

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE  
CHOISEUL PROVINCIAL ASSEMBLY STANDING ORDERS 2011**

**AN ORDER TO PROVIDE RULES IN RESPECT OF PROCEEDINGS  
OF THE CHOISEUL PROVINCIAL ASSEMBLY**

**MADE** by the Choiseul Provincial Assembly

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**THE CHOISEUL PROVINCE**  
**CHOISEUL PROVINCIAL ASSEMBLY STANDING ORDERS 2011**

**PART 1 GENERAL**

1. These orders may be cited as the Choiseul Provincial Assembly Standing Orders 2011 and shall come into effect on the date that they are approved by the Choiseul Provincial Assembly.

Short title  
and  
commencement

2. In these orders, except where the context otherwise requires:

Interpretation

“Absolute Majority” means half plus one or more of the total number of Members of the Assembly

“Accounts Committee” means the committee appointed under section 97.

“The Act” means the Provincial Government Act 1997.

“Committee of the Whole Assembly” means the committee under section 100.

“The Assembly” means the Choiseul Provincial Assembly.

“The Clerk” means the Clerk of the Choiseul Provincial Assembly.

“The Deputy Speaker” means the deputy speaker elected under section 15 of these Orders.

“Draft Ordinance” means a proposed Ordinance that has not yet been passed by the Assembly.

“The Executive” means the Executive of Choiseul Province.

“Majority” means more than half of the Members voting on the matter.

“Member” means an elected member of the Choiseul Provincial Assembly.

“Minister” means a member of the Executive responsible for a specific portfolio.

“Motion” means any question put for a vote by the Assembly.

“Order Paper” means the paper prepared under section 33.

“Ordinance” means a law passed by the Assembly for the Province under section 30 of the Act, and includes an amendment to an Ordinance.

“Paper” means any document or other record put before the Assembly.

“Petition” means is a formal request to the Assembly to take action that is within its power to take.

“Point of Order” means an issue as to the appropriate procedure to follow in the Assembly.

“Session” means the period from when an Assembly first meets after being called under section 28 to the time when it is adjourned under section 36.

“Sitting” means one day of a Session.

“The Speaker” means the speaker for the Choiseul Provincial Assembly elected under section 9.

“Term” means the period between one general election of Members and the next general election of Members.



3. Subject to the Provincial Government Act, and any other National Legislation binding on the Assembly, the Assembly shall conduct its business in accordance with these Orders.

Application of these Orders

## **PART II THE SPEAKER**

4. (1) The Speaker shall be responsible for:

The Speaker

- (a) calling meetings of the Assembly;
- (b) enforcing compliance with these Orders,
- (c) determining when these Orders have been breached;
- (d) presiding over and regulating meetings of the Assembly;
- (e) maintaining order at meetings of the Assembly;

(2) At the first Assembly meeting upon the position of a new Assembly, or as soon as practicable upon the position of Speaker become vacant, the Assembly shall elect a person to act as Speaker for the Assembly.

5. To be eligible to be elected as Speaker a person must:

Eligibility for election as Speaker

- (a) be ordinarily resident within Choiseul Province, and be registered to vote within Choiseul Province; and
- (b) not be a Member, or a member of the National Parliament, or disqualified from being a registered voter under section 55(3) of the Constitution of the Solomon Islands.

6. Following a general election of Members of the Speaker shall remain in office if he is still eligible to be the Speaker until a new Speaker is elected.

Speaker after election

Clerk to manage election of Speaker where Speaker is nominated

7. Where there is to be an election for a new Speaker and the Speaker is nominated in that election or is not available, the election shall be conducted by the Clerk, or where no-one holds that position or the person holding that position is unavailable, the Provincial Secretary.

Nomination of Speaker

8. (1) A candidate for the role of Speaker must be nominated by two Members, and must accept the nomination in writing.

(2) No Member may nominate more than one candidate in any election for Speaker.

(3) Nominations shall be delivered personally to the office of the Clerk within normal working hours.

(4) No nomination shall be accepted less than 24 hours before the election is due to be held, excluding weekends and public holidays.

(5) A list of candidates and the Members who nominated them shall be made available to all Members attending the Assembly meeting not less than one hour before the election.

Process for election of Speaker

9. (1) The election of the Speaker shall be by open ballot.

(2) If any candidate receives a majority of votes that candidate shall be the Speaker.

(3) If no candidate receives a majority of votes, there shall immediately be a second round of voting with the candidate who received the least number of votes being eliminated.

(4) Where more than one candidate receives the lowest number of votes, each of those candidates shall be eliminated, unless there are only three candidates remaining in which case the Assembly shall vote on which candidate is to be eliminated.

(5) The process in subsections (3) and (4) shall be repeated until one candidate achieves a majority, or only two candidates remain and upon holding two votes neither has a majority.

(6) Where two candidates remain and neither has a majority a new election for Speaker shall be held the following day, excluding weekends and public holidays, and new nominations may be accepted up to an hour before the new election.

(7) Where a new election has been held under subsection (6) and no candidate has a majority the process shall be repeated again however the election will be by secret ballot.

