Security Council at its next meeting. For this purpose a declaration made in pursuance of Rule 58 of the Provisional Rules of Procedure of the Security Council is set out hereunder.

M. T. SOMARE

# **DECLARATION**

In connection with the application by Papua New Guinea for membership of the United Nations I have the honour on behalf of Papua New Guinea and in my capacity as Prime Minister to declare that Papua New Guinea accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

M. T. SOMARE

His Excellency Dr. Kurt Waldheim, Secretary-General, United Nations Headquarters, New York.

(b) Resolution Admitting to Membership.

UNITED NATIONS

Distr. GENERAL

GENERAL ASSEMBLY

Thirtieth session

A/RES/3368 (XXX)

Agenda item 22

14 October 1975

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY.

[without reference to a Main Committee (A/L.764 and Add.1)]

3368 (XXX). Admission of Papua New Guinea to membership in the United Nations. The General Assembly,

#### Ch. No. 1 Constitutional Laws and Documents

Having received the recommendation of the Security Council of 22 September 1975 that Papua New Guinea should be admitted to membership in the United Nations,1

Having considered the application for membership of Papua New Guinea,2 Decides to admit Papua New Guinea to membership in the United Nations.

> 2383rd plenary meeting 10 October 1975

<sup>&</sup>lt;sup>1</sup> A/10261. <sup>2</sup> A/10240-S/11823. 75-20872

# CHAPTER No. 1.

# Constitutional Laws and Documents.

# 9.—MEMBERSHIP OF THE COMMONWEALTH OF NATIONS: ADVICE OF ADMISSION.

# The Australian Office

File No: 221/3/3/2 Letter No: GD. 806 P.O. Box 2123 Konedobu Papua New Guinea 12 September 1975

The Secretary,
Department of Foreign Relations and Trade,
Central Government Offices,
WAIGANI.
Dear Sir,

# PAPUA NEW GUINEA MEMBERSHIP OF THE COMMONWEALTH

Following is the text of a cable just received from the Australian High Commission, London, regarding Papua New Guinea's membership of the Commonwealth:

Begins—"We have just been informed that the Commonwealth Secretary General has replied to the formal application from the Chief Minister, Papua New Guinea, for Papua New Guinea's admission to membership of the Commonwealth by formally reaffirming on behalf of all Commonwealth Governments that Papua New Guinea will become a full member of the Commonwealth with effect from 16 September 1975."

Yours sincerely,

J. S. Holloway Counsellor.

# CHAPTER No. 1.

# Constitutional Laws and Documents.

# 10.—STANDING ORDERS OF THE NATIONAL PARLIAMENT.

# INTRODUCTORY NOTE.

Only the most minor and formal editorial changes have been made in the Standing Orders, but since this has involved some re-numbering of provisions a comparative table is set out below.

Section, etc., in Revised Edition.	Original Reference.	Section, etc., in Revised Edition.	Original Reference.
1	31	39	43
2	4 4	40	44
3	4	41	45
3 4 5 6 7 8	5	42	46
5	5 6 7 8	43	47
6	7	44	48, 49, 50, 51
7	8	45	52
8	9	46	53
9	10	47	54
10	11	48	55
11	12	49	56
12	13	50	57
13	$1\overline{4}$	51	58
14	15	52	59
15	16	. 53	60
16	17	54	61
17	18, 19	55	62
18	20	56	63
19	21	57	64
20	22	58	65
21	23	59	66
22	24	60	67
23	25	61	68
24	26	62	69
25	27	63	70
26	28	64	71
27	29	65	72
28	30	66	73
29	31, 32, 33	67	73 A
30	34	68	74
31	35	69	75
32	36	70	76
33	37	71	77 <b>7</b> 0
34	38	72	78 70
35	39	73	79
36	40	7 <b>4</b>	80
37	41	75 76	81
38	42	76	82

<sup>&</sup>lt;sup>1</sup> Standing Order 1 related to the title of the Standing Orders: its place has been taken by the heading. Standing Order 2 was a revoking provision, the operation of which has ended.

Section, etc., in Revised Edition.	Original Reference.	Section, etc., in Revised Edition.	Original Reference.
77	83	135	146
78	84	136	147
79	85	137	148
80	86	138	149
81	<b>87</b>	139	150
82	88	140	151
83	89	141	152
84	90	142	153
85	91	143	. 154
86	92	144	155
87	93 94 95 96	145	156
88	94	146	157
89	95	147	158
90	96	148	159
91	97	149	160
92	97 98	150	161
93	99 100	151	162
94	100	152	163
95	101	153	164
95 96	102	154	165
97	103	155	166
98	104	156	167
99	105	157	168
.00	106	158	169
.01	107	159	170
102	108	160	171
103	109	161	172
104	110	162	173
105	111	163	$17\overline{4}$
106	112	164	175
107	113	165	176
.08	114	166	177
109	115,116	167	178
110	117	168	1,79
111	118	169	180
12	119	170	181
113	120	171	182
114	121	172	183
15	122	173	184
.16	129	174	185
117	123,124,125,126,127.	175	186
.18	128	176	187
.19	130	177	188
.20	131	178	189
21	132	179	190
.22	133	180	191
123	134	181	192
124	135	182	193
125	136	183	194,195
126	137	184	196,197,198,199
127	138	185	200
128	139	186	201
129	140	187	202
130	141	188	203
131	142	189	204
132	143	190	205
133	144	191	206
	145		

Section, etc., in Revised Edition.	Original Reference.	Section, etc., in Revised Edition.	Original Reference.
193	208	241	260
194	209	242	261
195	210	243	262
196	211	244	263
197	212	245	264
198	213	246	265
199	214	247	266
200	215,216,217	248	267
201	218	249	268
202	219	250	269
203	220	251	270
204	222	252	271
205	221	253	272
206	223	254	273
207	224	255	274
208	225	256	275
209	226	257	276
210	227	258	277
211	228	259	278
212	229	260	279
213	230	261	280
214	231	262	281
215	232	263	282
216	233	264	283
217		265	
	234,235	266	284
218	236		285
219	237	267	286
220	238	268	287
221	239	269	288
222	240,241	270	289
223	242	271	<b>2</b> 90
224	243	272	291
225	244	273	292
226	245	274	293
227	246	275	295¹
228	247	276	296
229	248	277	297
230	249	278	298,299,300,302
231	250	279	301
232	251	280	303
233	252	281	305
234	253	282	306
235	254	283	307
236	255	284	304
237	256		$308^{2}$
238	257		
239	258	Schedule 1	Appendix A
240	259	Schedule 2	Appendix B

No standing order was numbered 294.
 Standing Order 308 has been omitted as being redundant.

## CHAPTER No. 1.

# Constitutional Laws and Documents.

# 10.—STANDING ORDERS OF THE NATIONAL PARLIAMENT.

# ARRANGEMENT OF SECTIONS.

# PART I.—PRELIMINARY.

- 1. The Constitution.
- 2. Interpretation-
  - "the Chairman"
  - "the Clerk"
  - "count-out"
  - "the Governor-General"
  - "Member"
  - "meeting"
  - "Minister"
  - "Mr Speaker"
  - "the National Gazette"
  - "Order of the Day"
  - "the Parliament"
  - "the precincts of the Parliament"
  - "Session"
  - "Sitting"
  - "the Speaker".
- 3. Vacancy in office of the Clerk.

# PART II.—PROCEEDINGS ON THE MEETING OF A NEW PARLIAMENT.

- 4. Swearing-in of Members.
- 5. Election of Speaker.
- 6. Adjournment of the Parliament before election of Prime Minister.
- 7. Election of Prime Minister.
- 8. Governor-General's address.
- 9. Address in reply.
- 10. Presentation of Address.
- 11. Meeting for a new Session after prorogation.

# PART III.—SPEAKER, DEPUTY SPEAKER AND ASSISTANT SPEAKERS.

- 12. Vacancy in Speakership.
- 13. Election of Deputy Speaker.
- 14. Appointment of Assistant Speakers.
- 15. Absence of Speaker.
- 16. Absence of Speaker and Deputy Speaker.
- 17. Relief of Speaker.
- 18. Chairman of Committees of the whole Parliament.

## Constitutional Laws and Documents

# PART IV.—STANDING COMMITTEES.

- 19. Standing Orders Committee.
- 20. Committee of Privileges.
- 21. National Parliament Committee.
- 22. Private Business Committee.
- 23. Quorum of Standing Committee.

# PART V.—PERMANENT PARLIAMENTARY COMMITTEES.

- 24. Subordinate Legislation Committee.
- 25. Other committes.

# PART VI.—ROLL, PLACES OF MEMBERS, LEAVE OF ABSENCE, MINUTES OF PROCEEDINGS AND RECORDS.

- 26. Members' roll to be kept by the Clerk.
- 27. Record of attendance.
- 28. Seats.
- 29. Leave of absence.
- 30. Minutes of proceedings of the Parliament.
- 31. Custody of records.
- 32. Notice Paper.

# PART VII.—SITTING, QUORUM AND ADJOURNMENT OF THE PARLIAMENT.

- 33. Day and hour of meeting.
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## STANDING ORDERS OF THE NATIONAL PARLIAMENT.

MADE under Section 133 of the Constitution.

#### **PRAYERS**

## English.

O God the Creator, you are the ruler of the world and of this country. Our country, our people, our Parliament belongs to you. Grant that we the Members of our country's Parliament may fulfil our office with honesty and integrity. May our first concern be for the good of all our people. Guide our deliberations this day; bless our decisions, so that Your divine design for our beloved country may be realised through us.

#### Pisin.

O God, yu wokim olgeta samting istap long Heven na graun. Yu istap king bilong olgeta hap graun, na yu istal king bilong dispela kantri tu. Kantri bilong mipela, na pipal bilong mipela, na palament bilong mipela tu, ibilong yu. Helpim mipela ol memba bilong palament bilong dispela kantri bilong mipela iken mekim ol wok istap long han bilong mipela wantaim bel tru na stret. Na nambawan samting em yu helpim mipela itingim ol pipal bilong mipela na long helpim ol long ol istap gut. Stiaim tingting na toktok bilong mipela long dispela de; na givim blesing bilong yu long olgeta toktok olsem bai tingting bilong yu long dispela gutpela kantri iken kamap klia long mipela na ol pipal iken bihainim tingting bilong yu.

#### Hiri Motu.

Gau iboudiai ikaradia diravana e, oi na tanobada idoinai lohiana bona ina tano lohiana danu. Emai tano, emai taunimanima, emai parliament na oiemu. Ai emai parliament memba mai iboumaiai ba durumai, bena emai gaukara baia karaia mai momokanimai bona mai maoro maoromai ida. Emai ura hereana be, emai taunimanima iboudiai edia namo baia laloa bada. Hari dinai, emai lalo hadai ba hakaudia bona emai gwauisi ba hanamodia, bena oiemu lalohadai hereadaena ai emai lalokau tanona enai anidia do bae vara ai imamai ai.

# The Lord's Prayer.

Our Father, which art in Heaven; Hallowed by thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil. For thine is the Kingdom, and the power, and the glory, for ever and ever.

# Amen.

# PART I.—PRELIMINARY.

#### 1. The Constitution.

These Standing Orders are subject to the provisions of the Constitution of the Independent State of Papua New Guinea, and except as otherwise provided by these

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Standing Orders words and phrases used in these Standing Orders have the same meaning as in the Constitution.

## 2. Interpretation.

In these Standing Orders, unless the context otherwise requires or some other meaning is clearly indicated—

- "the Chairman" means the person presiding over a Committee of the Parliament;
- "the Clerk" means the Clerk of the National Parliament, or if he is absent, the Deputy Clerk, or should the latter also be absent, the Clerk Assistant;
- "count-out" means an occasion when the Parliament is adjourned through the failure to obtain a quorum;
- "the Governor-General" means the person holding office as Governor-General under Division V.3 (appointment, etc., of Governor-General) of the Constitution;
- "Member" means a Member of the National Parliament;
- "meeting" means the period between the date of commencement of the business of the Parliament and the last day when such business is completed;
- "Minister" means a Minister appointed under Division VI.4 (the National Executive) of the Constitution;
- "Mr Speaker" means the Speaker of the National Parliament elected under Section 5;1
- "the National Gazette" means the official journal of the National Government established by Section 252 (the National Gazette) of the Constitution;
- "Order of the Day" means a bill or other matter which the Parliament has partly considered and ordered to be further considered at a future time;
- "the Parliament" means the National Parliament established under Division VI.2 (the National Parliament) of the Constitution;
- "the precincts of the Parliament" has the meaning given to that expression by the Parliamentary Powers and Privileges Act;
- "Session" means the time between the first meeting of a Parliament and its dissolution;
- "Sitting" means the period during which the Parliament is sitting without adjournment, and includes any period during which it is in Committee of the whole Parliament;
- "the Speaker" means the Speaker of the National Parliament, and includes a person presiding at a sitting of the Parliament in accordance with the provisions of Part III.

## 3. Vacancy in office of the Clerk.

During any vacancy in the office of Clerk all powers, functions and duties of the Clerk shall be exercised and performed by the Deputy Clerk.

<sup>1</sup> See Constitution, Section 107.

