

**SUPPLEMENT** to the Solomon Islands Gazette

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**PROVINCIAL GOVERNMENT ACT 1997**

**STANDING ORDERS OF THE PROVINCIAL ASSEMBLY  
OF  
MALAITA PROVINCE**

IN exercise of powers conferred on me by section 23(3) of the Provincial Government Act 1997, and as being passed by the Malaita Provincial Assembly, I hereby:-

- (i) Assent the **Malaita Provincial Assembly Standing Orders** be published in the *Gazette*.

Dated at Honiara this twentieth day of June, 2014.

HON. SILAS V.K. TAUSINGA  
Minister for Provincial Government & Institutional Strengthening

THE PROVINCIAL GOVERNMENT ACT

(NO. 7 OF 1997)

STANDING ORDERS

OF THE

PROVINCIAL ASSEMBLY

OF

MALAITA PROVINCE

MARCH 2013



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## PART 1. GENERAL

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|--|--------------------------------------|
| <p>1. These Standing Orders are made pursuant to Section 23 and Schedule 2 of the Provincial Government Act, No. 7 of 1997 and subject to the Act and any other National Legislation binding the Assembly shall regulate all procedures of the Assembly.</p> | <p>Authority for standing orders</p> |
| <p>2. These orders may be cited as the Standing Orders of the Provincial Assembly of Malaita Province and shall take effect on the date they are adopted by the Provincial Assembly of Malaita Province.</p>   | <p>Short title and commencement</p>  |
| <p>3. Words contained in these Orders shall, unless the context otherwise requires, have the meanings as in the Constitution of the Solomon Islands and in the Provincial Government Act 1997, subject to the following:</p>                                 | <p>Interpretation</p>                |
| <p>(a) "Absolute Majority" means half plus one of the elected members of the Assembly;</p>   |                                      |
| <p>(b) "Act" means the Provincial Government Act, No. 7 of 1997;</p>   |                                      |
| <p>(c) "Appointed person" means a person appointed by the Minister under Section 44(3) of the Act;</p>   |                                      |
| <p>(d) "Assembly" means the Provincial Assembly of Malaita Province;</p>   |                                      |
| <p>(e) "Bill" means a proposed ordinance that has been placed on the Notice Paper;</p>   |                                      |
| <p>(f) "Clear day" means a day other than a Saturday, Sunday or public holiday;</p>  |                                      |
| <p>(g) "Clerk" means the Clerk of the Assembly appointed under Section 22(2) of the Act and shall include any Assistant Clerk acting as such on the authority of the Speaker;</p>  |                                      |
| <p>(h) "Division" means the vote taken when the Speaker's decision on the voices is challenged;</p>  |                                      |
| <p>(i) "Indigenous" means persons born in or characterized as being of the province;</p>   |                                      |
| <p>(j) "Majority" means one-half of the Members present plus one;</p>  |                                      |
| <p>(k) "Meeting" means any series of sittings of the Assembly from the date on which the meeting is called under S.O 55, 57 and 58 until it is adjourned under S.O. 61;</p>  |                                      |
| <p>(l) "Member" means an elected member of the Assembly;</p>   |                                      |

- (m) "Minister" means the Minister in the National Government of the Solomon Islands responsible for Provincial Government;
- (n) "Minutes" means a record of procedural actions including decisions, divisions and adjournments;
- (o) "Motion" means any question put forward for a vote by the Assembly;
- (p) "Move" means the method by which a member requests the Assembly vote on a question;
- (q) "Notice Paper" means the register of all business that the Assembly has to consider at a meeting;
- (r) "Order Paper" means the list of matters to be considered at a sitting;
- (s) "Ordinance" means a law passed by the Assembly, assented to by the Minister and gazetted and includes an amendment to an ordinance;
- (t) "Ordinary election" means an election under Section 9 of the Act;
- (u) "Paper" means an account, paper, return, order, report, statement or other document that is laid upon the table of the Assembly;
- (v) "Petition" means a written request by citizens of the Province to take action that is within the Assembly's power to take;
- (w) "Point of Order" means a question or statement by a member regarding the proper procedure to follow according to these Standing Orders;
- (x) "Procedural motion" means a motion related to the functions of the standing orders;
- (y) "Provincial financial year" means the twelve (12) months ending 31st March of any year;
- (z) "Provincial Minister" means a Minister of the Assembly as established under Sections 19 and 20 of the Act;
- (aa) "Resolution" means a statement of the position of the Assembly with respect to a matter whether the matter is within the control of the Assembly and therefore binding or outside the control of the Assembly and therefore merely advisory;
- (bb) "Sitting" means one day of a meeting;
- (cc) "Speaker" means any person presiding in the Assembly in accordance with Section 22, 23 and Schedule 2 of the Act;
- (dd) "Substantive motion" means a motion requiring a resolution;
- (ee) "Term" means the period between an ordinary election and the next ordinary election of members.