10. The office of the Speaker becomes vacant if:

Vacating the  
office of Speaker

- (a) The Speaker resigns in writing to the Premier
- (b) The Speaker ceases to be eligible for election as Speaker under section 5 of these Orders.
- (c) The Assembly passes a motion of no confidence in the Speaker by an absolute majority

11. (1) Before commencing his duties as the Speaker the Speaker shall take an oath as follows:

Oath of Speaker

I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of the Speaker of the Choseul Provincial Assembly. [So help me God].

(2) The oath under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Payment of Speaker

12. The Speaker shall receive the same salary and benefits as granted to an ordinary member of the Executive, without those benefits that relate to the members Ward.

**PART III THE DEPUTY SPEAKER**

Deputy Speaker

13. (1) The Deputy Speaker shall carry out the responsibilities of the Speaker when the Speaker is unable to carry out those responsibilities.

(2) Where neither the Speaker nor the Deputy Speaker are able to carry out their duties, the Clerk shall carry out those duties, except where otherwise specified in these Orders.

Eligibility for election as Deputy Speaker

14. The Deputy Speaker must be a Member, but must not be a member of the Executive.

Process for election as Deputy Speaker

15. The process for the election of the Deputy Speaker shall be the same as that for the Speaker.

Oath of Deputy Speaker

16. (1) Before commencing their duties as the Deputy Speaker the Deputy Speaker shall take an oath as follows:  
I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of the Deputy Speaker of the Chaiseul Provincial Assembly. [So help me God].

(2) The oath under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Vacating the Office of Deputy Speaker

17. The office of the Deputy Speaker becomes vacant if:  
(a) The Deputy Speaker resigns in writing to the Premier  
(b) The Deputy Speaker ceases to be eligible for election as Deputy Speaker under section 14.  
(c) The Assembly passes a motion of no confidence in the Deputy Speaker by an absolute majority.

18. (1) Where the offices of both Speaker and Deputy Speaker are vacant the Assembly shall not conduct any business until those offices are filled, other than the election of the Speaker and Deputy Speaker. Where Speaker and Deputy Speaker vacant

(2) Until the office of Speaker and Deputy Speaker are filled the role of Speaker will be filled by the Clerk, or where there is no Clerk, the Provincial Secretary.

#### **PART IV THE PREMIER**

19. (1) A candidate for the role of Premier must be nominated by two Members, and must accept the nomination in writing. Nomination of Premier

(2) No Member may nominate more than one candidate in any election for Premier.

(3) Nominations shall be delivered personally to the Speaker.

(4) No nomination shall be accepted less than 24 hours before the election is due to be held, excluding weekends and public holidays.

(5) A list of candidates and the Members who nominated them shall be made available to all Members attending the Assembly meeting not less than twelve hours before the election.

20. (1) The election of the Premier shall be by open ballot. Process of election of Premier

(2) If any candidate receives a majority of votes that shall be the Premier.

(3) If no candidate receives a majority of votes, there shall immediately be a second round of voting with the candidate who received the least number of votes being eliminated.

(4) Where more than one candidate receives the lowest number of votes, each of those candidates shall be eliminated, unless there are only three candidates remaining in which case the Assembly shall vote on which candidate is to be eliminated.

(5) The process in subsection (3) and (4) shall be repeated until one candidate achieves a majority, or only two candidates remain and upon holding a vote two times, neither has a majority.

(6) Where two candidates remain and neither has a majority a new election for Premier shall be held the following day, excluding weekends and public holidays, and new nominations may be accepted up to an hour before the new election.

(7) Where the process under subsection (6) has been repeated three times and each time there is a tie, the Assembly shall dissolve and new elections shall be held.

**PART V MEMBERS**

Oath of Members

21. (1) Each Member shall take an oath or affirmation as follows prior to acting as a Member.

I,....., do swear [or solemnly affirm] that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. [So help me God.]

(2) The oaths under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Oath of members of the Executive

22. (1) Each member of the Executive shall take an oath or affirmation as follows prior to acting as a member of the Executive:

I,....., being a member of the Executive of Choiseul Province, do swear [or solemnly affirm] that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the government of Choiseul Province (or any person or persons for the time being lawfully performing the role of head of that government) for the good management of the public affairs of Choiseul Province, and I do further swear [or solemnly affirm] that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular member of the Executive of Choiseul Province, and that I will not, except with the authority of the Executive of Choiseul Province and to such extent as may be required for the good management of the affairs of Choiseul Province, directly or indirectly reveal the

business or proceedings of the Executive of Choiseul Province or any matter coming to my knowledge in my capacity as a member of the Executive of Choiseul Province and that in all things I will be a true and faithful member of the Executive of Choiseul Province. [So help me God.]

(2) The oaths under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

23. A Member shall conduct themselves, both in public and private life so as not to:

Conduct in office

- (a) be in a position where their public duties conflict with their private interests;
- (b) be in a position where the fair exercise of their public or official duties are compromised;
- (c) demean the office of being a Member of the Choiseul Provincial Assembly;
- (d) have their integrity reasonably called into question; or
- (e) endanger or diminish respect for or confidence in the Choiseul Provincial Government.

In particular, no member may:

- (a) use his office for personal gain;
- (b) or enter into any transaction or engage in any enterprise or activity which might be expected to give rise to doubt in the public mind as to his compliance with the duties and responsibilities of a Member of the Choiseul Provincial Assembly.