#### PART II.—PROCEEDINGS ON THE MEETING OF A NEW PARLIAMENT.

# 4. Swearing-in of Members.

- (1) On the first day of the meeting of the Parliament for the dispatch of business after a general election, Members will assemble in the Chamber at the appointed time.
- (2) The Clerk shall read the National Gazette notification calling the Parliament together and the notification appointing the representative of the Governor-General to administer oaths.
- (3) A writ or copy-writ of election of each elected Member shall be laid on the Table by the Clerk, and the Members shall then be sworn, or make affirmation, as prescribed in the Constitution.<sup>1</sup>

# 5. Election of Speaker<sup>2</sup>.

- (1) The Parliament shall then elect one of its Members to be Speaker.
- (2) When more than one Member is proposed and seconded as Speaker, the Clerk acting as Chairman of the Parliament shall conduct an election by exhaustive secret ballot in accordance with the procedure in Schedule 1.
- (3) Upon the election of Mr Speaker, the Parliament will be suspended whilst Mr Speaker presents himself to the Governor-General and is sworn into office.
- (4) Mr Speaker having reported that fact to the Parliament, the Parliament will proceed to elect a Prime Minister, or be adjourned, in accordance with Sections 6 and 7.

### 6. Adjournment of the Parliament before election of Prime Minister.

The Parliament may be adjourned, if the Parliament so resolves, for up to three sitting days at a time before a motion for the election of a Prime Minister is moved.

### 7. Election of Prime Minister.3

- (1) The Prime Minister shall be elected by motion, duly moved and seconded, without notice.
- (2) The Prime Minister, after having been sworn into office, shall inform the Parliament at what time the Governor-General will address the Parliament, and the Parliament may then suspend its Sittings until that time, when it shall again attend and await the arrival of the Governor-General.

# 8. Governors-General's address.

The Governor-General will address the Parliament and declare the causes of his calling the Parliament together, and will then withdraw from the Chamber.

## 9. Address in reply.

After the Governor-General's speech, a motion for an address in reply shall be made and seconded.

<sup>&</sup>lt;sup>1</sup> See Constitution, Section 249.

<sup>&</sup>lt;sup>2</sup> See Constitution, Section 107. <sup>3</sup> See Constitution, Sections 142, and 145.

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# 10. Presentation of Address.

The Address as agreed to by the Parliament shall be presented to the Governor-General by the Speaker, accompanied by any Members who wish to attend, and the Speaker shall report to the Parliament the Governor-General's reply to their Address.

# 11. Meeting for a new Session after prorogation.

On the first day of the meeting of a new Parliament for the dispatch of business (not being the next after a general election), when Members of the Parliament have met at the appointed time the Clerk shall read the National Gazette notification, and after the Speaker reads Prayers the Parliament shall await the arrival of the Governor-General.

PART III.—SPEAKER, DEPUTY SPEAKER AND ASSISTANT SPEAKERS.

### 12. Vacancy in Speakership.

When a vacancy has occurred in the office of Speaker, the Clerk shall report the fact to the Parliament at its next Sitting, and the Parliament shall either forthwith, or at its next Sitting, proceed to the election of a new Speaker in the manner set out in Section 5.

# 13. Election of Deputy Speaker.1

- (1) At the commencement of each Parliament, or whenever the Office becomes vacant, a Member shall be appointed by the Parliament to be the Deputy Speaker.
- (2) When more than one motion for the appointment of Deputy Speaker is moved and seconded, the Speaker shall conduct a secret ballot in accordance with the procedure in Schedule 2.

# 14. Appointment of Assistant Speakers.

- (1) The Parliament shall apoint at the commencement of each Parliament not less than four Members as Assistant Speakers.
  - (2) Assistant Speakers have seniority in the order in which they are appointed.

#### 15. Absence of Speaker.

Whenever the Parliament is informed by the Clerk of the absence of Mr Speaker or that Mr Speaker is for any reason unable to act, the Deputy Speaker, as Acting Speaker, shall perform the duties of the Speaker during the absence or inability.

# 16. Absence of Speaker and Deputy Speaker.

Whenever the Parliament is informed by the Clerk of the absence of both Mr Speaker and the Deputy Speaker, the Senior Assistant Speaker present shall, subject to any other order of the Parliament, perform the duties of the Speaker during the absence.

# 17. Relief of Speaker.

- (1) The Deputy Speaker shall take the Chair whenever requested to do so by Mr Speaker during a Sitting of the Parliament, without any formal communication to the Parliament
- (2) Mr Speaker, if the Deputy Speaker be absent, or the Deputy Speaker, may call on any one of the Assistant Speakers to take the Chair.

<sup>&</sup>lt;sup>1</sup> See Constitution, Section 107.

## 18. Chairman of Committees of the whole Parliament.

- (1) The Deputy Speaker is Chairman of Committees, and shall preside over all Committees of the whole Parliament.
- (2) If the Deputy Speaker is absent, or if the Deputy Speaker thinks that it is desirable that he should take part in any proceedings in committee otherwise than as the person presiding, Mr. Speaker may, and otherwise and Assistant Speaker shall, take the Chair in his place.

#### PART IV.—STANDING COMMITTEES.

## 19. Standing Orders Committee.

- (1) A Standing Orders Committee, to consist of Mr Speaker, the Deputy Speaker and seven other Members, shall be appointed at the commencement of each Parliament.
- (2) The functions of the Committee are to consider whether the rules of procedure set out in Standing Orders serve the best interests of the Parliament and its Members, and what amendments (if any) are desirable, and to make reports and recommendations to the Parliament.
  - (3) The Committee has power to act during recess.

# 20. Committee of Privileges.

- (1) A Committee of Privileges, to consist of five Members, shall be appointed at the commencement of each Parliament or at such other time as the Parliament decides.
- (2) The functions of the Committee are to inquire into and report on complaints of breach of privilege referred to it by the Speaker or by the Parliament.

### 21. National Parliament Committee.

- (1) A National Parliament Committee, to consist of Mr Speaker and four other Members, shall be appointed at the commencement of each Parliament.
- (2) The functions of the Committee are to advise Mr Speaker on the administration of the National Parliament buildings and precincts, and its services and facilities (including the library provided for Members and strangers).
  - (3) The Committee has power to act during recess.

# 22. Private Business Committee.

- (1) A Private Business Committee shall be appointed at the commencement of each Parliament.
- (2) The Committee shall consist of Mr Speaker, the Deputy Speaker and five other elected Members (who shall not be Ministers).
  - (3) The functions of the Committee are-
    - (a) to meet on each Tuesday during meetings of the Parliament to examine all notices of motion submitted to the Committee under Section 130, and to determine whether the terms of the motion are of a parochial nature or of a matter of national importance; and
    - (b) on determining that a notice is of national importance, to deliver a copy of the notice to the Clerk for reporting to the Parliament; and

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- (c) on determining that a notice is of a parochial nature, to return the notice to the Member proposing the motion with a recommendation—
  - (i) that the Member consult with the Minister or authority concerned; or
  - (ii) that the Member places a question relating to the subject matter on the Question Paper; or
  - (iii) that the Member may otherwise achieve more quickly and effectively the action sought by him; and
- (d) to determine the order in which notices and Orders of the Day on the Notice Paper shall be considered on Sitting days when private business has precedence.
- (4) Should a quorum of Members of the Committee not be available before 1.45 p.m., the functions and duties of the Committee under Subsection (3)(a), (b) and (c) shall be carried out by Mr Speaker.

# 23. Quorum of Standing Committee.

The quorum for a meeting of a Standing Committee is three, unless otherwise ordered.

### PART V.—PERMANENT PARLIAMENTARY COMMITTEE.

# 24. Subordinate Legislation Committee.

- (1) A Subordinate Legislation Committee shall be appointed at the commencement of each Parliament.
  - (2) The Committee shall consist of eight Members.
- (3) All regulations, rules, by-laws and orders made or given under an Act and laid on the Table of the Parliament stand referred to the Committee for consideration and, if necessary, report, but any necessary action arising from a report of the Committee shall be taken in the Parliament on motion after notice.
- (4) The Committee has power to send for persons, papers and records, and to act during recess.
  - (5) The quorum for a meeting of the Committee is three.

# 25. Other committees.

- (1) The Parliament may appoint such other Permanent Parliamentary Committees as are determined by the Parliament from time to time.
- (2) The powers, procedures and functions of a committee shall be determined on its establishment, and are subject to Subdivision VI.2.E. (the Committee System) of the Constitution.

PART VI.—ROLL, PLACES OF MEMBERS, LEAVE OF ABSENCE, MINUTES OF PROCEEDINGS AND RECORDS.

## 26. Members' roll to be kept by the Clerk.

- A Members' roll shall be kept by the Clerk, showing-
  - (a) the name of the Member elected for each Electorate and the name of each Nominated Member; and
  - (b) the dates of his election or appointment, as the case may be, of his making the oath or affirmation, and of his ceasing to be a Member; and

(c) the cause of his ceasing to be a Member.

## 27. Record of attendance.

The attendance of Members at each Sitting of the Parliament shall be recorded in the Minutes.

#### 28. Seats.

Any question with regard to the seats to be occupied by Members shall be determined by the Speaker.

# 29. Leave of absence.

- (1) Leave of absence may be given by the Parliament to any Member on motion without notice, stating the cause and period of absence, and such a motion has priority over all other business.
- (2) A Member shall be excused from service in the Parliament, or on any committee, so long as he has leave of absence.
- (3) A Member who has leave of absence forfeits it if he attends the service of the Parliament before the expiration of the leave.

# 30. Minutes of proceedings of the Parliament.

All proceedings of the Parliament shall be recorded by the Clerk, and such records constitute the Minutes of Proceedings of the Parliament, and shall be signed by the Clerk.

# 31.—Custody of records.

The Clerk has the custody of the Minutes of Proceedings, records and documents laid before the Parliament, and shall not take any such Minutes of Proceedings, records or documents, or permit them to be taken, from the Chamber or offices, without the leave of the Speaker.

#### 32. Notice Paper.

- (1) Before each Sitting, the Clerk shall deliver to each Member a paper, called a Notice Paper, showing the matters to be brought before the Parliament.
- (2) The Notice Paper shall also show Bills, motions and papers that stand referred to committees, together with notification of the times and places when and where the committees will meet to consider them.

PART VII.—SITTING, QUORUM AND ADJOURNMENT OF THE PARLIAMENT.

# 33. Day and hour of meeting.

Unless otherwise ordered, the Parliament shall meet each Monday, Tuesday, Thursday and Friday at 10 a.m.

# 34. Prayers.

Upon the Speaker taking the Chair each day, and a quorum of Members being present, he shall read Prayers, as set out at the commencement of these Standing Orders.

# 35. Quorum.

A quorum for a Sitting of the Parliament or a Committee of the whole Parliament is one-third of the number of seats in the Parliament at the time.

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# 36. Want of quorum before prayers.

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- (1) Subject to Subsection (2), if at the time appointed on any day fixed for the Sitting of the Parliament a quorum of Members is not present, the Speaker shall, before reading Prayers, adjourn the Parliament to the next Sitting day.
- (2) If the Speaker is satisfied that there is likely to be a quorum within one hour he shall announce that he will take the Chair at a stated time within that hour.
- (3) If at the time specified in Subsection (2) there is not a quorum the Speaker shall adjourn the Parliament to the next Sitting day.

# 37. Want of quorum during Sitting.

- (1) If any Member shall take notice that a quorum of Members is not present, the Speaker shall count the Parliament.
- (2) The doors of the Parliament shall be unlocked whenever the Speaker is engaged in counting the Parliament, and the Bells shall be rung as for a vote.
- (3) Subject to Subsection (4), if a quorum is not present within two minutes, the Speaker shall adjourn the Parliament to the next Sitting day.
- (4) If the Speaker is satisfied there is likely to be a quorum within one hour, he shall announce that he will take the Chair at a stated time within that hour.
- (5) If at the time specified in Subsection (4) there is not a quorum, the Speaker shall adjourn the Parliament to the next Sitting day.

## 38. Want of quorum of Committee of the whole Parliament.

- (1) If a Member points out that a quorum of Members is not present, the Chairman shall count the Committee.
- (2) The doors of the Parliament shall be unlocked whenever the Chairman is engaged in counting the Committee, and the Bells shall be rung as for a vote.
- (3) Subject to Subsection (4), if a quorum is not present within two minutes the Chairman shall report the fact to the Speaker, who shall adjourn Parliament to the next Sitting day.
- (4) If the Chairman is satisfied there is likely to be a quorum within one hour, he shall announce that he will resume the Chair at a stated time within that hour.
- (5) If at the time specified in Subsection (4) there is not a quorum, the Chairman will report the fact to the Speaker who shall adjourn the Parliament to the next Sitting day.

#### 39. Want of quorum during vote.

- (1) If it appears from a vote in the Parliament or the Committee that a quorum of Members is not present, no decision of the Parliament or the Committee shall be considered to have been arrived at by such a vote.
- (2) The Speaker or the Chairman, if a quorum is obtained after taking action according to Section 37(4) or Section 38(4), shall again put the question to the Parliament or the Committee, as the case may be.

# 40. Attention called to want of quorum.

When the attention of the Speaker, or of the Chairman of the Committee, has been called to the fact that there is not a quorum of Members present, no Member, other than a party whip, shall leave the area within the seats allotted to Members until a quorum is present or two minutes have elapsed, whichever first happens.

#### 41. Count-out.

- (1) When the Parliament is adjourned through failure to obtain a quorum, the item of business before the Parliament or the Committee at that time is struck off the Notice Paper.
- (2) If an item of business has been interrupted by a count-out, the business may, on motion after notice, be resumed at the point where it was so interrupted in the Parliament or the Committee.
- (3) A question for the resumption of the business shall be put forthwith and determined without amendment or debate.

# 42. Manner of adjournment.

Parliament can be adjourned only by its own resolution, except in the cases mentioned in Sections 36, 37, 38, 44, 45 and 61, when the Speaker adjourns the Parliament without putting any question.

# 43. Adjournment of the Parliament.

A motion for the adjournment of the Parliament may be moved only by a Minister, and no amendment can be moved to the motion.