- (ff) "Transcript" means a summary record of all debates conducted during a meeting;
- (gg) "Two thirds majority" means two thirds of the elected members, where necessary rounded up to the next highest whole number.

**PART 2. MEMBERS AND OFFICERS**

**Oaths or affirmations of office**

- (4) The administration of relevant oaths or affirmations shall be the first item of business on any day when an oath is to be made. Relevant oaths first item of business
  
- (5) No member shall take part in the proceedings of the Assembly until he or she has made the following oath or affirmation: Member's oath affirmation of office
  - "I ....., do swear [or 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.]"
  
- (6) Before commencing the duties of Speaker the Speaker shall take the following oath or affirmation: Speaker's oath of office
  - "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 Speaker of the Provincial Assembly of Malaita Province [So help me God.]"
  
- (7) The Deputy Speaker shall take an oath or affirmation in the same terms as the Speaker. Deputy Speaker oath of office
  
- (8) No member shall take part in the proceedings of the Provincial Executive until he or she has made the following oath or affirmation; Provincial Minister's oath of office
  - "I ....., being a member of the Provincial Executive do swear [or affirm] that I will use my best judgment at all times, and when so required freely give my counsel and advice to the Premier of Malaita Province (or any other person for the time being lawfully performing the functions of that office for the good management of the public affairs of Malaita Province) and I do further swear

[or 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 and that I will not, except with the authority of the Executive, and to such extent as may be required for the good management of the affairs of Malaita Province directly or indirectly reveal the business or proceedings of the Executive or any matter coming to my knowledge in my capacity as a member of the Executive and that in all things I will be a true and faithful member of the Executive. [So help me God".]

Nominations of candidates for Speaker

- (9) Oaths or affirmations shall be administered by the Speaker but if there is no Speaker or Deputy Speaker, by a Commissioner of Oaths in the presence of the Clerk of the Assembly.

Residency qualification of Speaker

- Election and role of Speaker and Deputy Speaker**  
 (10) No later than three (3) clear days before the Assembly's first sitting of the meeting first occurring after an ordinary election of the Assembly, or whenever the office of the Speaker becomes vacant, the Clerk shall announce the opening of nominations for Speaker.

Nominations in writing

- (11) Nominations will close two (2) clear days after the Clerk's announcement.

Candidate to sign nomination

- (12) The Speaker must be a registered voter, ordinarily resident in a ward of the Province and not a member of the Assembly or the National Parliament.

No member to nominate more than one candidate

- (13) Nominations must be in writing, signed by two (2) members and personally delivered to the Clerk during the nomination period.

Clerk to post notice of nominations

- (14) The candidate shall sign the nomination form to indicate acceptance of the nomination.

- (15) No Member may nominate more than one candidate in any election for Speaker or Deputy Speaker.

Nomination may be withdrawn

- (16) The Clerk shall post on the Provincial Notice Board and in such other places as are considered necessary or appropriate, no later than 4.00pm on the day before the day set down for the election, the nominations that have been received and the time of the election.