## PART VI MEMBERS INTERESTS

24. (1) Prior to taking the oath under section 21 of these Orders a Member must deliver to the Speaker a copy of the statement of their financial affairs prepared in accordance with section 5 of the Leadership Code (Further Provisions) Act.

(2) Each Member must provide an up to date statement of their financial affairs to the Speaker at least every two years, and the Speaker may exclude a Member who fails to do so from proceedings of the Assembly.

(3) The Speaker shall table all statement provided under this section in the Assembly and they shall be available for public inspection at any reasonable time through the office of the Clerk.

25. Where a matter is to be discussed by the Assembly or any committee of the Assembly, any Member who has a financial or personal interest in the matter, or a member of whose immediate family has a financial or personal interest in the matter, shall declare that interest to the Speaker.

## PART VII MEETINGS

26. (1) The Assembly shall meet as often as required to effectively carry out any Provincial business.

(2) Sessions of the Assembly shall be held on dates determined by the Speaker after consultation with the Premier.

(3) The Assembly shall hold Sessions at least two times within any twelve month period.

(4) The Assembly shall meet within one month of the defeat of any Appropriation Ordinance.

Statements of  
Members  
Interests

Members with an  
interest in issues  
of debate

Meetings



27. (1) A Session shall be called as soon as practicable after a general election of the Members of the Assembly. First Assembly meeting following election

(2) The Speaker shall give all Members at least one weeks notice of the date and location of the meeting under subsection (1).

(3) The first matter at the Session under subsection (1) shall be the election of a new Speaker.

(4) The second matter at the Session under subsection (1) shall be the election of a new Premier.

(5) The third matter at the Session under subsection (1) shall be the election of a new Deputy Speaker.

### Calling Meetings

28. (1) The Speaker shall give all Members notice of any Assembly meeting as far in advance as reasonably possible.

(2) In normal circumstances the Speaker shall give all Members at least 14 days notice of the start of a Session. Notice of meetings

(3) In exceptional circumstances the Speaker may give all Members 7 days notice of the start of a Session.

29. Meetings of the Assembly shall be held at locations determined by the Speaker after consultation with the Premier. Notification of the location of the meeting shall accompany all notifications of the date of meetings. Location of meetings

30. (1) Notice of meetings may be given in any effective manner. Method of Notice

(2) Effective manners for the notice of the start of a Session shall include:

(a) Notice in writing handed to the Member, or posted to the Member where the Member has a reliable postal address;

(b) Radio or telephone message to the Member, or to a person nominated by the Member.

Public notice of Sessions

31. At least 7 days before the start of a Session, the Speaker shall ensure that notice is displayed in public of the date time and location of the Session.

Agenda for Sessions

32. At least 7 days before the start of a Session the Speaker shall send to all Members an agenda for the Session prepared in consultation with the Premier, however that agenda is for information only, and may be changed at any time without notice.

Order Paper

33. For each Sitting of the Assembly the Speaker shall prepare an Order Paper setting out what will take place on that day and in what order.

#### Adjournment and End of Meetings

Adjournment of Sessions prior to start of the Session

34. (1) The start of a Session may be adjourned prior to the start of that Session by the Speaker after consultation with the Premier where unforeseen circumstances make it impracticable or impossible to proceed as scheduled.

(2) Where a Session is adjourned under subsection (1) the Speaker will ensure that all Members are made aware of the time and place to which the Session has been adjourned.

Adjournment of Sessions during the Session

35. (1) At any time during a Session the Speaker may adjourn the meeting for up to one full day, or to the next working day.

(2) At any time during a Session the Assembly may be resolution adjourn the meeting for any period it sees fit.

End of Sessions

36. (1) A Session shall end when when the Assembly resolves to adjourn without setting a new date.

(2) A resolution under subsection (1) may only be moved with the consent of the Speaker.

Quorum

37. (1) The quorum for any meeting of the Assembly shall be half the Members of the Assembly.

(2) The quorum for any committee of the Assembly shall be half the members of that committee.

38. (1) Where there is not a quorum present at the time scheduled for the start of an Assembly meeting the Speaker shall wait for one hour.

Procedure where no quorum at start of meeting

(2) If at any time during that hour a quorum become present, the meeting may commence immediately.

(3) Where there is no quorum present at the end of the hour the Speaker shall adjourn the meeting until 9am on the following working day.

(4) Where there is no quorum is present at 9am the following working day, the Speaker shall wait for two hours.

(5) Where no quorum is present within those two hours, the Session shall lapse, and a new Session must be called as soon as practicable.

39. (1) Where at any stage during a meeting of the Assembly there is not a quorum present the Speaker shall not proceed with the meeting until such time as a quorum is present.

Procedure where no quorum during meeting

(2) Where there is not a quorum present the Speaker may adjourn the meeting to a specific time.

(3) Where there is still not a quorum at the time specified the Speaker shall follow the process under section 38.

#### Miscellaneous

40. (1) The Clerk shall keep detailed minutes of all proceedings of the Assembly.

Minutes

(2) Upon the completion of a Session of the Assembly the Clerk shall promptly send a copy of the minutes to the Speaker for approval or correction.