# 44. Daily adjournment.

- (1) Unless the Parliament has previously adjourned, at 5 p.m. on Mondays, Tuesdays, Thursdays and Fridays the Speaker shall, if a motion for adjournment of the Parliament has been moved, put the question "That the Parliament do now adjourn", or if a motion for the adjournment of the Parliament has not been moved, interrupt the business then under consideration and adjourn the Parliament without any question being put.
- (2) If at the time specified in Subsection (1) the Parliament is sitting as a Committee of the Whole, the Chairman shall, without putting any question interrupt the business then under consideration and report progress, and the Speaker shall then adjourn the Parliament without any question being put.
- (3) If at the time specified in Subsection (1) a vote is in progress, the business shall not be interrupted until after the declaration of the result of the vote.
- (4) If at the time specified in Subsection (1), or as the result of a vote in progress at that time, the Parliament or the Committee of the Whole has resolved "That the question be now put", the Parliament shall not be adjourned or progress reported, as the case may be, until the question ordered to be put has been put and resolved.

# 45. Adjournment of the Parliament after discussion of matter of public importance.

At the end of the discussion of a matter of public importance under Section 109, the Speaker shall adjourn the Parliament without any question being put, except when the discussion is concluded after a period of less than one hour in which case the business of the day shall be resumed.

#### 46. Adjournment on last day of metting.

Sections 44 and 45 do not apply on the last Sitting day of a meeting of the Parliament.

# 47. Motion to fix next meeting.

A motion for the purpose of fixing the next meeting of the Parliament may be moved by a Minister at any time without notice.

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# PART VIII.—MAINTENANCE OF ORDER.

Division 1.—Order.

# 48. Maintenance of order by Speaker and Chairman.

Order shall be maintained in the Parliament by the Speaker, and in a committee by the Chairman of Committees, but disorder in the Committee may be censured by the Parliament only on receiving a report.

#### 49. Speaker rising.

Whenever the Speaker rises during a debate, any Member then speaking, or offering to speak, shall sit down, and the Parliament shall be silent, so that the Speaker may be heard without interruption.

# 50. Speaker putting question.

When the Speaker is putting a question, no Member may walk out of or across the Chamber.

# 51. Interruption of Member speaking.

When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt him.

### 52. Obeisance to Chair.

Every Member shall make obeisance to the Chair in passing to or from his seat.

# 53. Members passing through the Parliament.

No Member may pass between the Chair and any Member who is speaking.

# 54. Members taking their places.

Every Member of the Parliament, when he comes into the Chamber, shall take his seat, and shall not at any time stand in any of the passages or gangways.

# 55. Interference to avoid quarrels.

The Parliament will interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the Parliament or a committee.

# Division 2.—Disorder.

# 56. Offences in the Parliament.

If any Member-

- (a) persistently and wilfully obstructs the business of the Parliament; or
- (b) is guilty of disorderly conduct; or
- (t) uses objectionable words and refuses to withdraw them; or
- (d) persistently and wilfully refuses to conform to these Standing Orders, or any of them; or
- (e) persistently and wilfully disregards the authority of the Chair,

the Speaker may report to the Parliament that the Member has committed an offence.

## 57. Offences in Committee.

If any Member in a Committee of the whole Parliament commits any of the offences referred to in Section 56, the Chairman may suspend the proceedings in the Committee and report to the Parliament that the Member has committed the offence.

# 58. Proceedings on report of offence.

When a Member has been reported as having committed an offence referred to in Section 56, he shall be called upon to stand up in his place and make any explanation or apology he thinks fit, and afterwards the Speaker may suspend him from the service of the Parliament.

# 59. Duration of suspension.

If a Member is suspended, his suspension shall be-

- (a) on the first occasion—for the remainder of that day's Sitting; and
- (b) on the second occasion within the same Meeting-for two Sitting days; and
- (c) on the third or any subsequent occasion within the same meeting—for three Sitting days.

# 60. Exclusion of suspended Member from Chamber.

When a Member has been suspended, he shall not be permitted to enter the Chamber during the period of his suspension, and if during that period the Member enters the Chamber the Speaker may order any person to remove him from the Chamber.

### 61. Grave disorder.

In the case of grave disorder arising in the Parliament, the Speaker may, if he thinks it necessary to do so—

- (a) adjourn the Parliament without a question being put; or
- (b) suspend any Sitting for a time to be named by him.

# PART IX.—RULES OF DEBATE.

Division 1.—Manner and Right of Speech.

# 62. Members address Speaker standing.

Every Member desiring to speak shall rise and address himself to the Speaker.

### 63. Indulgence to Members unable to stand.

By the indulgence of the Parliament, a Member unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting.

# 64. Call to speak.

When two or more Members rise together to speak, the Member called upon by the Speaker has the right to speak.

#### 65. When Member may speak.

A Member may speak-

- (a) to any question before the Chair that is open to debate; and
- (b) when moving a motion that will be open to debate; and

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- (c) when moving an amendment; and
- (d) when he rises to order; and
- (e) on a matter of privilege; and
- (f) on a matter submitted under Section 109,

but not otherwise.1

### 66. Ministerial statements.

- (1) A Minister may make a statement relating to matters of Government policy or public affairs, but such a statement shall not, without leave of the Parliament, exceed 15 minutes.
- (2) Immediately following such a statement, and at the discretion of the Speaker, Members may ask the Minister making the statement questions relevant to the subject-matter of the statement.

# 67. Statement by Leader of the Opposition.

- (1) The Leader of the Opposition may make a statement relating to matters of Opposition policy or public affairs, but such a statement shall not, without leave of the Parliament, exceed 15 minutes.
- (2) Immediately following such a statement, and at the discretion of the Speaker, Members may ask the Leader of the Opposition questions relevant to the subject-matter of the statement.

# 68. Personal explanations.

With leave from the Chair, a Member may explain matters of a personal nature, although there be no question before the Parliament, but such a matter may not be debated.

# 69. Member not to speak twice.

No Member may speak twice to a question before the Parliament, except in explanation or reply.

# 70. Explanations.

A Member who has spoken to a question may again be heard, to explain himself in regard to some material part of his speech that has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt a Member who is addressing the Chair, and no debatable matter may be brought forward nor may any debate arise upon the explanation.

# 71. Right of reply.

A reply shall be allowed to a Member who has moved a substantive motion or the second or third reading of a Bill, and the reply shall be confined to matters raised during the debate.

# 72. Reply closes debate.

In all cases the reply of the mover of the original question closes the debate.

<sup>&</sup>lt;sup>1</sup> See, also, Section 68.

# 73. Speaking after question put.

No Member may speak to any question after it has been put by the Speaker and the voices have been given in the affirmative and negative on it.

# 74. Member not speaking when seconding motion, etc., may speak later.

When a Member seconds a motion or amendment before the Parliament without speaking to it, he may address the Parliament on the subject of the motion or amendment at a later period during the debate.

# 75. Allusion to previous debate or proceedings.

No Member may allude to any debate or proceedings of the same meeting unless the allusion is relevant to the matter under discussion.

# 76. Reflection upon vote of the Parliament.

No Member may reflect upon any vote of the Parliament, except on a motion that the vote be rescinded.

# 77. Use of offensive words against the Queen, Governor-General, Members of the Parliament or Judiciary.

No Member may use offensive words against Her Majesty the Queen, the Governor-General, a Member of the Parliament or a member of the Judiciary, but the Speaker shall interpret this rule in such manner as to permit adequate debate of all issues before the Parliament.

# 78. Offensive words.

No Member may use offensive words against the Parliament or any Member of the Parliament, against any member of the Judiciary or, except for the purpose of moving for its repeal, against any statute.

#### 79. Personal reflections.

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

## 80. Intervention by Speaker.

When any offensive or disorderly words are used, whether by a Member who is addressing the Chair or by a Member who is present, the Speaker shall intervene.

### 81. Speaker to determine whether words offensive, etc.

When the attention of the Speaker is drawn to words used, he shall determine whether or not they are offensive or disorderly.

# 82. Debate confined to present question.

No Member may digress from the subject-matter of any question under discussion, except that—

- (a) on the motion moved by a Minister, for the adjournment of the Parliament to terminate the Sitting—matters irrelevant to the motion may be debated; and
- (b) on the motion for the second reading of a Bill to grant and apply a sum for the service of a year—matters relating to public affairs may be debated.

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# 83. Anticipating discussion.

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No Member may anticipate the discussion of any subject that appears on the Notice Paper, but in determining whether a discussion is out of order on the grounds of anticipation the Speaker shall have regard to the probability of the matter anticipated being brought before the Parliament.

# 84. Question may be required to be read.

Any Member may require the question or matter under discussion to be read by the Speaker or Chairman at any time during the debate, but not so as to interrupt a Member speaking, but this section does not apply when the terms of the question or matter have been circulated among Members.

# 85. Interruptions.

No Member may interrupt another Member whilst speaking except-

- (a) to call attention to a point of order or privilege suddenly arising; or
- (b) to call attention to the want of a quorum; or
- (c) to call attention to the presence of strangers; or
- (d) to move a closure motion; or
- (e) to move "That the discussion be concluded".

# 86. Irrelevance or tedious repetition.

- (1) The Speaker, or the Chairman, after having called the attention of Parliament, or of the Committee, as the case may be, to the conduct of a Member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech.
- (2) The Member may require that the question whether he be further heard be put, in which case the question shall be put without debate.

### Division 2.—Matters Not Open to Debate.

## 87. Matters not open to debate.

- (1) The following matters are not open to debate, shall be moved without argument or opinion offered, and shall be immediately put from the Chair without amendment:—
  - (a) a notice to reinstate on the Notice Paper any business which has lapsed because of a count-out (Section 41(3)); and
  - (b) a question that a Member be further heard (Section 86(2)); and
  - (c) a motion for the adjournment of debate (Section 88(2)); and
  - (d) a motion for extension of time for Member's speech (Section 92)); and
  - (e) a motion "That the question be now put" (Section 93)); and
  - (f) a motion "That the discussion be concluded" (Section 110(1)); and
  - (g) a question "That a Bill, be reported" (Section 214(1)); and
  - (b) a motion "That the Chairman report progress" (Section 234(1)); and
  - (i) a motion "That strangers be ordered to withdraw" (Section 242(1)).
- (2) If a question referred to in Subsection (1) is negatived, no similar proposal shall be received if the Speaker or the Chairman is of the opinion that it is an abuse of the orders or forms of the Parliament, or is moved for the purpose of obstructing business.

# Division 3.—Adjournment of Debate.

### 88. Adjournment of debate.

- (1) A Member who has not spoken to the question, or who has the right of reply, may move the adjournment of the debate.
- (2) The question shall be put immediately and determined without amendment or debate.

#### 89. Call of Member moving adjournment.

The Member on whose motion a debate is adjourned by the Parliament is entitled to be first called on the resumption of the debate.

# 90. Right to speak when motion negatived.

If a motion for the adjournment of the debate on any question is negatived, the Member moving the motion may address the Parliament at a later period during the debate.

# Division 4.—Time Limits for Speeches and Debates.

#### 91. Time limits.

The maximum period for which a Member may speak on any subject referred to in the table in this section, and the maximum period for any debate, shall not, unless otherwise ordered, exceed the period specified opposite the subject in the following table:—

### IN THE PARLIAMENT.

Subject.	Time.
· · · · · · · · · · · · · · · · · · ·	1 tmc.
Address in reply—	
Each Member	15 minutes
Discussion of matter of public importance—	
Proposer	15 minutes
Minister first speaking	15 minutes
Any other Member	10 minutes
Grievance Debate—	
Each Member	10 minutes
Motion for adjournment of the Parliament—	
Each Member	10 minutes
Second reading of a Bill—	
Mover	45 minutes
Any other Member	20 minutes
Debates not otherwise provided for-	
Mover of a motion	30 minutes
Any other Member	20 minutes
IN THE COMMITTEE.	
Subject.	Time.
Each question before the Chair—	
Member in charge of a Bill	not specified
Other Members—two periods each not exceeding	15 minutes

### 92. Extension of time.

With the consent of a majority of the Parliament or of the Committee, to be determined without debate, a Member may be allowed to continue a speech interrupted under Section 91 (except a speech in discussion of a mater of public importance) for one

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period not exceeding 10 minutes, but an extension of time shall not exceed half of the original period allotted.

#### Division 5.—Closure.

#### 93. Closure of question.

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- (1) After any question has been proposed from the Chair, either in the Parliament or the Committee, a motion may be made by any Member, rising in his place, and without notice, and whether any other Member is addressing the Chair or not, "That the question be now put".
- (2) Unless it appears to the Chair that the motion is an abuse of the rules of the Parliament or an infringement of the rights of the minority, a motion referred to in Subsection (1) shall be put immediately and decided without amendment or debate.

# Division 6.—Points of Order and Speaker's Rulings.

# 94. Point of order.

- (1) Any Member may at any time raise a point of order.
- (2) Until disposed of, a point of order suspends the consideration and decision of every other question.

# 95. Proceedings on question of order.

On a question of order being raised, the Member called to order shall resume his seat, and after the question of order has been stated to the Speaker by the Member rising to the question of order the Speaker shall give his ruling on it.

# 96. Objection to ruling of Speaker.

- (1) If an objection is to be taken to a ruling of the Speaker, the objection must be taken at once, and a motion of dissent to be submitted in writing, moved.
- (2) If a motion of dissent referred to in Subsection (1) is seconded, it shall be proposed to the Parliament, and debate on it shall proceed immediately.

#### PART X.—PRIVILEGE.

# 97. Matter of privilege suddenly arising.

A Member may rise at any time to speak upon a matter of privilege suddenly arising, and may on that occasion request the Speaker to refer the breach of privilege of which he complains to the Committee of Privileges.