- |      |  |   |
|------|--|---|
| (17) | A candidate may withdraw his or her nomination at any time prior to the ballot being taken by handing to the Clerk written advice of the withdrawal.   | If only one candidate that person to be elected             |
| (18) | If there is only one candidate the Clerk shall declare that candidate elected.   | Election of Speaker first item after oaths of allegiance    |
| (19) | Election of a Speaker shall be the first item of business after all Members have sworn the Oath or Affirmation of Allegiance.  | Clerk presides over election of Speaker                     |
| (20) | The Clerk shall preside over the election of Speaker.  | Speaker to preside over election of Deputy Speaker          |
| (21) | The Speaker or in his absence, the Clerk, shall preside over the election of Deputy Speaker.   | Election by secret ballot                                   |
| (22) | The candidate elected to the Office of the Speaker or Deputy Speaker shall be the candidate who receives an absolute majority of votes upon a secret ballot of members present.  | Process of ballot   |
| (23) | If no candidate receives an absolute majority of votes on the first ballot the candidate with the fewest votes shall be eliminated and further ballots held. If at any time there is a tie between two or more candidates receiving the fewest votes the Clerk shall eliminate one of the candidates by lots. Ballots shall continue until one candidate has an absolute majority. If two candidates remain and neither receives an absolute majority after two ballots, the Clerk shall call for fresh nominations from the original candidates and conduct a further ballot on the day following. If there is still a tied vote the Clerk shall determine the result by lot. | Appointed persons cannot vote                               |
| (24) | Appointed persons shall not be eligible to vote for Speaker or Deputy Speaker.   | Assembly not to transact business prior to Speaker election |
| (25) | The Assembly shall not transact any business, other than the election of the Speaker, prior to the election of the Speaker.  | Deputy Speaker election                                     |

- (26) Election of a Deputy Speaker shall follow as soon as practicable after the Premier has advised the Clerk of the names of the Provincial Ministers but not later than three (3) days after the commencement of the meeting.
- (27) The Speaker shall perform such duties as are specified in these Orders and as resolved by the Assembly from time to time and shall include but not be limited to the following:
- (a) Chair meetings of the Assembly and the Committee of the Whole Assembly.
  - (b) Send to members, not less than fourteen (14) days before a meeting, an agenda prepared in consultation with the Premier.
  - (c) Sign the minutes of Assembly sittings as a true and correct record.
  - (d) Suspend a sitting of the Assembly if a quorum is not present.
  - (e) Put all questions before the Assembly or the Committee of the Whole Assembly and decide from the voices of the members if there is a majority for or against.
  - (f) Ensure the orderly conduct of members. In any dispute between members the Speaker's decision shall be final.
  - (g) Ensure that no offensive or abusive language is used in the Assembly.
  - (h) Ensure that members are cleanly and neatly dressed and do not chew betel nut, smoke or eat in a sitting of the Assembly or a Committee of the Whole Assembly.
  - (i) Order the removal of a member or any other person from the Assembly who acts in a disorderly matter.
  - (j) Administer the oath of allegiance to new members of the Assembly.
  - (k) Ensure all questions put to Provincial Ministers concern matters within the legislative competence of the Assembly or are of concern to the Provincial Service or functions of the Executive or are otherwise relevant to the affairs of the Province.
  - (l) Ensure that Provincial Ministers or any member proposing an ordinance provide a copy to the Clerk at least two (2) clear days before the date of the start of the debate.

- (m) Receive from Members any motion of no-confidence in the Premier.
  - (n) Appoint the chair and members of all committees in consultation with the Premier.
  - (o) Receive from Members a list of pecuniary interests including any shares, appointments as a director, or any positions which a Member holds in any business operating or planning to operate in the province.
  - (p) Examine every bill submitted for presentation to the Assembly to ensure it complies with the requirements of these Orders.
  - (q) Propose amendments to improve these Orders, in collaboration with a qualified legal advisor, for the Assembly's consideration.
  - (r) Supervise and work closely with the Clerk for proper management of the Assembly Office.
- (28) In the absence of the Speaker the Deputy Speaker shall perform all the duties of the Speaker.
- (29) To qualify as a candidate for Speaker a person must be:
- (a) a citizen of Solomon Islands and indigenous to the Province;
  - (b) a registered voter and ordinarily resident in a ward of the Province;
  - (c) not a member of the National Parliament or the Assembly;
  - (d) a mature and responsible person;
  - (e) knowledgeable in local politics;
  - (f) a person of tempered character;
  - (g) a person who has the respect of the people;
  - (h) a leader of communities;
  - (i) not been convicted of any criminal offence within the previous six (6) months or is before the courts for any criminal offence.