(3) The approved minutes shall be distributed to all Members within 30 days of the close of that Session.

(4) Each committee of the Assembly shall arrange for appropriate minutes to be kept for that committee.

Leave  
Attendance

41. (1) Any Member who is unable to attend any Session, or any part of a Session, must give notice in writing to the Speaker in accordance with section 15(1)(j) of the Act, prior to the start of the Session where the reason is apparent before the Session.

(2) All Members are expected to attend the whole of all Sessions unless they have a reasonable excuse for not attending.

(3) Reasonable excuse for not attending a Session or any part of a Session shall include:

- (a) health reasons;
- (b) family emergency;
- (c) necessary government business;

but Members are required to give priority to Assembly meetings over any non-urgent personal matters, or any business matters.

## **PART VIII CONDUCT OF MEETINGS**

Proceedings  
public

42. (1) All proceedings of the Assembly and committees of the Assembly shall be open to the public, including the elections for the Speaker, Deputy Speaker, and Premier.

(2) A person may be excluded from any meeting by the Speaker because of inappropriate dress or disruptive behaviour.

(3) The public and the press may be excluded from a meeting of the Assembly or a Committee of the Assembly where required in the public interest, by a vote supported by a two thirds majority of all Members of the Assembly or that committee.

43. The normal Sitting hours of the Assembly and of any committee of the Assembly shall be from 8:30am to 12 noon, and from 1:30pm to 4pm, Monday to Friday, however the Speaker may allow the Assembly to sit outside those times, and the chair of any committee may allow the committee to sit outside those times. Sittings

44. (1) All oral proceedings of the Assembly and committees of the Assembly shall be conducted in English or Solomon Islands Pijin, or shall be translated into English or Solomon Islands Pijin. Language

(2) All minutes, records, and documents tabled in the Assembly shall be in English or shall be accompanied by a translation into English.

45. (1) All Members attending Assembly meetings shall be appropriately dressed. Dress Code

(2) Appropriate dress shall include:

- (a) For men, a button shirt, tie, and trousers or a sulu.
- (b) For women, either a dress, skirt or trousers, and an appropriate top.

46. A Member shall not refer to another Member by name in a meeting of the Assembly. No use of names

47. A Member shall not read any material not connected with the Assembly meeting during an Assembly meeting. No reading

No eating and drinking 48. No person may eat or drink anything other than water during an Assembly meeting, other than during breaks.

No sleeping 49. Member shall not sleep during an Assembly meeting.

Mobile phones 50. Any Member who brings a mobile phone into a meeting of the Assembly shall ensure that that phone is switched off at all times that the Assembly is sitting.

No use of alcohol or betelnut or smoking 51. (1) No Member shall use alcohol on the day of an Assembly meeting unless the meeting has concluded for the day.

(2) No Member may smoke or use betelnut during an Assembly meeting.

PART IX ORDER IN MEETINGS

Order 52. (1) It shall be the duty of the Speaker to maintain order at an Assembly meeting.

(2) In any committee of the Assembly it shall be the duty of the chair of that committee to maintain order.

Speaking in Assembly meetings 53. (1) Members shall stand to speak in an Assembly meeting and shall address the Speaker.

(2) Where two Members stand together the Speaker shall choose which Member is to speak first.

(3) The Speaker shall speak sitting down.

Rules for Speaking 54. (1) No Member may interrupt another Member who is speaking except:

- (a) by rising to call attention to a point of order, in which case the Member wishing to raise the point of order shall stand, and the Member speaking shall sit and allow the Member who wishes to raise a point of order to concisely state that point, and such point will be ruled upon by the Speaker.
- (b) to explain a point raised by the Member speaking, provided that the Member wishing to explain shall stand and only speak if allowed to by the Member speaking.

(2) No Member may use offensive, indecent or insulting language in an Assembly meeting.

(3) No Member may make offensive remarks about the private affairs of any other Member or the staff of the Province.

55. With the consent of the Speaker, a Provincial Employee or other adviser may attend a meeting and assist a Minister to deal with technical matters.

Employees and advisers

56. (1) Where any issue has been debated to a point where any Member considers that further debate would unduly waste the time of the Assembly that Member may move to close the issue for a period of up to 12 months.

Motions to close issue

(2) A Motion under subsection (1) must be supported by a two thirds majority of all Members to pass.

(3) Where a Motion under subsection (1) is passed the Speaker shall not allow any Member to speak on that issue until the time in the Motion has elapsed.

Exclusion of  
Members

57. (1) The Speaker may exclude a Member or any other person from an Assembly meeting where that person behaves in a disorderly or offensive manner.

(2) A person excluded under subsection (1) may not return to any meeting of the Assembly until he has apologised in writing to the Speaker, and upon return to the Assembly he shall apologise verbally to the Assembly.

(3) The Chair of a Committee of the Assembly may exclude a Member or other person from that committee where that person behaves in a disorderly or offensive manner.

(4) The committee shall determine the terms of the return of any person excluded under subsection (3).

Penalties

58. (1) Where any Member breaches these Orders the Speaker may fine the Member up to \$5,000.