### 98. Reference of complaint to Committee of Privileges.

- (1) Not later than the next Sitting day after a Member has requested the Speaker to refer a complaint under Section 97, the Speaker shall state that he has referred the complaint, or that he has not and does not propose to refer the complaint, to the Committee of Privileges.
- (2) If the Speaker has not referred the complaint, the Member who has raised the matter may thereupon move without notice a motion referring the matter to the Committee of Privileges.

# 99. Privilege raised in Committee of the Whole.

If a matter of privilege is raised in the Committee of the whole Parliament, the Chairman shall leave the Chair on an order to report progress.

### 100. Precedence to matter of privilege.

Until disposed of, or unless the debate on the motion is adjourned, a motion on a matter of privilege, whenever arising, suspends the consideration and decision of any other question.

# 101. Complaint against newspaper, book, etc.

Any Member complaining to the Parliament of a statement in a newspaper, book or other publication as a breach of privilege must produce a copy of the newspaper, book or other publication containing the statement in question, and must be prepared to give the name of the printer or publisher.

# 102. Proceedings for offence against Parliamentary Powers and Privileges Act.

Proceedings for an offence against the *Parliamentary Powers and Privileges Act* shall be brought only upon the adoption by the Parliament of a report from the Committee of Privileges recommending that such proceedings be instituted.

#### PART XI.—BUSINESS.

Division 1.—Routine and Order of Business.

#### 103. Routine of business.

The Parliament shall proceed each day with its ordinary business in the following order:—

- (a) Prayers; and
- (b) messages and communications from the Governor-General; and
- (c) presentation of petitions; and
- (d) the giving of notices of motion; and
- (e) questions without notice; and
- (f) Grievance Debate (on Fridays only); and
- (g) the presentation of papers; and
- (b) Ministerial statements; and
- (i) proposals to discuss matters of public importance; and
- (j) notices and Orders of the Day.

### 104. Presentation of reports and papers.

Reports of standing and select committees and papers may be presented at any time when other business is not before the Parliament.<sup>1</sup>

### 105. Precedence of Government business.

Unless otherwise ordered, Government business has precedence over all other business, except that on Thursdays private business has precedence over Government business.<sup>2</sup>

<sup>1</sup> See, also, Part XXIII.

<sup>&</sup>lt;sup>2</sup> But see Constitution, Section 111(3).

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#### 106. Determination of order of business.

The Prime Minister or a Minister designated by him may determine the order in which notices and Orders of the Day on the Notice Paper shall be considered, except on Thursday when the Private Business Committee may so determine.

# 107. Order of business advised to Speaker and Clerk.

When a Minister or the Private Business Committee exercises the power conferred by Section 106, he or it shall advise the Speaker and the Clerk of his or its determination not later than two hours before the Parliament meets, and the Clerk shall, without delay, advise Members of the determination.

#### Division 2.—Grievance Debate.

#### 108. Grievance Debate.

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- (1) On each sitting Friday, immediately after questions have been asked the Speaker shall propose a question "That grievances be noted", to which question any Member may address the Parliament.
  - (2) No amendment shall be moved to the question.
- (3) If consideration of the question has not been concluded at 12 noon, the debate on it shall be interrupted and the Speaker shall put the question.

# Division 3.—Matter of Public Importance.

# 109. Proposal to discuss matter of public importance.

- (1) A Member may propose to the Speaker that a definite matter of public importance be submitted to the Parliament for discussion.
- (2) The Member proposing the matter shall present to the Speaker, at least one hour before the time fixed for the meeting of the Parliament a written statement of the matter proposed to be discussed.
  - (3) If the Speaker determines that it is in order, he shall read it to the Parliament.
- (4) The proposed discussion must be supported by nine Members, including the proposer, rising in their places as indicating approval.
  - (5) Discussion of the matter shall thereupon be postponed until 3.30 p.m. that day.
- (6) At the appointed time the Speaker shall interrupt the business then under consideration, state the matter of public importance to the Parliament, and call on the Member who has proposed the matter to speak.

# 110. Motion to conclude discussion.

- (1) At any time during the discussion, a motion "That the discussion be concluded" may be made by any Member, without notice, and the motion shall be put immediately without amendment or debate.
  - (2) A motion under Section 88 or 93 is not in order.

#### 111. Priority.

In the event of more than one matter being presented for the same day, priority shall be given to the matter that, in the opinion of the Speaker, is the most urgent and important, and no other proposed matter shall be read to the Parliament that day.

# Division 4.—Leave of the Parliament or a Committee.

### 112. Leave.

Leave of the Parliament or a committee must be granted without any dissentient voice.

#### PART XII.--PETITIONS.

### 113. Lodging petitions.

Every petition shall be loged with the Clerk at least three hours before the sitting of the Parliament at which it is proposed to present it.

### 114. Clerk's certificate.

When presented, a petition must bear the Clerk's certificate that it is in conformity with the Standing Orders.

### 115. Time for presenting certain petitions.

A petition referring to a motion or an order of the day may be presented when the motion or order of the day is called on or read for the first time.

### 116. Receipt of petitions.

All petitions shall be received only as the petitions of the parties signing the same.

# 117. General requirements as to form.

- (1) A perition must—
  - (a) be fairly written, typewritten, printed or reproduced by mechanical process, without interlineation or erasure; and
  - (b) contain a solemn request at the end of it; and
  - (c) be in the English language, or be accompanied by a translation certified to be correct by the Member who presents it; and
  - (d) be signed by at least one person on the sheet on which the petition is inscribed; and
  - (e) subject to Subsection (2), he signed by the parties whose names are appended to it, by their own hand, and by no one else, except in the case of incapacity by sickness.
- (2) Persons unable to write shall affix their marks in the presence of a witness, who shall, as such, affix his signature.

# 118. Writing of signatures.

Every signature shall be written upon the petition or upon sheets containing the solemn request of the petition, and not pasted upon or otherwise transferred to it.

# 119. Petitions of corporations.

Petitions of corporations aggregate shall be made under their common seal.

# 120. Attachment of documents.

No letters, affidavits or other documents may be attached to any petition.

# 121. References to debates.

No references may be made in a petition to any debate in the Parliament.

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# 122. Petitions must be respectful.

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Every petition shall be respectful, decorus and temperate in its language, and shall not contain irrelevant statements.

### 123. Presentation by a Member.

Petitions can only be presented to Parliament by a Member, and a Member cannot present a petition from himself.

### 124. Members to affix their names.

A Member presenting a petition to Parliament shall affix his name at the beginning of it.

### 125. Standing Orders to be observed.

A Member lodging a petition shall take care that it is in conformity with the Standing Orders of the Parliament.

# 126. Statement on presentation.

Every Member presenting a petition to the Parliament shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading to the solemn request of such petition.

# 127. Discussion on presentation.

A petition, which according to the Standing Orders of the Parliament can be received, shall be brought to the Table, and no discussion upon the subject-matter of it shall be allowed.

# 128. Questions on presentation of petitions.

The only questions considered by the Parliament on the presentation of a petition shall be---

- (a) "That the petition be received"; or
- (b) "That the petition be received and read"; or
- (c) "That the petition be referred to the Committee on " (in the case of a petition respecting any subject then under consideration by a committee).

# PART XIII.—NOTICES OF MOTION.

# 129. Government notices of motion.

Government notice of motion shall be given by a Minister by-

- (a) stating its terms to the Parliament and delivering a copy to the Clerk; or
- (b) delivering a copy of its terms to the Clerk.

#### 130. Private notices of motion.

- (1) A private notice of motion shall be submitted to the Chairman of the Private Business Committee.
  - (2) The notice must be signed by the Member and seconder.

(3) After determining that a notice of motion is in order under Section 22, the Private Business Committee shall deliver a copy of its terms to the Clerk.

# 131. Reporting of notices.

On receipt of a notice of motion under Section 129 or 130, the Clerk shall, at the first convenient opportunity, report the terms of the notice of motion to the Parliament.

### 132. Order of notices.

Notices given under Section 129, 130 or 191 shall be entered by the Clerk on the Notice Paper in the order in which they were reported to the Parliament.

### 133. Dividing of notices.

If a notice of motion that contains matters not relevant to each other is given, the Speaker may instruct the Clerk to divide the notice into two or more notices.

# 134. Amendment of unbecoming notice.

A notice of motion that contains unbecoming expressions, or that offends against any Standing Order of the Parliament, shall be amended by the Speaker before it appears on the Notice Paper.

#### 135. Alteration of terms of notice.

- (1) A Member who has given a notice of motion may alter its terms by notifying the Clerk, in writing, within such time as will enable the alteration to be made in the Notice Paper.
- (2) The alteration of terms shall be reported to the Parliament by the Clerk at the first convenient opportunity, and shall not be made in the Notice Paper unless it has been so reported.

# 136. Withdrawal of notice.

A Member who has given a notice of motion may withdraw the notice by notifying the Clerk, in writing, at any time before the time proposed for moving the motion.

# 137. Withdrawal of private business notice after three meetings.

If at the end of three successive meetings following the meeting at which it first appeared on the Notice Paper a notice of motion (private business) has not been moved, it shall be withdrawn from the Notice Paper.

#### 138. Operation of notices.

A notice of motion becomes effective only when it appears on the Notice Paper.

PART XIV.—QUESTIONS SEEKING INFORMATION.

Division 1.—General Rules for Questions and Answers.

# 139. Questions to Minister.

Questions may be put to a Minister relating to-

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

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### 140. 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 the Parliament of which the Member has charge.

# 141. Rules for questions.

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The following general rules apply to questions:—

- (a) a question cannot be debated; and
- (b) a question should not contain-
  - (i) statements of facts or names of persons unless they are strictly necessary to make the question intelligible and can be authenticated; or
  - (ii) arguments; or
  - (iii) inferences; or
  - (iv) imputations; or
  - (v) epithets; or
  - (vi) ironical expressions; or
  - (vii) hypothetical matter; and
- (c) questions should not ask a Minister-
  - (i) for an expression of opinion; or
  - (ii) to announce the Government's policy (but a question may seek an explanation regarding the policy of the Government and its application, or may ask the Prime Minister whether the statement of a Minister in the Parliament represents Government policy); or
  - (iii) for legal opinion; and
- (d) a question shall not refer to-
  - (i) current debates; or
  - (ii) proceedings in Committee not reported to the Parliament; and
- (e) a question shall not anticipate discussion on an Order of the Day or other matter.

# 142. Alteration of question.

The Speaker may direct that the language of a question be changed if it seems to him unbecoming or not in conformity with the Standing Orders of the Parliament.

### 143. Questions regarding persons.

- (1) Questions shall not be asked that reflect on or are critical of the character or conduct of persons whose conduct may only be challenged on a substantive motion.
- (2) Notice must be given of questions critical of the character or conduct of other persons.

### 144. Answers.

An answer shall be relevant to the question, and in answering a question a Member shall not debate the subject to which it refers.

# 145. Renewal of question.

A question fully answered cannot be renewed.

### Division 2.—Questions Without Notice.

# 146. Questions without notice.

- (1) Questions may be asked without notice.
- (2) At the discretion of the Speaker, supplementary questions may be asked to elucidate an answer.
- (3) The time allotted to questions without notice shall not exceed 45 minutes on a Sitting day.

# 147. Questions to Speaker.

By leave of the Chair, a question without notice may be put to the Speaker relating to any matter of administration for which he is responsible.

### Division 3.—Questions on Notice.

### 148. Notice of question.

- (1) Notice of a question shall be given by a Member delivering it to the Clerk within such time as, in the opinion of the Speaker, will enable the question to be printed.
  - (2) The question shall be clearly written and signed by the Member.

# 149. Question paper.

The Clerk shall place notices of questions, in the order in which they were received by him, on the Question Paper, which shall be delivered by the Clerk to each Member.

# 150. Replies to questions.

- (1) The reply to a question on a notice shall be given by delivering it to the Clerk, who shall supply a copy of it to the Member who asked the question.
  - (2) The question and reply shall be printed in Hansard.

# PART XV.—MOTIONS, QUESTIONS, VOTES AND RESOLUTIONS.

# 151. Requirement of notice.

- (1) Subject to the Standing Orders of the Parliament, a Member shall not, except by leave of the Parliament, move a motion except in accordance with a notice appearing on the Notice Paper.
- (2) Leave for the purposes of Subsection (1) may be sought only after the Member has read the motion to the Parliament or caused it to be circulated to Members.

### 152. Precedence of motions.

- (1) Subject to Sections 105 and 106, motions have precedence of each other according to the order in which they appear on the Notice Paper.
  - (2) A motion may be postponed on motion without notice.

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### 153. Motions not called on.

Subject to Section 132, if at the adjournment of the Parliament any motions on the Notice Paper have not been called on the motions shall remain on the Notice Paper.

# 154. Precedence to vote of thanks or of condolence.

Precedence will be ordinarily given by courtesy to a motion for a vote of thanks of the Parliament or of condolence.

#### 155. Member absent when motion called on.

If a Member is not in his place when the notice of motion given by him is called on, it shall be withdrawn from the Notice Paper, unless the Parliament orders that it be postponed.

#### 156. Member failing to move.

If when the notice of motion given by him is called on a Member fails to rise and move the motion, it shall be withdrawn from the Notice Paper unless the Parliament orders that it be postponed.

#### 157. Motion not seconded.

A motion not seconded may not be further discussed, and no entry of it shall be made in the Minutes.

#### 158. Restrictions on withdrawal of motions.

After a motion has been moved it shall be deemed to be in the possession of the Parliament, and cannot be withdrawn without leave.<sup>1</sup>

# 159. Anticipation of business.

A matter on the Notice Paper must not be anticipated by another matter contained in a less effective form of proceeding.