- Speaker's term of office (30) To qualify as a Candidate for Deputy Speaker a person must be:
- (a) A citizen of Solomon Islands and indigenous to the Province;
  - (b) A registered voter in a ward of the Province;
  - (c) A Member of the Assembly but not a member of the Executive;
  - (d) Not a member of the National Parliament
- Speaker or Deputy Speaker only removed by absolute majority (31) The term of a Speaker shall continue from the date of election until the election of a new Speaker and shall not be terminated by reason only of the dissolution of the Assembly.
- Speaker's dress (32) The Speaker or Deputy Speaker may resign in writing delivered to the Premier and shall take effect when it is accepted in writing by the Premier.
- Presiding officer to be addressed as Speaker (33) The Speaker or Deputy Speaker may only be removed from office by a two thirds majority of members.
- Deputy Speaker to preside in Speaker's absence (34) As a symbol of authority at any meeting of the Assembly the Speaker shall wear during meetings such distinctive dress as is resolved by the Assembly.
- Ordinary member to preside in absence of both presiding officers (35) The person presiding shall be known and addressed as the Speaker.
- In Committee of Whole House Speaker shall preside as chair (36) In the absence of the Speaker the Deputy Speaker shall preside.
- Chair of Committee of Whole House to have same powers as Speaker (37) In the absence of the Speaker and Deputy Speaker, the Assembly shall choose a member, not being a member of the Executive to preside until the Speaker or Deputy Speaker is again present.
- Vacancy in office of Speaker (38) Whenever the Assembly resolves itself into the Committee of the Whole Assembly, the Speaker shall preside as Chairman of the Committee.

- (39) The person acting as Speaker in the Assembly or as Chairman of the Committee of the Whole Assembly shall, while so presiding or acting, have all the powers conferred by these Orders on the Speaker. Election of Premier
- (40) The office of Speaker becomes vacant if;
- (a) the Speaker resigns in writing to the Premier,
  - (b) the Speaker ceases to be eligible for election as Speaker S.O. 29,
  - (c) the Assembly passes a motion of no confidence in the Speaker by an absolute majority.
  - (d) dies, or
  - (e) is prevented by illness from continuing in office.
- Nominations for Premier
- Election of Premier**
- (41) The election of the Premier shall be the next item of business after the election of Speaker and shall be conducted by the Speaker in a meeting of the Assembly closed to public. The election shall be conducted in accordance with sections 19 and 20 of the Act at the first sitting of the Assembly after an ordinary election or whenever the office becomes vacant. Appointed persons shall not be eligible to vote. Nominations to be signed
- (42) The Speaker shall call for nominations for Premier no later than one (1) clear day before the first meeting after an ordinary election or whenever a vacancy occurs. Member may nomination only one candidate
- (43) Nominations shall be in writing, signed by two nominating members and by the candidate to indicate acceptance of the nomination. No candidate may nominate another candidate
- (44) A member may nominate only one candidate. Nominations handed to Speaker
- (45) No member who is a candidate may nominate another candidate. Nomination may be withdrawn
- (46) Nominations must be handed to the Speaker at least one (1) hour before the sitting at which the election shall take place. If only one candidate that person be elected
- (47) A candidate may withdraw his or her nomination at any time prior to the ballot by handing the Clerk written advice of the withdrawal. Process for ballot if required

- (46) Nominations must be handed to the Speaker at least one (1) hour before the sitting at which the election shall take place.
- (47) A candidate may withdraw his or her nomination at any time prior to the ballot by handing the Clerk written advice of the withdrawal.
- (48) If there is only one candidate the Clerk shall declare that candidate elected.
- (49) If there is more than one candidate for Premier a ballot shall be held and shall proceed as follows:
- (a) If no candidate receives an absolute majority on the first ballot further ballots will be held.
  - (b) The candidate receiving the fewest votes at the first ballot will be eliminated and further ballots conducted.
  - (c) If there is a tie between two or more candidates receiving the fewest number of votes the Speaker shall eliminate one of the candidates by lot.
  - (d) Ballots will then continue with the candidate receiving the fewest votes being eliminated until one candidate has an absolute majority.
  - (e) If two candidates remain and neither receives an absolute majority after two ballots, the Clerk shall conduct a fresh election between the two candidates on the day following and the candidate receiving an absolute majority shall be declared the Premier.
  - (f) If at the second ballot no candidate receives an absolute majority the Speaker shall call on one of the members nominated to move as follows, "A second ballot having been held for the office of Premier at which no candidate received an absolute majority this Assembly be now dissolved and the Minister advised to direct that a fresh election be held under Section 10(2)(b) of the Act."

Result of election  
forwarded to  
Minister

Deputy Premier  
and Provincial  
Ministers

- (50) When a Premier is elected the result of the election shall be forwarded to the Minister for publication in the Solomon Islands Gazette.