(2) Where any Member breaches these Orders in a serious manner the Assembly may by vote suspend that Member from attending Assembly meetings for up to two weeks, provided that only one Member may be suspended under this section at any one time.

Points of order

59. (1) The Speaker shall rule on any Point of Order and the Speaker's decision shall be final.

(2) A Member may refer a Point of Order to the Speaker at any time.

(3) The Speaker may rule on a Point of Order on his own motion.

(4) The Speaker may call for debate before determining any Point of Order.



- (5) The Speaker may decide any Point of Order not specifically dealt with these Orders, and may do so by reference to the Standing Orders of the National Parliament of the Solomon Islands.

## PART X SPEECHES

60. On the first day of each Session the Premier shall be allocated one hour to make a speech regarding the present circumstances of the Province. Premier's speech

61. (1) A Minister who wishes to make a statement on some public matter in relation to his portfolio shall inform the Speaker of his wish before the beginning of the sitting at which he wishes to make the statement and the Speaker shall allocate up to 30 minutes for each speech by a Minister. Statements by Ministers

(2) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

62. (1) Time will be set aside in each Session of the Assembly for Members who wish to make a statement to the Assembly to make those statements. Time for Members speeches

(2) Any Member wishing to make a statement under subsection (1) shall notify the Speaker prior to the start of the Session and where there is insufficient time for all Members who wish to give a speech to give a speech priority shall be given to those who have not been able to make a speech in previous Sessions.

(3) The statement of an individual member under subsection (1) shall not exceed 30 minutes.

(4) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Member making the statement for the purpose of elucidating it.

## PART XI PAPERS AND PETITIONS

Papers

63. (1) At any time when a Member is entitled to address the Assembly, that Member may table a Paper either in addition to or instead of speaking, and that Paper will be deemed to be part of the record of the Assembly.

(2) Where a Paper is tabled under subsection (1) any Member may move that the Assembly move into the Committee of the Whole Assembly to debate the Paper in detail.

(3) Where a Paper is tabled under subsection (1) the Member may move a Motion that:

- (a) The Assembly take note of the Paper;
- (b) The Assembly express approval of the Paper;
- (c) The Assembly expresses disapproval of the paper;
- or
- (d) The Assembly adopt the Paper or any part of it as policy for the Province.

Presentation of  
Papers to the  
Speaker

64. (1) Where any Member intends to table a Paper in the Assembly they shall provide a copy of that Paper to the Speaker as far in advance as possible before they intend to present that Paper.

(2) The Speaker shall arrange for copies of any Papers received under subsection (1) to be provided to all Members as soon as practicable after they are received.

Petitions

65. (1) Any Member may present a Petition to the Assembly.

(2) Where any Member wishes to present a Petition to the assembly they shall notify the Speaker as far in advance as practicable and the Speaker shall enter the Petition in the agenda.

(3) Where there is insufficient time for all Members who wish to present petitions, priority shall be given to those who have not been able to present petitions in previous Sessions.

(4) When a Member presents a Petition to the Assembly any Member may move that the Assembly accept or reject the Petition, and that Motion shall be debated immediately.

## PART XII QUESTIONS TO GOVERNMENT

66. (1) 60 minutes in each Sitting day of a meeting of the Assembly shall be available for Members who are not part of the Executive to ask questions of the Executive relating to a public matter for which the Province is responsible, either seeking information on such matter or asking for official action with regard to it, and the members of the Executive may be required to answer those questions. Question time

(2) All questions to be asked under this section shall be delivered in writing to the Speaker by 4pm on the day before the sitting.

67. The Speaker may disallow any question which contains arguments, inferences, opinion, or offensive words, or any question which the Speaker considers that the predominant purpose is not to obtain information from the Member which the Member is obliged to give.

68. (1) Where the Speaker believes that a question should have been addressed to a different member of the Executive the Speaker may direct the question to be put to that member.

(2) Where the member of the Executive to whom a question is directed is not present, another Minister may answer that question.

(3) The Speaker may allow a Minister time to obtain information to answer a question under section 66.

Supplementary  
questions

69. (1) The Member who asked the question may ask supplementary questions without notice for the purposes of clarifying the original answer.

(2) The Speaker may disallow such questions if they seek to introduce or obtain new material not related to the original question.

Priority of ques-  
tions

70. Where more questions come than can be dealt with in that day those that arrived first shall be given priority and the remainder shall be scheduled for the next sitting day if there are further Sittings in that Session.

Urgent questions

71. If a Member asks the permission of the Speaker to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Executive to enable the question to be answered.

### **PART XIII MOTIONS**

Motions

72. (1) Where no procedure is set out for any particular type of Motion under these Orders the rules under this section shall apply.

(2) Where a Member has a matter that they wish the Assembly to consider, where reasonably possible they shall notify the Speaker at least 48 hours, excluding weekends and public holidays, before they intend to raise the matter, and shall provide the Speaker with the wording of any Motion that they intend to put to the Assembly on the matter.

(3) Each Member shall be entitled to speak for up to 30 minutes on any Motion, and no Member shall be entitled to speak twice, except:

(a) the mover of the Motion who shall have a right of reply at the end of the debate, provided that such reply may only be in answer to matters raised by other speakers; and

(b) any Member where a material part of their own speech has been misquoted or misunderstood.