#### 160. Motions withdrawn again moved.

A motion that has been superseded, or withdrawn by leave of the Parliament, may be moved again during the same Session.

# 161. Question put.

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

### 162. Division of complicated question.

The Parliament or the Committee may order a complicated question to be divided.

### 163. 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".

# 164. Statement of result.

The Speaker shall state whether, in his opinion, the "Ayes" or the "Noes" have it, and if his opinion is challenged the question shall be decided by vote.

<sup>&</sup>lt;sup>1</sup> See, also, Section 179.

### 165. Renewal of motion, etc.

The Speaker, or subject to Section 213 the Chairman of Committees, may, in his discretion, disallow any motion or amendment that is the same in substance as any question that, during the previous 12 months, has been resolved in the affirmative or negatived, unless the order, resolution or vote on the question has been rescinded.

#### PART XVI.—AMENDMENTS.

#### 166. Forms of amendments.

A question that has been proposed may be amended by-

- (a) omitting certain words only; or
- (b) omitting certain words in order to insert or add other words; or
- (c) inserting or adding words.

### 167. Amendments in writing.

An amendment to any motion before the Parliament must, for the purpose of record, be in writing and signed by the mover and seconder.

# 168. Relevance of amendment.

An amendment must be relevant to the question that it is proposed to amend.

### 169. Amendments must be seconded.

An amendment moved but not seconded shall not be entertained by the Parliament or entered in the Minutes.

# 170. Inconsistent amendments.

No amendment shall be moved that is inconsistent with a previous decision on the question.

# 171. 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 on an amendment to it, unless the proposed amendment has, by leave of the Parliament, been withdrawn.

#### 172. Order of amendments.

An amendment proposed must be disposed of before another amendment to the original question can be moved.

### 173. Withdrawal of proposed amendment.

A proposed amendment may, by leave, be withdrawn.

# 174. Amendments to proposed amendments.

Amendments may be moved to a proposed amendment as if the proposed amendment were an original question.

# 175. Proposal of question as amended.

When amendments have been made, the main question shall be proposed as amended.

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# 176. Amendments moved but not made.

When amendments have been moved but not made, the question shall be proposed as originally proposed.

### PART XVII.—ORDERS OF THE DAY.

### 177. Precedence of Orders of the Day.

- (1) Subject to Sections 105 and 106, Orders of the Day have precedence over each other according to the order in which they appear on the Notice Paper.
  - (2) An Order of the Day may be postponed on motion without notice.

### 178. Orders of the Day not called on.

If at the adjournment of the Parliament any Orders of the Day on the Notice Paper have not been called on, they shall remain on the Notice Paper.

#### 179. Discharge of Order.

On an Order of the Day being read, it may, on motion without notice moved by the Member in charge of it, be discharged.

#### PART XVIII.—VOTING.

#### 180. Method of voting.

A vote called for under Section 164 shall be taken by each Member standing in his place in accordance with Section 184.

#### 181. When vote not taken.

A vote shall not be proceeded with unless more than one Member has called for a vote.

#### 182. Member calling for vote.

A Member calling for a vote shall not leave the area within the seats allotted to Members, and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken.

# 183. Closing of doors.

- (1) Before a vote is taken, the Clerk shall ring the Bells and turn a two-minute sand-glass (to be kept on the Table for that purpose) and the doors shall not be closed until after the lapse of two minutes as indicated by the sandglass.
- (2) The doors shall be closed and locked after the lapse of two minutes, and then no Member shall enter or leave the Chamber until after the vote.

### 184. Taking of vote.

- (1) When the doors have been locked and all the Members are in their places, the Speaker shall state the question to the Parliament and then direct the "Ayes" to stand, and after the "Ayes" have been counted direct the "Noes" to stand.
- (2) A Member standing to be counted shall not sit until the Clerk has recorded his vote and then called his name.
  - (3) A Member shall not move from his place until the result of the vote is announced.
- (4) The Clerk shall make a list of the names of the Members voting, and shall show in the list how each has voted.

#### 185. Declaration of result of vote.

The Clerk shall hand the list made under Section 184(4) to the Speaker, who shall declare the result of the voting to the Parliament.

#### 186. Vote to be entered in the Minutes.

The Clerk shall enter in the Minutes the particulars of the list made under Section 184(4).

### 187. Members present when question stated.

Every Member present in the Chamber when the question is stated shall vote, except the Speaker or other Member presiding, who shall have a casting vote.

### 188. Confusion or error in counting.

In case of confusion or error concerning the counting of votes on a question, unless a correction can otherwise be made the Parliament shall again vote on the question.

### 189. Correction of mistakes in Minutes.

If complaint is made to the Parliament that a vote has been inaccurately recorded, the Speaker shall cause the Minutes, if inaccurate, to be corrected.

# 190. Entry of Speaker's reasons for casting vote.

Any reasons stated by the Speaker for his casting vote shall be entered in the Minutes.

# PART XIX.—BILLS.

Division 1.-Initiation.

### 191. Initiation and notice of intention.

- (1) A Bill shall be initiated-
  - (a) by the Parliament giving leave to bring in a Bill, specifying its title; or
  - (b) on the calling on of a notice of presentation; or
  - (c) in accordance with Section 237.
- (2) Notice of intention to present a Bill shall be given by a Member by-
  - (a) stating its terms to the Parliament and delivering a copy to the Clerk at the Table; or
  - (b) delivering a copy of its terms to the Clerk.
- (3) A notice of intention to present a Bill shall—
  - (a) specify its title; and
  - (b) be signed by the Member and at least one other Member.
- (4) A notice of intention to present a Bill that is given by delivering a copy of its terms to the Clerk shall be reported to the Parliament by the Clerk at the first convenient opportunity, and shall not be entered by the Clerk on the Notice Paper unless it has been so reported.

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# Division 2.—Bills Generally.

#### 192. Presentation of fair copy.

A Member bringing in a Bill in accordance with Section 191 shall present to the Parliament a fair copy signed by him.

# 193. Scope of title and clauses.

The title shall agree with the order of leave or the notice of presentation, and clauses shall not be included in a Bill that do not come within its title.

# 194. Withdrawal of irregular Bill.

A Bill not prepared according to the Standing Orders of the Parliament shall be ordered to be withdrawn.

# 195. Stages for passing a Bill.

No Bill shall be submitted to the Speaker for his certification under Section 221 until it has been read three times and, unless otherwise ordered by the Parliament, considered in Committee of the whole Parliament after the Second Reading.

# 196. Readings.

On every order for the reading of a Bill, the title only shall be read by the Clerk.

# Division 3.—Presentation and First Reading.

# 197. Tabling of copy of Bill.

- (1) To present a Bill, a copy of the Bill shall be laid upon the Table accompanied by such documents as the originator of the Bill thinks necessary for the information of the Parliament.
- (2) The accompanying documents shall not be removed from the Table until the Bill to which they relate has been passed or otherwise disposed of.

### 198. First Reading.

On the presentation of a Bill by a Member, it shall be read a first time without any question being put.

# Division 4.—Second Reading.

# 199. Second Reading.

- (1) When a Bill has been read a first time, the next stage is a motion "That the Bill be now read a second time."
- (2) On this motion the general merits and principles, but not the details, of the Bill may be debated, and no amendment to the motion may be moved.

# 200. Second Reading.

- (1) For the purposes of this section, a Bill shall be deemed to have been circulated—
  - (a) during a meeting of the Parliament—when the Clerk causes a copy to be placed on the desk or in the office of every Member; or

- (b) at other times—when the Clerk causes a copy to be posted to every Member, but the posting of a copy of a Bill to a Member less than 14 days before the day fixed for a meeting of the Parliament does not constitute circulation of the Bill.
  - (2) If—
    - (4) a copy of the Bill has been circulated to every Member at least 21 days before its presentation; or
    - (b) the Bill is one specified in Section 237; or
    - (c) leave is granted for the Second Reading to be moved immediately,

the Second Reading may be moved immediately after the Bill has been read a first time, but under no circumstance shall the Second Reading be moved until the Bill has been printed and circulated to every Member.

(3) If Subsection (1) has not been complied with, after the First Reading the Second Reading shall be adjourned without any question being put, and the Second Reading shall not be moved on a future day unless that subsection has been complied with.

# 201. Questions on Second Reading.

At the conclusion of the speech of the Member moving the Second Reading, he may, in his discretion, and for such time as he determines, answer questions directed to him with respect to the provisions of the Bill.

### 202. Negativing of Second Reading.

If the question "That the Bill be now read a second time" is negatived, this finally disposes of the Bill.

# Division 5.—Proceedings Following Second Reading.

# 203. Proceedings following second reading.

Immediately after the Second Reading-

- (a) a message, in accordance with Section 240(4), recommending an appropriation of revenue or money in connexion with the Bill may be announced; and
- (b) a motion "That the Bill be referred to the may be moved; and Committee"
- (c) unless a motion referring the Bill to a committee has been agreed to the Parliament shall either—
  - (i) grant leave for the question "That the Bill be now read a third time" to be moved forthwith; or
  - (ii) immediately resolve itself into a Committee of the Whole for the consideration of the Bill,

### 204. Restriction on reference to committee.

A motion for referring a Bill to a committee shall not be moved after the Bill has been reported under Section 214 to the Parliament by the Chairman of the Committee of the Whole.

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#### 205. Bill referred to committee.

When a Bill has been referred to a committee and reported, a time shall be fixed on the motion without notice of the Member in charge of the Bill for the consideration in a Committee of the Whole of the Bill as reported.

# Division 6.—Proceedings in Committee of the Whole.

#### 206. Order of consideration of Bill.

- (1) Subject to Subsections (2) and (3), unless the Committee granted leave "That the Bill be taken as a whole" the following order shall be observed in considering a Bill and its title:—
  - (a) clauses as printed and new clauses, in their numerical order; and
  - (b) schedules as printed and new schedules, in their numerical order; and
  - (c) postponed clauses (not having been specially postponed until after certain other clauses); and
  - (d) the preamble; and
  - (e) the title,

and in reconsidering the Bill on recommittal the same order shall be followed.

- (2) In considering an Appropriation or Supply Bill, any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses and, unless the Committee otherwise orders, that schedule shall be considered by proposed expenditures in the order in which they are shown.
- (3) In considering a Bill to impose taxation, any schedule shall be considered before the clauses.

### 207. Postponment of title and preamble.

- (1) In committee, the title and the preamble of a Bill stand postponed without question proposed, and the clauses shall be considered in their order, a question being proposed by the Chairman on each clause "That the clause be agreed to".
  - (2) The words of enactment at the head of the Bill shall not be put to the Committee.

# 208. Admissible amendments.

An amendment may be moved to any part of a Bill, provided it is within the title or relevant to the subject matter of the Bill and is otherwise in conformity with the Standing Orders of the Parliament.

### 209. Relevancy of discussion.

The discussion, shall be confined to the clause or amendment before the Committee.

#### 210. Putting clause as amended.

If a clause is amended, a further question shall be proposed "That the clause, as amended, be agreed to."

### 211. Postponement of clause.

A clause, or a clause which has been amended, may be postponed.

#### 212. Amendment of title.

If an amendment has been made in a Bill that necessitates an amendment of the title-

- (a) the title shall be amended; and
- (b) a question shall be proposed "That the title, as amended, be the title of the Bill"; and
- (c) the amendment of the title shall be specially reported to the Parliament.

### 213. Amendment inadmissible if contrary previous decision of same Committee.

No amendment or new clause or schedule shall be at any time moved-

- (a) that is substantially the same as one already negatived by the Committee; or
- (b) that is inconsistent with one that has been already agreed to by the Committee.

unless a recommittal of the Bill has intervened.

Division 7.—Report, Recommittal and Adoption.

# 214. Report of Bill.

- (1) When a Bill has been fully considered, the question shall be put immediately, and determined without amendment or debate, "That the Bill (or the Bill as amended) be reported".
- (2) If the question referred to in Subsection (1) is agreed to, the Chairman shall leave the Chair and report the Bill, and the report may, on motion, be adopted immediately.

# 215. Recommittal of Bill.

- (1) On the report from the Committee or on the motion for the adoption of the report, a Bill may, on motion by any Member, be recommitted in whole or in part.
- (2) When the Bill is again reported, the report from the Committee may, on motion, be adopted immediately.

# 216. Notice of proceedings in Committee.

No notice may be taken of any proceedings of a Committee of the Whole, or of a committee on a Bill, until the proceedings have been reported and adopted under Section 214 or 215.

Division 8.—Third Reading, Passing, etc.

#### 217. Motion for Third Reading.

- (1) When the report on a Bill is finally adopted, the Third Reading of the Bill may be moved immediately or made an Order of the Day for a future time.
  - (2) No amendment may be moved to such question.

# 218. Negativing Third Reading.

If the question "That the Bill be now read a third time" is negatived, this finally disposes of the Bill.

# 219. Passing of Bill.

After the Third Reading no further question shall be put, and the Bill has passed the Parliament and is an Act.

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#### 220. Verbal or formal amendments.

Amendments of a verbal or formal nature may be made, and clerical or typographical errors may be corrected, in any part of a Bill by the Clerk acting with the authority of the Chairman of Committees.

# Division 9.—Certification as to Making of Laws.

### 221.—Certification under National Seal.1

Every Act made by the Parliament shall be presented to Mr Speaker for certification under the National Seal, having been first certified by the signature of the Clerk as having been passed by the Parliament.