#### **Deputy Premier and Provincial Ministers**

- (51) The Deputy Premier and Provincial Ministers shall be appointed in accordance with Sections 20(4) and 20(5) of the Act.

Deputy Premier to act in absence of Premier

- (52) In the absence of the Premier, the Deputy Premier shall perform the duties of the Premier.

Duties of Clerk meeting

#### **The Clerk**

- (53) The Clerk, appointed by the Speaker under Section 22(2) of the Act, shall be responsible for:

First meeting after ordinary election

- (a) keeping the minutes of proceedings of the Assembly and of the Committee of the Whole Assembly. The minutes of proceedings shall record the members attending, all decisions made and details of every division held;
- (b) submitting the minutes of proceedings of each sitting as a true and correct record to the Speaker for his signature and distributing copies to members before commencement of the next sitting;
- (c) preparing a transcript of all debates conducted during a meeting;
- (d) tabling the transcript of a meeting on the first day of the next meeting;
- (e) recording from day to day in an Order Book all business of which notice been given. The Order Book shall be open for inspection by members during business hours and when the Assembly is sitting;
- (f) preparing and maintaining,
  - (i) a Notice Paper recording all motions entered in the Order Book which have not been dealt with by the Assembly.
  - (ii) an Order Paper listing the business for each sitting;

- (g) maintaining custody of the ballots, records, bills, ordinances, regulations and other documents placed before the Assembly which shall be open for inspection during business hours by Members and other persons;
- (h) ensure all ordinances passed by the Assembly are properly certified and forwarded to the Minister for assent and publication in the Solomon Islands Gazette.
- (i) perform such further duties set down in these orders or as resolved by the Assembly or directed by the Speaker.

**PART 3. MEETINGS AND SITTINGS**

**Meetings**

- Notice of meeting to members (54) The Assembly shall meet at least twice in any Provincial financial year by may sit as often as required to effectively carry out Provincial business.
- 7days notice in exceptional circumstances (55) The first meeting after an ordinary election shall be called as soon as practicable but no later than 30 days after the date of the election.
- End of meeting (56) Meetings shall be conducted in public.
- Speaker may adjourn meeting (57) Meetings shall be held at such place, date and time as the Speaker, on the advice of the Premier, shall decide and the Clerk shall place a notice giving these details on the Provincial Notice Board and such other places as are considered necessary or appropriate at least two weeks before the first sitting of the meeting.
- Notice of new date, time and place after adjournment (58) The Speaker shall also call a meeting if an absolute majority of members present a letter to the Speaker, signed by each member, calling for a meeting on the date stated in the letter. The letter shall state the reasons for calling the meeting and the business to be discussed at the meeting.



- (59) The Clerk shall also give notice to members of the place, date and time of the meeting not less than two calendar weeks prior to the date of the first sitting, in writing handed to the Member, or posted to the Member where the Member has a reliable postal address, or by radio or telephone message, or to a person nominated by the member, and at that time provide a list of matters to be considered at the meeting. This list will be for information purposes only and may be changed at any time. Member may move motion in relation to sitting days
- (60) In exceptional circumstances the Speaker may give members seven (7) days notice of a meeting. General business day
- (61) A meeting shall come to an end, and no further proceedings or business shall take place when the Assembly so decides upon a motion to adjourn the meeting moved by the Premier, or, if there is no quorum for two sitting days consecutively. Sitting times
- (62) The Speaker may adjourn the commencement date of a meeting before the due date after consultation with the Premier where unforeseen circumstances make it impracticable or impossible to proceed as scheduled. Adjournment of sitting
- (63) When a meeting is adjourned under S.O. 62 the Speaker will ensure that all Members are informed of the date, time and place to which the meeting has been adjourned. Speaker to determine quorum
- Sittings**
- (64) During the period of a meeting, unless it has been previously decided upon a motion moved by any member, the Assembly shall sit on week-days unless any such day is a Public Holiday. Sitting adjourned if no quorum
- (65) Any Member may move a motion, Meeting adjourns if no quorum on following day.
- (a) that the Assembly shall sit on any Saturday, Sunday or Public Holiday named in the motion or;
- (b) that the Assembly shall not sit on any day named in the motion.