(4) Amendments to Motions may be moved at any time, and any amendment shall be dealt with before debate on the Motion itself proceeds.

(5) A Motion may be withdrawn at any time by the mover of the motion.

73. (1) No Motion may be debated or voted upon by the Assembly unless it has been moved by one Member and seconded by at least one other Member.

Moving and seconding Motions

(2) No Motion may be debated if its subject matter is beyond the competence of the Assembly.

74. (1) Where any Motion is offensive or otherwise inappropriate the Speaker may request the Member moving the Motion to amend the Motion.

Amendment of inappropriate Motions

(2) Where a Member refuses a request under subsection (1) the Speaker may amend the Motion.

#### **PART XIV VOTING**

75. (1) Only Members may vote on any matter at Assembly meetings or at meetings of any committees of the Assembly.

Voting

(2) Except where otherwise stated, all votes of the Assembly shall be determined by a simple majority of those present and voting on the matter.

76. (1) The Speaker shall not have a vote in the Assembly.

Votes of person presiding

(2) Where the Deputy Speaker is presiding he shall continue to have a vote.

- Method of voting            77.    (1)    Except where otherwise specified, any matter to be voted on in the Assembly shall be put to the Assembly by the Speaker, who shall ask “those in favour?”, followed by “those against?”, followed by those abstaining?”, or shall ask for a show of hands, and the Speaker will determine the result of the vote from the response.
- (2)    Where any member does not agree with the decision of the Speaker under subsection (1) he may request that the vote be repeated, and in the second vote the Clerk shall call each Member’s name, and the member must say, “yes”, “no”, or “I abstain”, and the Speaker shall determine the result from this.
- Ties in voting            78.    Where the votes on any question are equally divided, the vote is lost.
- Ballots open            79.    All voting in the Assembly shall be open to public scrutiny, and there shall be no secret ballots.
- Draft Ordinances        80.    (1)    Any Member may present a Draft Ordinance to the Assembly for consideration.
- (2)    A Draft Ordinance shall have a short title by which it will be cited, and a long title setting out the purpose of the Draft Ordinance.
- Distribution of Draft Ordinances    81.    (1)    Where a Member intends to present a Draft Ordinance to the Assembly they shall provide a copy of the draft Ordinance to the Speaker as far in advance of the time that they intend to present it as reasonably practicable.
- (2)    Where the Speaker receives a Draft Ordinance under subsection z92) they shall arrange for a copy of the draft Ordinance to be provided to the Minister of Provincial Government and Institutional Strengthening as soon as practicable, and shall not proceed with presentation of the draft Ordinance under section 83 unless they are satisfied that this has arrived.

(3) Where the Speaker receives a Draft Ordinance under subsection (2) they shall arrange for the delivery of copies of that draft Ordinance to all Members as soon as practicable.

82. (1) Where there is sufficient time within a Session all draft Ordinance presented to the Speaker under section 81 shall be dealt with at that Session in order determined by the Speaker.

Priority of Draft Ordinances in the Assembly

(2) Where there is insufficient time in a Session to deal with all Draft Ordinances which have been presented any Appropriation Ordinance shall be dealt with first.

(3) The priority of Draft Ordinances following any appropriation Ordinance shall be as follows:

(a) Two thirds of the number of Draft Ordinances dealt with shall be government Draft Ordinances, these shall be dealt with first and the choice of Ordinances shall be made by the Premier.

(b) One third of the number of Draft Ordinances dealt with shall be non government Draft Ordinances, and the selection and order of these shall be determined by lottery.

83. (1) Each Draft Ordinance which is to be dealt with at a Meeting of the Assembly shall first be presented to the Assembly by the Clerk reading the short title of the draft Ordinance. This shall then be entered into the minutes, and a copy of the Draft Ordinance shall be entered into the record of the Assembly.

Presentation of Ordinances to the Assembly

(2) No debate or discussion of the Draft Ordinance shall take place at the time of the procedure under subsection (1).

Debate on  
general principals

84. (1) At any time after the presentation of the Draft Ordinance to the Assembly under section 83, the Assembly shall debate the purpose and general principals of the Draft Ordinance.

(2) The debate under subsection (1) will commence with a speech by the Member introducing the Draft Ordinance.

(3) The speech under subsection (2) shall be followed by an opportunity for each Member to speak for up to half an hour on the purpose and general principals of the Draft Ordinance, however in that speech no Member shall address the details of the Draft Ordinance.

Further considera-  
tion

85. (1) Following the debate under section 84 any Member may move that the Draft Ordinance be accepted for further consideration, and that Motion shall not require a seconder, and will be voted upon immediately.

(2) If the Motion under subsection (1) is passed, the Draft Ordinance shall be put to the Committee of the whole Assembly for consideration.

Consideration  
of details

86. (1) Not less than one day, excluding weekends and public holidays, after a vote under section 85 is passed, the Committee of the Whole Assembly shall debate the Draft Ordinance.

(2) The chair of the Committee shall determine whether the draft Ordinance should be considered page by page or section by section.

(3) Each Member shall have the opportunity to speak on each section, or each page of the draft Ordinance, as is determined under subsection (2), and shall have the opportunity to propose amendments on that section or page.