# 222. Amendments proposed by Governor-General.

- (1) Whenever the Governor-General returns an Act (which has not come into operation in accordance with Section 110(2) (certification as to making of laws) of the Constitution) together with amendments proposed by the National Executive Council (in accordance with Section 110(3) of the Constitution), a time shall be fixed for taking the amendments into consideration in the Committee of the Whole.
- (2) An Act that has come into operation in accordance with Section 110(2) of the Constitution can be amended only by the passing of an amending Bill presented in accordance with this Part.
- (3) When amendments recommended by the Governor-General to an Act have been agreed to by the Parliament, with or without amendment, the Act shall be printed and presented to Mr Speaker in the manner provided in Section 221.

# PART XX.—COMMITTEE OF THE WHOLE PARLIAMENT.

# 223. Appointment of Committee.

A Committee of the Whole shall be appointed by resolution "That the Parliament resolve itself into a Committee of the Whole" either immediately or at a future time.

# 224. Resolution in Committee.

When proceeding under Section 203(c)(ii), or when an Order of the Day relating to a matter that stands committed to a Committee of the whole Parliament is reached—

- (a) the Parliament shall resolve itself into a Committee of the whole Parliament;
   and
- (b) the Speaker shall leave the Chair, without a question being put.

# 225. Chair of Committee.

As soon as the Speaker has left the Chair, the Chair of the Committee at the Table shall be taken in accordance with Section 18.

# 226. Subjects of Committee consideration.

A Committee shall consider such matters only as have been referred to it by the Parliament.

<sup>&</sup>lt;sup>1</sup> See Constitution, Section 110(1).

#### 227. Decisions in Committee.

Every question in the Committee shall be decided in the same manner as in the Parliament, but the Chairman has only a casting vote and any reasons stated by him for exercising it shall be entered in the Minutes.

#### 228. Votes in Committee.

A vote may be demanded and taken in the Committee in the same manner as in the Parliament.

### 229. Contradictory motions.

A motion contradicting a previous decision of the Committee shall not be entertained in the same Committee.

# 230. Seconding of motions.

A motion moved in the Committee need not be seconded.

#### 231. Order in debate.

- (1) Except as provided by these Standing Orders, the same rules for regulating the conduct of business shall be observed in the Committee as in the Parliament itself, and the Chairman of Committees has the same authority as the Speaker for the preservation of order.
- (2) Disorder in the Committee may be censured by the Parliament only on receiving a report.

# 232. Resumption of Chair when disorder arises.

If any sudden disorder arises in the Committee, the Speaker may resume the Chair.

# 233. Adjournment of Committee of the whole Parliament.

A Committee may not adjourn its own Sitting or the consideration of any matter to a subsequent Sitting.

### 234. Motion to report progress.

- (1) A motion may be moved during the proceedings of a Committee "That the Chairman do report progress and ask leave to sit again", and the question shall be put immediately and decided without amendment or debate.
- (2) When the Chairman reports to the Parliament, the Speaker shall put a question to enable the Parliament to resolve itself again into the Committee either at a later hour during that Sitting or at a subsequent Sitting.

# 235. Report when all matters considered.

When all matters referred to a Committee have been considered, the Chairman shall be directed to report them to the Parliament.

# 236. Resolutions of Committee.

The resolutions reported from a Committee may be taken into consideration immediately and may be—

- (a) agreed to or disagreed to by the Parliament; or
- (b) recommitted to the Committee, or the further consideration of them may be postponed.

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#### PART XXI.—FINANCIAL PROCEDURES<sup>1</sup>.

# 237. Supply and Appropriation Bills and taxation proposals.

An Appropriation or Supply Bill, or a Bill or proposal dealing with taxation, may be submitted to the Parliament by a Minister without notice.

# 238. Messages from the Govenor-General.

- (1) A proposal for the appropriation of any public money shall not be made unless the purpose of the appropriation has in the same Session been recommended to the Parliament by a message from the Governor-General.
- (2) An amendment of any such proposal shall not be moved if it would increase, or extend the objects and purposes or alter the destination of, the appropriation so recommended unless a further message is received.

# 239. Initiation of taxation proposals.

- (1) A proposal for the imposition, or for the increase or alleviation, of a tax or duty, or for the alteration of the incidence of such a charge, shall not be made except by a Minister.
- (2) No Member, other than a Minister, may move an amendment to increase or extend the incidence of the charge defined in that proposal, unless the charge so increased or the incidence of the charge so extended exceeds that already existing by virtue of an Act of the Parliament.<sup>2</sup>

# 240. Appropriation messages from the Governor-General.

- (1) An appropriation message from the Governor-General shall be announced by the Speaker, but not during a debate or so as to interrupt a Member whilst he is speaking.
- (2) A message recommending an appropriation of revenue or moneys for an Appropriation or Supply Bill shall be announced before the Bill to which it relates is presented.
- (3) A Bill, other than an Appropriation or Supply Bill, that requires an appropriation message from the Governor-General under Section 238 may be presented and proceeded with (subject to Part XIX.) before the message is announced.
- (4) In a case to which Subsection (3) applies, the message shall be announced after the Bill has been read a second time.
- (5) A message recommending an appropriation of revenue or moneys for the purposes of an amendment to be moved to a Bill shall be announced before the amendment is moved.

# PART XXII.—STRANGERS.

### 241. Admission of strangers.

- (1) Only the Speaker has the privilege of admitting strangers into the Speaker's Gallery.
- (2) The Speaker may, with the concurrence of the Parliament, admit distinguished strangers to a seat on the floor of the Parliament.

<sup>&</sup>lt;sup>1</sup> See, also Constitution, Subdivision VIII.1.A.

<sup>&</sup>lt;sup>2</sup> Quaere whether "unless" should not read "if" and "as" should not be inserted before "so increased" and "so extended" Compare the Standing Orders of the pre-Independence House of Assembly, S.O. 287 (where "shall not exceed" fo "exceeds") and see also Constitution, Section 210(2).

#### 242. Withdrawal of strangers.

- (1) If at any sitting of the Parliament, or in Committee, any Member takes notice that strangers are present, the Speaker or the Chairman, as the case may be, shall immediately put the question "That strangers be ordered to withdraw", which shall be decided without debate.
- (2) The Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the Chamber.

# 243. Admission of strangers into body of Chamber.

While the Parliament or a Committee of the Whole is sitting, no Member may bring any stranger into any part of the Chamber set aside for Members of the Parliament.

#### PART XXIII.—PAPERS AND DOCUMENTS.

### 244. Presentation of papers.

Papers may be presented by the Speaker or any Minister or pursuant to statute, and such papers shall be considered public.

### 245. Quotation of documents.

Unless it is stated to be of a confidential nature, a document relating to public affairs quoted by a Minister shall, if required by the Parliament, be laid on the Table.

# 246. Motions after paper presented.

- (1) When a paper is presented to the Parliament, as provided in this Part, a Member may move without notice—
  - (a) that the Parliament take note of the paper; or
  - (b) that the paper be referred to the

Committee; or

- (c) that the paper be incorporated in Hansard.
- (2) If a motion referred to in Subsection (1)(b) is not moved at the time of presentation, it may be moved, on notice, on a subsequent day.

# Part XXIV.—SELECT COMMITTEES1.

# 247. Appointment.

All select committees shall be appointed on motion, and shall consist of the mover and other Members to be nominated.

# 248. Change of membership.

Members may be discharged from attending a committee, and other Members may be appointed, after notice has been given.

# 249. Speaker and Deputy Speaker.

Except with his consent, Mr Speaker or the Deputy Speaker shall not be chosen to serve on a select committee.

<sup>1</sup> See, also, Constitution, Subdivision VI.2.E.

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#### 250. Interested Members.

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No Member may sit on a committee if he is personally interested in the inquiry before the committee.

### 251. Bringing-up of report.

- (1) On the appointment of every committe, a day shall by fixed for the reporting of its proceedings to the Parliament, by which day the final report of the committee shall be brought up by the Chairman, unless further time be moved for and granted.
- (2) The Parliament may at any time before the day fixed under Subsection (1) receive the final report of the committee.

### 252. Quorum in committees.

- (1) In all committees, a quorum is three, unless otherwise ordered.
- (2) If at any time the quorum is not present, the Chairman shall-
  - (a) suspend the proceedings of the committee until a quorum is present; or
  - (b) adjourn the committee.

#### 253. Lack of quorum at time of meeting.

If, after a lapse of a quarter of an hour from the time appointed for the meeting of a committee, there is not a quorum—

- (a) the Members present may retire, and their names shall be entered in the minutes; and
- (b) the clerk attending the committee shall issue notices for the next meeting.

#### 254. First meeting.

The mover of the motion for the committee shall fix the time for the first meeting of the committee.

#### 255. Chairman.

- (1) Before the commencment of business, every committee shall elect one of its Members to be Chairman.
  - (2) The Chairman shall have only a casting vote.

### 256. Record of votes and proceedings.

- (1) An entry shall be made in the proceedings of the names of the Members attending each committee meeting, and of every motion or amendment moved in the committee, together with the name of the mover.
- (2) If a vote takes place in the committee, the Chairman shall record the names of the Members voting, showing the side of the question on which they each vote.

# 257. Adjournment and sitting of committees.

A committee may adjourn from time to time, and from place to place, and may meet during any Sitting or adjournment of the Parliament.

# 258. Power to send for persons, papers, etc.

The Parliament may give to a committee power to send for persons, papers and records.

### 259. Summoning of witnesses<sup>1</sup>.

The Chairman of a committee shall direct the clerk attending the committee to summon the witnesses to be examined before such committee.

### 260. Examination of witnesses<sup>1</sup>.

The examination of witnesses before every committee shall be conducted as follows:--

- (a) the Chairman shall first put to the witness, in an uninterrupted series, all such questions as he thinks essential, according to the mode of procedure agreed on by the committee; and
- (b) the Chairman shall then call on the other Members severally by name to put any other questions; and
- (c) the name of every Member questioning a witness shall be noted and prefixed to the questions asked.

# 261. Admission of strangers.

When a committee is examining witnesses, strangers may be admitted, but they shall—

- (a) be excluded at the request of any Member, or at the discretion of the Chairman of the committee; and
- (b) withdraw when the committee is deliberating.

#### 262. Admission of other Members.

Members of the Parliament who are not Members of the committee may be present when a committee is examining witnesses, but they shall—

- (a) withdraw if requested by the Chairman or any Member of the committee; and
- (b) be excluded when the committee is deliberating.

### 263. Disclosure of evidence.2

The evidence taken by any select committee of the Parliament, documents presented to a committee and proceedings and reports of a committee that have not been reported to the Parliament shall not, unless authorized by the Parliament, be disclosed or published by any Member of the committee, or by any other person.

# 264. Progress reports.

By leave of the Parliament, a committee may report from time to time its proceedings with or without the evidence, or the evidence only.

# 265. Chairman to prepare report.

The Chairman of every committee shall prepare a draft report.

# 266. Consideration of draft report.

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

<sup>&</sup>lt;sup>1</sup> See, also, Part XXV.

<sup>&</sup>lt;sup>2</sup> See, also, Parliamentary Powers and Privileges Act, Section 10.

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

# 267. Alternative draft report.

If any Member, other than the Chairman, submits a draft report to the committee, the committee shall first decide which report it will proceed on.

#### 268. Reconsideration.

After the draft report has been considered, the whole or any paragraph of it may be reconsidered and amended.

### 269. Signature of report, etc.

Every report of a committee shall be signed by the Chairman, and any papers laid before the committee shall be endorsed by the clerk attending the committee.

# 270. Presentation of report and minutes.

The report of a committee, together with the minutes of the proceedings, shall be presented to the Parliament by the Chairman, and the report may be read.

# 271. Consideration of report.

- (1) On the presentation of a report, no discussion of the subject-matter may take place, but the report may be ordered to be printed with or without the documents accompanying it.
- (2) Consideration of the report shall be set down for a subsequent Sitting, when a specific motion without notice in connexion with it may be moved.

# 272. Payment of certain witnesses before committee.

- (1) Payment at the discretion of the committee may be made to any professional or other witness or to persons whom the committee may think it necessary to employ in furtherance of the inquiry with which the committee is charged.
- (2) The Chairman's certificate on the face of an account is sufficient authority for its payment by the Clerk of the Parliament.

### PART XXV.—WITNESSES.1

# 273. Summoning of witnesses.

Witnesses, other than Members, shall be ordered to attend-

- (a) before the Parliament, or a Committee of the Whole—by summons under the hand of the Clerk of the Parliament; or
- (b) before a select committee—by summons under the hand of the clerk attending the committee.

<sup>&</sup>lt;sup>1</sup> See, also, Parliamentary Powers and Privileges Act, Part VI.

# 274. Witness failing to attend, etc.

If a witness fails or refuses to attend or to give evidence, the Parliament, on being acquainted of that fact, shall deal with the matter.

#### 275. Refusal of Member to attend select committees.

- (1) If a select committee desires the attendance of a Member as a witness, the Chairman shall, in writing, request him to attend.
- (2) If the Member refuses to come, or to give evidence or information as a witness to the committee, the committee shall acquaint the Parliament of the fact, and shall not again summon the Member to attend the committee.

# 276. Charges against Member.

If any information comes before any committee that charges any Member, the committee ought only to direct that the Parliament be acquainted of the matter of the information, without proceeding further on it.

#### 277. Protection of witnesses.

Any witnesses examined before the Parliament, or a committee of the Parliament, are entitled to the protection of the Parliament in respect of anything that may be said by them in their evidence.

#### 278. Examination of witnesses.

- (1) A witness before the Parliament or a Committee of the Whole shall be examined at the Bar unless the Parliament or the Committee otherwise orders.
- (2) When a witness appears before the Parliament, he may be examined by the Speaker, and any questions addressed by Members are taken to be put through the Speaker.
- (3) In a Committee of the Whole, any Member may put questions directly to the witness.
  - (4) A Member of the Parliament shall be examined in his place.

### 279. Withdrawal of witness if question objected to, etc.

If any question be objected to, or other matter arise, the witness shall withdraw while it is under discussion.

# 280. Giving of evidence of examinations, etc.

No officer of the Parliament or shorthand writer employed to take minutes of the evidence before the Parliament or a committee of the Parliament may give evidence or provide tape recordings elsewhere in respect of any proceedings or examination of a witness, without the special leave of the Parliament.

### PART XXVI.—SUSPENSION OF STANDING ORDERS.

### 281. Motion for suspension without notice.

- (1) In this section, "absolute majority" means affirmative votes equal to more than one half of the total number of seats in the Parliament.
- (2) In cases of necessity, any Standing Order of the Parliament may be suspended by the Parliament (but not by a Committee of the Whole), on motion, duly moved and seconded, without notice.

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(3) A motion under Subsection (2) must be carried by an absolute majority of Members.

#### 282. Motion for suspension on notice.

When a motion for the suuspension of any Standing Order appears on the Notice Paper, the motion may be carried by a majority of votes.

# 283. Limitation of suspension.

The suspension of Standing Orders is limited in its operation to the particular purpose for which such suspension has been sought.

#### PART XXVII.—INTERPRETATION.

# 284. Procedures, etc., where not provided for.

- (1) In any matter not provided for in these Standing Orders, Mr Speaker shall decide.
- (2) In deciding any question relating to procedure or the conduct of the business of the Parliament, in the absence of sessional or other orders or practice of the Parliament Mr Speaker may resort to the usage and practice of the House of Representatives in the Parliament of Australia as far as the same may be applicable to this Parliament, and not inconsistent with these Standing Orders or with the practice of this Parliament.

#### SCHEDULES.

### SCHEDULE 1.

S.O., Sec. 5.

# ELECTION OF SPEAKER. (Exhaustive Secret Ballot.)

#### One Nomination-

MEMBER (Mr its Speaker Mr Speaker.". ) addresses himself to the Clerk and proposes to the Parliament for , and moves—"That he do take the Chair of this Parliament as

MEMBER (Mr

) seconds the motion.

The Member nominated informs the Parliament whether he accepts nomination.

CLERK—"Is there any further proposal?".

If there is then no further proposal-

CLERK—"The time for proposals has expired.".

No debate and no further proposal allowed.

CLERK—"I declare that the Member proposed (Mr

) has been elected as Speaker.".

# Two or More Nominations-

For each proposal-

MEMBER (Mr its Speaker Mr Speaker.". ) addresses himself to the Clerk and proposes to the Parliament for , and moves—"That he do take the Chair of this Parliament as

MEMBER (Mr

) seconds the motion.

The Member nominated informs the Parliament whether he accepts nomination.

After each proposal is made and seconded-

CLERK—"Is there any further proposal?".

If no further proposal is made-

CLERK—"The time for proposals has expired.".

Debate may then ensue, but must be relevant to the election. Each Member is limited to a five-minute speech.

During debate a Member may move (without notice and whether a Member is addressing the Parliament or not)—"That the question be now put.".

CLERK puts question.

If numbers equal, question decided in negative.

After closure carried or debate ceases, election to proceed by ballot.

#### Ballot—Two Nominations—

CLERK—"In accordance with the practice of the Parliament, the Bells will be rung and a ballot taken. Ballot papers will be distributed and Members are asked to write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

." (in alphabetical order).

At the same time, the Clerk rings the Bells and the Deputy Clerk turns the sandglass.

The Clerk and the Deputy Clerk hand the ballot papers to Members.

Ballot papers are initialled beforehand by the Deputy Clerk.

The Clerk turns off Bells-the doors are NOT locked.

CLERK—"Will Members please write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

." (in alphabetical order).

The Clerk and the Deputy Clerk, after collecting the ballot papers, count the votes and check that papers do not exceed Members present.

The candidate with the greater number of votes is the Speaker.

The Deputy Clerk enters result on announcement sheet, which is signed by the Clerk and the Deputy Clerk.

CLERK-"The result of the ballot is-

Mr

votes;

Mr

votes (etc.).

Mr

is declared elected.".

### Ballot-Three or More Nominations-

CLERK—"In accordance with the Standing Orders, the Bells will be rung and a ballot taken. Ballot papers will be distributed and Members are asked to write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Μr

Mr

etc.". (in alphabetical order).

The Bells are rung for two minutes.

The Clerk and the Deputy Clerk hand initialled ballot papers to Members.

After Bells stop-the doors are NOT locked.

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CLERK—"Will Members please write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

etc.". (in alphabetical order).

The Clerk and the Deputy Clerk, after collecting the ballot papers, count the votes and check that papers do not exceed Members present.

IF A CANDIDATE HAS MORE THAN A MAJORITY OF THE VOTES OF THE MEMBERS PRESENT HE IS THE SPEAKER,

The Clerk announces result.

### If no candidate has a majority-

CLERK-"The result of the ballot is-

Mr

votes:

Mr

votes (etc.).".

As no Member has a majority, Mr , the Member with the smallest number of votes, is excluded and another ballot will be conducted after the Bells have been rung.

Proceed with ballot (or ballots, excluding the smallest recipient each time) as previously until a candidate has a majority of votes.

#### After the Clerk announces that a Speaker has been elected-

The member so elected is conducted to the Chair by the proposer and a seconder, and is received by the Clerks standing. He stands at the side of the dais and says—

"I wish to express my grateful thanks for the high honour that the Parliament has been pleased to confer upon me.".

He thereupon sits down in the Chair.

Serjeant-at-Arms places the Mace on the Table.

Members offer their congratulations. Mr Speaker makes acknowledgement.

### Equality of Votes in Ballots.

An equality of votes during the election of the Speaker could occur at the following points of the proceedings—

- A. Two nominations only: as a result of the ballot.
- B. More than two nominations:
  - (a) If at the conclusion of any ballot (ordinary or special), two or more of all the candidates have equal votes and one of them has to be excluded.
  - (b) When only two candidates remain in the final ballot: in this case the procedure is similar to (A) above.

An ordinary ballot determines a winner should a candidate have a majority of the votes of Members present.

A special ballot excludes the candidate with the least votes.

#### Procedure in Above Cases.

- A. An equality of votes in an ordinary ballot between the two (remaining) candidates:
  - (i) The Clerk shall declare "By reason of an equality of votes the ballot is inconclusive.".
  - (ii) The Clerk announces "Unless a nominee wishes to withdraw, another ballot will be held.".
  - (iii) If one nominee withdraws, the other is declared Speaker.
  - (iv) If neither withdraw, another ballot is conducted, in the usual manner, after the Bells have been rung.
  - (v) Upon a further equality the Clerk announces "By reason of a further equality of votes the ballot is inconclusive and the sitting is suspended for 30 minutes when the Parliament will reassemble and a ballot taken again, unless this is rendered unnecesary by withdrawal.".
  - (vi) Stage (v) is repeated until either a winner is obtained by ordinary ballot, or a withdrawal is made.

#### B. More than two candidates:

An equality of votes for candidates, one of whom has to be excluded before proceeding to the next ordinary ballot—

- (i) The Clerk announces "A special ballot will be conducted at which there shall be submitted only the names of those candidates who have received equal vores".
- (ii) A special ballot is conducted, in the manner of ordinary ballots, using only the names of those candidates who had an equality of votes.
- (iii) The candidate with the least number of votes in the special ballot is excluded.

Should a further equality of votes occur for all candidates in the special ballot for the exclusion of a candidate, the procedure A.(v) above (suspension for 30 minutes, etc.) is followed.

# SCHEDULE 2.

S.O., Sec. 13.

#### ELECTION OF DEPUTY SPEAKER.

(Also for nomination of Governor-General)1,

# One Motion for Appointment-

MEMBER (Mr )-

)—"I move—That Mr

be appointed Deputy

Speaker of this Parliament.".

MEMBER (Mr

) seconds the motion.

MR SPEAKER—"Is there any further motion?".

If there is then no further motion-

MR SPEAKER—"The time for motions has expired.".

No debate and no further motion allowed.

MR SPEAKER—"I declare that the Member proposed (Mr

) has been appointed as

Deputy Speaker of this Parliament.".

The Deputy Speaker is then congratulated by the Speaker and other Members and makes acknowledgement.

# Two or More Motions for Appointment-

For each proposal—

MEMBER (Mr

)-"I move-That Mr

be appointed Deputy

MEMBER (Mr

) seconds the motion.

After each motion is moved and seconded-

MR SPEAKER—"Is there any further motion?".

If no further motion is moved-

Speaker of this Parliament."

MR SPEAKER—"The time for motions has expired,".

Debate may then ensue, but must be relevant to the election. Each Member is limited to a five-minute speech.

During debate a Member may move (without notice and whether a Member is addressing the Chair or not)—"That the question be now put.".

MR SPEAKER—puts question.

If numbers equal, Mr Speaker to vote.

After the closure is carried or debate ceases, the election proceeds by secret ballot.

(Mr Speaker does not vote in any secret ballot).

<sup>1</sup> See, Constitution, Section 88.

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### Ballot-Two Nominations-

MR SPEAKER—"In accordance with the practice of Parliament, the Bells will be rung for two minutes and a ballot taken. Ballot papers will be distributed and Members are asked to write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

." (in alphabetical order).

At the same time, the Clerk rings the Bells and the Deputy Clerk turns the sandglass.

The Clerk and Deputy Clerk hand initialled ballot papers to Members.

The Clerk turns off Bells-doors are NOT locked.

MR SPEAKER—"Will Members please write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

" (in alphabetical order).

The Clerk and the Deputy Clerk, after collecting the ballot papers, count the votes and check that papers do not exceed Members present.

The candidate with the greater number of votes is the Deputy Speaker.

The Deputy Clerk enters result on announcement sheet, which is signed by the Clerk and the Deputy Clerk, and the ballot papers are placed in a sealed envelope.

The Clerk reports ballot to Mr Speaker.

MR SPEAKER-"The result of the ballot is-

Mr

votes;

Mr Mr , votes.
is declared elected.".

If there is an equality of votes-

MR SPEAKER—"As there is an equality of votes, I give my casting vote in favour of Mr

"Mr

is therefore declared elected as Deputy Speaker of this Parliament.".

The Deputy Speaker is then congratulated by the Members and makes acknowledgement.

### Ballot-Three or More Nominations-

MR SPEAKER—"In accordance with the Standing Orders, the Bells will be rung and a ballot taken.

Ballot papers will be distributed and Members are asked to write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are-

Mr

Mr

(etc.)." (in alphabetical order).

The Bells are rung for two minutes.

The Clerk and the Deputy Clerk hand initialled ballot papers to Members.

After Bells stop the doors are NOT locked.

MR SPEAKER—"Will Members please write on the ballot paper the name of the candidate for whom they wish to vote.

The candidates are—

Mr

Мr

(etc.)." (in alphabetical order).

The Clerk and the Deputy Clerk, after collecting the ballot papers, count the votes and check that papers do not exceed Members present.

IF A CANDIDATE HAS MORE THAN A MAJORITY OF VOTES HE IS ELECTED.

The Clerk reports the ballot to Mr Speaker, who announces the result of the ballot and proceeds with congratulations as above.

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If no candidate has a majority-

MR SPEAKER-"The result of the ballot is-

Mr

votes,

Mr

votes; (etc.).

As no Member has a majority, Mr , the Member with the smallest number of votes is excluded and another ballot will be conducted.".

Proceed with ballot (or ballots, excluding the smallest recipient each time) as previously until a candidate has a majority of votes. Then proceed with congratulations as above.

### Equality of Votes in Ballots.

Where there is an equality of votes between two candidates, one of whom must either be elected or excluded from further ballots as the case may be, the Speaker has a casting vote.

Where there is an equality of votes between three or more candidates, one of whom must be excluded, a special ballot (or further special ballot as the case may be) shall be conducted as for a similar situation in the election of a Speaker.

#### INDEPENDENT STATE OF PAPUA NEW GUINEA.

### CHAPTER NO. 1.

# Constitutional Laws and Documents.

# 11.—TABLE OF PRECEDENCE.1

Head of State.

Governor-General.

Prime Minister.

Speaker of the National Parliament.

Chief Justice.

Ambassadors and High Commissioners: seniority of Ambassadors as per date of presentation of Letter of Credence; seniority of High Commissioners as per date of arrival in Port Moresby or the date Letters of Commission are presented.

Foreign Ministers and Envoys.

Cabinet Ministers in order of seniority.

Charges d'Affaires and Acting High Commissioners: seniority from the date of assumption of duties.

Privy Councillors.

Leader of the Opposition.

Justices of the National Court in order of seniority.

Commander Papua New Guinea Defence Force (or, if officiating, the Commanding Officer of Defence Force units in the District of their base).

Commissioner of Police (or, if officiating, the Police Superintendents in their Area of Command).

Members of the National Parliament taking precedence in their own electorates, otherwise in order of office holders, e.g., Deputy Speaker, Chairman of Committees, and date of original election.

Heads of Churches within their diocese or province, according to rank, e.g., Archbishop, Bishop in order shown below and date of appointment.

- (a) Anglican, Roman Catholic, United, Lutheran.
- (b) Other denominations according to seniority.

Chairman of the Public Services Commission.

Heads of Departments, Members of the Public Services Commission, Auditor-General, Chief Collector of Taxes, Heads of Statutory Authorities, Secretaries to Provincial Governments, all according to date of appointment.

Consular and Trade Representatives: seniority from date of assumption of duties.