(4) Once all parts of the draft Ordinance have been debated, and all amendments have been voted upon, any Member may move that the draft Ordinance be sent back to the Assembly with any amendments, and that Motion shall not require a seconder and will be voted upon immediately.

87. (1) Not less than one day excluding weekends and public holidays after a vote under section 86 is passed, the Assembly shall debate whether the draft Ordinance should be passed. Passing of Ordinances

(2) Each Member shall be given the opportunity to speak in a debate under subsection (1), but no amendments to the draft Ordinance may be considered.

(3) Once all Members who wish to speak at the debate under subsection (1) have done so, any Member may move that the draft Ordinance be passed into law, or not be passed into law, and such Motion shall not require a seconder and will be voted upon immediately.

88. As soon as practicable following the passing of an Ordinance under section 87 the Speaker shall arrange for a copy of the Ordinance to be sent to the Minister of Provincial Government and Institutional Strengthening to be assented to by the Minister under section 30(2) of the Act. Assent by Minister

89. (1) Where the Minister refuses assent to an Ordinance under section 30(2) of the Act, the Ordinance shall be brought before the Assembly at the first reasonable opportunity to debate the appropriate course forward.

(2) At the debate under subsection (1), each Member shall be given the opportunity to speak on the appropriate course forward.

(3) Once each Member has been given the opportunity to speak under subsection (2) any Member may move:

- (a) that the Ordinance be abandoned;
- (b) that the Assembly return to the stage on consideration of details of the Ordinance under section 86; or
- (c) that the Province refer the decision of the Minister to the High Court under section 32(3) of the Act.

Procedure after  
Court decision

90. (1) Where a Court determines that the Assembly does not have the power to make any Ordinance or any part of any Ordinance which has been passed by the Assembly the Ordinance shall be brought before the Assembly at the first reasonable opportunity to debate the appropriate course forward.

(2) At the debate under subsection (1), each Member shall be given the opportunity to speak on the appropriate course forward.

(3) Once each Member has been given the opportunity to speak under subsection (2) any Member may move:

- (a) that the Ordinance be abandoned; or
- (b) that the Assembly return to the stage on consideration of details of the Ordinance under section 86.

Procedure where  
Ordinance not  
dealt with

91. (1) Where a Draft Ordinance has reached the stage under section 83 to 87 but has not been passed or defeated at a Session it shall be given priority at the next Session.

(2) Where two years have elapsed since the a Draft Ordinance was presented under section 83 and it has not finally been passed or defeated, it shall lapse and if the Draft Ordinance is to pass, the process must begin again from the presentation of the Draft Ordinance to the Speaker under section 80.

(3) Where a Draft Ordinance has been introduced under section 83 but has not been passed or defeated at the end of a Term that draft Ordinance shall lapse, and any Member wishing to reintroduce the Ordinance must begin again from the presentation of the Draft Ordinance to the Speaker under section 80.

## **PART XVI FINANCIAL CONTROL**

92. (1) The Assembly shall not proceed to debate or pass any Draft Ordinance appropriating any sum out of the Provincial Fund unless: Financial control

- (a) estimates of expenditure on which the Draft Ordinance is based have been laid before the Assembly; or
- (b) the proposed Ordinance is only for the first 4 months of the financial year and intended solely to maintain existing services.

(2) The Assembly shall not pass any Draft Ordinance appropriating any sum out of the Provincial Fund except with the consent of the Executive.

(3) No amendments may be moved to any such Draft Ordinance without the consent of the Executive.

Motions relating  
to Provincial  
Fund

93. Where the Speaker receives a Motion or amendment to a Motion, the effect of which, in the opinion of the Speaker, is that money should be appropriated from the Provincial Fund, the Speaker shall first transmit the Motion or amendment to the Executive with a request that the Executive signify whether or not they will give consent in accordance with section 92(2), and unless the Executive signifies that they will give consent, the Motion or amendment shall neither be printed nor included in any notice or order paper.

Explanatory  
memoranda

94. Any Draft Ordinance which related to the raising of significant revenue or significant expenditure shall be accompanied by an explanatory memorandum of its estimated financial effects.

### **PART XVII VOTES OF NO CONFIDENCE**

Procedure for  
vote of no confi-  
dence

95. (1) When a Member wishes to move a motion of no confidence under section 19(5) of the Act, they shall notify the Speaker of that intention.

(2) Where the Speaker has been given notice under subsection (1) they shall ensure that notice is given to all Members as soon as reasonably practicable.

(3) A motion of no confidence shall not be voted on until at least one week after notice has been given under subsection (2).

(4) Where the notice period under subsection (3) is complete a motion of no confidence shall be debated and voted upon prior to any other business of the Assembly.

Procedure fol-  
lowing vote of  
no confidence

96. (1) Where a motion of no confidence is successful the Meeting shall be adjourned for a period of 48 hours excluding weekends and public holidays.

(2) The first matter of business on the recommencement of the Meeting shall be the election of a new Premier.

(3) From the passing of the motion of no confidence until the election of the new Premier the Deputy Premier shall be Acting Premier to maintain current services only.

**PART XVIII COMMITTEES**

97. (1) The Speaker in consultation with the Premier shall appoint an Accounts Committee consisting of seven Members of the Assembly.

Accounts  
Committee

(2) The majority of the Committee shall be Members who are not members of the Executive, and the Minister responsible for finance shall not be a member.

(3) The Accounts Committee shall be responsible for electing its own chairman, provided that the chairman shall not be a member of the Executive, and for determining its own procedure.

98. (1) The functions of the Accounts Committee shall be to examine and report to the Assembly on:

Functions of the  
Accounts  
Committee

- (a) any draft estimates of revenue and expenditure prepared by the Executive in support of any draft appropriation Ordinance;
- (b) all accounts produced by the Province, and in particular the reports produced by the Executive under section 39(1) of the Act;
- (c) all audits of the Province's accounts, and in particular the audit under section 39(3) of the Act;
- (d) the reasons for any significant differences between budgeted and actual revenue and expenditure for the Province, both overall and in each category of revenue and expenditure;
- (e) the Provinces financial systems and procedures.

- (2) Such reports shall include any suggestions for improving the Provinces financial systems and procedures.

Powers of the  
Accounts  
Committee

99. In order to carry out its functions the Accounts Committee may:

- (a) summon any Public Officer assigned to the Province, member of Provincial Staff, Minister, or member of the Executive to give testimony and provide documents related to the work of the Accounts Committee;
- (b) request the Auditor General, or any other officer of the central government, or any other person to attend its meetings to give evidence or provide documents;
- (c) require any evidence given to it to be given under oath.

### **Committee of the Whole Assembly**

Committee of the  
Whole Assembly

100. (1) At any stage during an Assembly meeting any Member may move a Motion that the Assembly move into a Committee of the whole Assembly.

(2) In any Committee of the Whole Assembly the Speaker shall be the Chairman.

(3) The Chairman of the Committee of the Whole Assembly shall determine the procedure of that Committee to suit the purpose of the debate.

## Other Committees

Other  
Committees

101. (1) The Assembly may appoint committees of the Assembly in addition to the Committee of the Whole Assembly and the Accounts Committee.

(2) Committees under subsection (1) may be either for a fixed period or purpose, or permanent.

(3) The Speaker in consultation with the Premier shall decide the members of any committees, their terms of reference, their term of office, and any other relevant matters, and shall confirm these matters in writing to the members of the committee.

(4) The Speaker may determine the rules of procedure for a committee, or may allow a committee to determine its own rules of procedure.

102. In order to carry out their functions any committee may inter alia:

- (a) summon any Public Officer assigned to the Province, member of Provincial Staff, Minister, or member of the Executive to give testimony and provide documents related to the role of that committee;
- (b) request any officer of the central government, or any other person to attend its meetings to give evidence or provide documents; and
- (c) require any evidence given to it to be given under oath.

## PART XIX NATIONAL GOVERNMENT

Admission of  
Members of  
National  
Parliament

103. Any member of the National Parliament any part of whose constituency is in the Province may attend any meeting of the Assembly, or any meeting of any committee of the Assembly, however may not participate in that meeting unless allowed to do so by the Speaker, or the chair of the committee.

Provincial and  
Central  
Government  
Co-ordinating  
Council

104. (1) There shall be a Council to co-ordinate actions of the Provincial Government with the actions of the central government.

(2) The members of the Council shall include:

- (a) the Premier who shall be the chair of the council;
- (b) at least one other member of the Executive;
- (c) at least one other Member who is not a member of the Executive;
- (d) at least two community representatives;
- (e) all members of the National Parliament any part of whose constituency is within the Province.

(3) The members of the council in subsection (2), (b), (c), and (d) shall be appointed by the Premier.

(4) The council shall regulate its own procedure and meetings.

## RT XX DISSOLUTION

Motion for disso-  
lution

105. (1) At least one weeks notice must be given to all Members for any motion to dissolve the Assembly under section 10(2) of the Act.

(2) A motion to dissolve the Assembly under section 19(2) of the Act must be supported by an Absolute Majority.



106. Where a Executive remains in place following an election prior to the election of a new Premier, that Executive shall only ensure that services are maintained, and shall not seek to implement new policy.

Caretaking  
governments

## PART XXI MISCELLANEOUS

107. (1) Where a matter needs to be dealt with urgently to avoid harm to the Province, the Assembly may pass a motion of urgency.

Urgency

(2) A motion of urgency must be supported by a two thirds majority of all the Members of the Assembly.

(3) Where a motion of urgency has been passed in respect of a matter none of the time limits in these orders apply to that matter.

108. These Orders may be suspended at any time by a Motion passed by a vote supported by two thirds of the Assembly and with the consent of the Speaker.

Suspension of  
Standing Orders

109. Any technical defects in proceedings of the Assembly not affecting the outcome of the proceedings shall have invalidate those proceedings.

Technical defects  
in process

110. All previous Standing Orders of the Choiseul Provincial Assembly, or any rules having effect as such are hereby repealed.

Repeal

*Passed by the Choiseul Provincial Assembly this 11th day of October 2011.*

*This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.*

*Christopher Makoni*  
*Clerk to the Choiseul Provincial Assembly*