Acting and Honorary Heads of Consular posts in order of assumption of office.

Heads of Agencies—e.g., Australian Staffing Assistance Group and United Nations.

<sup>&</sup>lt;sup>1</sup> Published in National Gazette No. 1 of 16 September 1975.

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Recipients of Honours and Awards, in order of rank and honour.

Guests of special interest (precedence determined on each occasion by the Governor-General).

Premiers of Provincial Governments (when not officiating).

Presidents of Area Authorities (when not officiating).

Presidents of Local Government Councils (when not officiating).

Lord Mayors, Mayors (when not officiating).

Provincial Commissioners (when not officiating).

The precedence accorded to the persons in the above list will apply also to their spouses.

In the absence of any special instruction, the precedence of persons not specified above who are entitled to precedence in relation to the above officers is to be determined as a matter of courtesy by the Governor-General.

#### INDEPENDENT STATE OF PAPUA NEW GUINEA.

# CHAPTER No. 1.

# Constitutional Laws and Documents.

12.—TREATIES.

(a) Declaration as to treaty succession.

GOVERNOR-GENERAL Papua New Guinea. Port Moresby. 16th September, 1975.

Your Excellency,

I have the Honour to inform you that Papua New Guinea having become an Independent State on this day, the Government recognises that it is desirable to maintain, so far as practicable, continuity in treaty relations with other States. It also recognises, however, that emergence as an Independent State requires that an examination be made in relation to each previously applicable treaty to determine whether or not it continues in force or is to be continued in force.

Therefore, I, John Guise, Governor-General, in exercise of the powers of the Head of State of Papua New Guinea and pursuant to the Constitution of Papua New Guinea, have made a Declaration with the following effect:—

- 1. The Government of Papua New Guinea will make an examination of all previously applicable treaties, both bilateral and multilateral with a view to making a statement of intention in respect of each of them. The statement will declare the Government's view as to whether the treaty continues or should be continued in force (on the basis of either succession or mutual consent, and with or without modification), or should be treated as having lapsed, or should be terminated. The statement will be forwarded to the other party or parties or to the depositary, as may be appropriate.
- During the period of examination, the Government will, on a basis of reciprocity, accept all treaty rights and obligations accruing and arising under treaties previously applicable. The period of examination will extend for five years from the date of Independence, that is, until 15th September, 1980, except in the case of any treaty in respect of which an earlier statement of intention is made. The original of the Declaration is attached hereto.

The Government, being conscious that the practice of States with regard to the question of treaty succession has been far from uniform, believes that the course now proposed, accompanied where necessary by a process of diplomatic negotiation, will lead to a clear and satisfactory resolution of the future treaty relations of Papua New Guinea during a reasonable period after the achievement of Independence.

The Government requests that the text of this letter be circulated to all members of the United Nations and to its Specialised Agencies.

# Constitutional Laws and Documents

Please accept, Your Excellency, the assurance of my highest consideration.

Yours sincerely, John Guise.

His Excellency Dr. Kurt Waldheim, Secretary-General, United Nations Headquarters, New York.

# THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

#### DECLARATION

- I, JOHN GUISE, Knight Commander of the Most Excellent Order of the British Empire, Governor-General, acting with and in accordance with the advice of the National Executive Council, hereby declare in the name of the Head of State that:—
- 1. The Government of Papua New Guinea will make an examination of all treaties applying to its territory before Independence, both bilateral and mutilateral, with a view to making a statement of intention in respect of each of them. The statement will declare the Government's view as to whether the treaty continues or should be continued in force (on the basis of either succession or mutual consent, and with or without modification), or should be treated as having lapsed, or should be terminated. The statement will be forwarded to the other party or parties or to the depositary, as may be appropriate.
- 2. During the period of examination, the Government will, on a basis of reciprocity, accept all treaty rights and obligations accruing and arising under treaties previously applicable. The period of examination will extend for five years from the date of Independence, that is, until 15th September, 1980, except in the case of any treaty in respect of which an earlier statement of intention is made.

DECLARED at Port Moresby this Sexteenth day of September, One Thousand Nine Hundred and Seventy-Five.

# JOHN GUISE.

# (b) Treaty action taken in accordance with Section 117 of the Constitution. 1

Type of instrument.	Subject matter and depositary government international organization.	Date signed and signatory.
Letter and Declaration.	State Succession to Treaties Declaration, to Secretary-General of the United Nations.	16/9/75. Governor-General.
Letter and Declaration.	Application for membership of the United Nations to Secretary-General of the United Nations.	16/9/75. Prime Minister.
Acceptance.	International Cocoa Agreement, 1972.  Depositary: Secretary-General of the United Nations.	16/9/75. Minister for Defence, Foreign Relations and Trade.

<sup>&</sup>lt;sup>1</sup> In the interests of the simplification of up-dating, this includes material dating from after 1 January 1976 (the effective date for the Revised Edition).

Type of instrument.	Subject matter and depositary government international organization.	Date signed and signatory.
Accession.	The Agreement establishing the South Pacific Commission, 1947 (as amended).  Depositary: Government of Australia.	16/9/75. Minister for Defence, Foreign Relations and Trade.
Letter and Declaration.	Application for membership of the Food and Agriculture Organization.  Depositary: Director-General of the Food and Agriculture Organization.	3/10/75. Minister for Defence, Foreign Relations and Trade.
Acceptance.	<ul> <li>(a) Articles of Agreement of the International Monetary Fund, 1944.</li> <li>(b) Articles of Agreement of The International Bank for Reconstruction and Development, 1944.</li> <li>Depositary: Government of the United States of America.</li> </ul>	3/10/75. Prime Minister.
Acceptance.	<ul> <li>(a) Articles of Agreement of The International Finance Corporation, 1955.</li> <li>(b) Articles of Agreement of the International Development Association, 1960.</li> <li>Depositary: International Bank for Reconstruction and Development.</li> </ul>	3/10/75. Prime Minister.
Acceptance.	International Coffee Agreement, 1968, as extended by Protocol.  Depositary: Secretary-General of the United Nations.	6/10/75. Minister for Defence, Foreign Relations and Trade.
Accession.	International Telecommunication Convention, Malaga—Torremolinos, 1973.  Depositary: Secretary-General of the International Telecommunication Union via the Government of the Swiss Confederation.	27/10/75. Minister for Defence, Foreign Relations and Trade.
Accession.	Constitution of the World Meteorological Organization, 1947.  Depositary: Government of the United States of America.	6/11/75. Minister for Defence, Foreign Relations and Trade.
Accession.	Constitution of the Association of Natural Rubber Producing Countries, 1968.  Depositary: Government of Malaysia.	6/11/75. Minister for Defence, Foreign Relations and Trade.
Accession.	Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1975.  Depositary: Government of the Swiss Confederation.	6/11/75. Minister for Defence, Foreign Relations and Trade.
Adherence.	Convention on International Civil Aviation, 1944, and Protocols.  Depositary: Government of the United States of America.	6/11/75. Minister for Defence, Foreign Relations and Trade.

# Constitutional Laws and Documents

Type of instrument.	Subject matter and depositary government international organization.	Date signed and signatory.
Notification of Succession.	<ul> <li>(a) Convention for the Unification of Certain Rules Relating to International Carriage by Air, 1929.</li> <li>(b) Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, 1955.</li> <li>Depositary: Government of the Peoples Republic of Poland.</li> </ul>	6/11/75. Minister for Defence, Foreign Relations and Trade.
Accession.	The Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person other than the Contracting Carrier, 1961.  Depositary: Government of the United States of Mexico.	6/11/75. Minister for Defence, Foreign Relations and Trade.
Notification of Succession.	<ul> <li>(a) Convention for the Suppression of Unlawful Seizure of Aircraft, 1970.</li> <li>(b) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.</li> <li>Depositaries: Governments of the U.S.S.R., U.K. and U.S.A.</li> </ul>	6/11/75. Minister for Defence, Foreign Relations and Trade.
Notification of Succession.	<ul> <li>(a) Convention on Damage Caused by Foreign Aircraft to Third Parties on the surface, 1952.</li> <li>(b) Convention on Offences and Certain other Acts Committed on Board Aircraft, 1963.</li> <li>Depositary: International Civil Aviation Organization.</li> </ul>	6/11/75. Minister for Defence, Foreign Relations and Trade.
Notification of Succession.	<ul> <li>(a) Convention on the Privileges and Immunities of the United Nations, 1946.</li> <li>(b) Convention on Diplomatic Relations, 1961.</li> <li>(c) Convention on Consular Relations, 1963.</li> <li>Depositary: Secretary-General of the United Nations.</li> </ul>	6/11/75. Minister for Defence, Foreign Relations and Trade.
Memorandum of Consultations.	Papua New Guinea—Philippines Interim Air Services Agreement, 1975.	1/12/75. Minister for Defence, Foreign Relations and Trade.
Letter and Declaration.	Application for membership of the International Labour Organization.  Depositary: Director-General, International Labour Organization.	5/4/76. Minister for Foreign Affairs and Trade.
Notification of Succession.	Unemployment Convention, 1919 (No. 2). Minimum Age (Sea) Convention, 1920 (No. 7). Unemployment Indemnity (Shipwreck) Convention. 1920 (No. 8). Minimum Age (Agriculture) Convention, 1921 (No. 10). Right of Association (Agriculture) Convention, 1921 (No. 11).	7/4/76. Minister for Foreign Affairs and Trade.

Type of instrument.	Subject matter and depositary government international organization.	Date signed and signatory.
Notification	Workmen's Compensation (Agriculture) Convention,	
of	1921 (No. 12).	
Succession.	Workmen's Compensation (Occupational Diseases)	
Contd.	Convention, 1925 (No. 18).	
	Equality of Treatment (Accident Compensation)	
	Convention 1925 (No. 19).	
	Seamen's Articles of Agreement Convention, 1926	
	(No. 22). Minimum Wage Fixing Machinery Convention, 1928	
	(No. 26).	
	Marking of Weight (Packages Transported by Vessels)	
	Convention, 1929 (No. 27).	
	Forced Labour Convention, 1930 (No. 29).	
	Workmen's Compensation (Occupational Diseases)	
	Convention (Revised), 1934 (No. 42).	
	Underground Work (Women) Convention, 1935	
	(No. 45). The Labour Inspectorates (Non-Metropolitan) Terri-	
	tories Convention, 1947 (No. 85).	
	Right to Organise and Collective Bargaining Con-	
	vention, 1949 (No. 98).	
	Minimum Wage Fixing Machinery (Agriculture) Con-	
	vention, 1951 (No. 99).	
	Abolition of Forced Labour Convention, 1957	
	(No. 105)	
	Employment Policy Convention, 1964 (No. 122).  Depositary: Director-General, International	
	Labour Organization.	
Accession.	Constitution of the Universal Postal Union, 1964	7/4/76.
	as amended by the 1969 Tokyo and 1974 Lausanne	Minister for Foreign Affairs and Trade.
	additional Protocols. General Regulations of the Universal Postal	Alians and Trade.
	Union and Final Protocol 1974.	
	Universal Postal Convention, Final Protocol	
	and Detailed Regulations, 1974.	
	Depositary: Government of the Swiss Confed-	
	eration.	
Acceptance	(a) Convention on the Inter-Governmental Mar-	7/4/76.
Acceptance.	itime Consultative Organization, 1948,	Minister for Foreign
	as amended.	Affairs and Trade.
	Depositary: Secretary-General, United Nations.	
	International Convention for the Safety	
٠	of Life at Sea, 1960.	
	International Regulations for Preventing	
A angesis -	Collisions at Sea, 1960.	
Accession.	(b) International Convention on Load Lines, 1966.	
	Convention on the International Regulations	
	for Preventing Collisions at Sea, 1972.	
	Depositary: Secretary-General, Inter-Government-	
	al Maritime Consultative Organization.	
Acceptance.	Constitution of the World Health Organization	7/4/76.
receptance.	1946, as amended.	Minister for Foreign
	Depositary: Secretary-General, United Nations.	Affairs and Trade.
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### Constitutional Laws and Documents

Type of instrument.	Subject matter and depositary government international organization.	Date signed and signatory.
Adherence.	The International Plant Protection Convention, 1951. The Plant Protection Agreement for the South East Asia and Pacific Region, 1956, with appendices and amendment, 1967.  Depositary: Director-General, Food and Agriculture Organization.	7/4/76. Minister for Foreign Affairs and Trade.
Notification of Succession.	The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field 1929.  The Convention Relative to the Treatment of Prisoners of War, 1929.  The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949.  The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949.  The Geneva Convention Relative to the Treatment of Prisoners of War, 1949.  The Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949.  Depositary: Swiss Federal Council.	7/4/76. Minister for Foreign Affairs and Trade.

# (c) Other Treaty Action Taken. 1

- Provisional Application of the General Agreement on Tariffs and Trade, effective from 3 September 1975. On 25 February 1976, the Minister for Foreign Affairs and Trade advised the Director-General of GATT that Papua New Guinea will continue to apply de facto the provisions of GATT on a reciprocal basis.
- 2. On 25 February 1976, the Minister for Foreign Affairs and Trade advised the Secretary-General of the United Nations that Papua New Guinea does not desire to be treated as party in its own right to the following conventions and does not regard itself as bound as a contracting party to the said conventions:—
  - (a) Convention on the Territorial Sea and the Contiguous Zone, 1958.
  - (b) Convention on the High Seas, 1958.
  - (c) Convention on Fishing and Conservation of the Living Resources of the High Seas.
  - (d) Convention on the Continental Shelf, 1958.

<sup>&</sup>lt;sup>1</sup> This material, although dating from after 1 January 1976 (the effective date for the Revised Edition), is included so as to simplify later updating.