Committee  
quorum

- (66) One day during each meeting shall be set aside for private members business and for oral submissions from the public under S.O. 105, provided that if there is no such business, executive business may be debated.
- (67) Sittings shall be from 9.00 am until 12 noon and from 1.30pm until 4pm, provided however, that the Speaker has the discretion to suspend, shorten or extend any sitting.
- (68) On any sitting day during a meeting the Assembly may by resolution adjourn the meeting to a later day provided that the date set by the adjournment motion shall be no later than fourteen (14) days after the date of the resolution.

**Quorums**

- (69) The quorum for any sitting of the Assembly shall be an absolute majority of members.
- (70) At each sitting of the Assembly, before proceeding with business, the Speaker shall determine if a quorum is present.
- (71) When, at any time during a sitting,
  - (a) the Speaker determines a quorum is not present
  - (b) a member draws the Speaker's attention to the lack of a quorum;

proceedings shall not continue until a quorum is present. If a quorum is not present within thirty (30) minutes the Speaker shall adjourn the sitting to the following day.

- (72) If a quorum is not formed under S.O. 70 or 71 and there is no quorum on the following day the meeting shall be adjourned until a date for a new meeting is set provided that such date shall be not later than fourteen (14) days after adjournment.

- (73) The quorum for any committee of the Assembly shall be one more than half its members.
- (74) If the Chair of the committee determines there is no quorum the committee meeting shall adjourn without conducting further business and shall stand adjourned until the next sitting day.

**Attendance**

- (75) All Members are expected to attend on each sitting of a meeting and remain present throughout the sitting unless they have a reasonable excuse for not attending. Reasonable excuse for not attending a meeting or any part of a meeting shall include,
- (a) health reasons,
  - (b) family emergency,s
  - (c) government business

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

- (76) Any Member who is unable to attend all or part of a meeting must give notice in writing to the Speaker in accordance with Section 15(1)(i) of the Act prior to the start of the meeting where the reason is apparent before the start of the meeting.
- (77) If any member fails to attend,
- (a) three (3) meetings without reasonable excuse in writing to the Speaker that member is disqualified from office under Section 11(j) of the Act.
  - (b) fails to provide reasonable excuse in writing for absence on three (3) consecutive sittings the member shall be suspended from attendance for the remainder of the meeting.

**Language and general conduct during sittings**

- (78) The proceedings and debates of the Assembly shall be in the English language, Solomon Islands pijin or a local language where it is a common language within the Province, except for written matters which shall be in English.
- (79) Offensive, abusive and indecent language shall not be used during the proceedings of the Assembly.
- (80) All members attending meetings shall be appropriately dressed which for men shall include a button shirt, tie, and trousers or sulu and for women appropriately equivalent attire.
- (81) During any meeting:
- (a) shall not refer to another member by name but by the name of the constituency the member represents,
  - (b) not read any material not connected with the meeting.
  - (c) may not eat or drink anything other than water during a meeting, other than during breaks.
  - (d) shall not sleep during a meeting,
  - (e) shall ensure that mobile phones are switched off during meetings.
  - (f) shall not consume alcohol on a sitting day until the sitting has concluded for the day.
  - (g) shall not smoke or chew betel nut.

**PART 4. ORDER DURING SITTINGS**

- (82) The Speaker shall be responsible for keeping order.
- (83) Where a point of order is raised on a matter not covered by these Orders the Speaker may make a ruling based on natural fairness and commonsense.

- (84) If the Speaker believes these Orders are not being followed the Speaker may make a ruling without a point of order being raised by a member.
- (85) Members shall stand to speak and shall address the Speaker.
- (86) The Speaker shall speak sitting down.
- (87) Where two members stand together the Speaker shall decide which member speaks first.
- (88) 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 speaking shall sit and allow the member raising the point of order to concisely state the point or order, and such point of order shall be ruled upon by the Speaker,
  - (b) to query a point raised by a member speaking but only with the consent of the Speaker and where a query is raised it must be brief, not raise new material, and any answer shall be part of the member's speaking time.
- (89) No member may make offensive statements about the private affairs of another member or of the staff of the Provincial Assembly.
- (90) If a member wishes to make a statement critical of another member it must be done by substantive motion of which due notice has been given.
- (91) A member may refer a point of order to the Speaker at any time.
- (92) The Speaker may rule on a point of order without it being raised by a member.

- (93) The Speaker may hear submissions from members on a point of order but once the Speaker has made a ruling it shall be final.
- (94) Where a point of order is not specifically dealt with in these Orders the Speaker may make a decision by reference to the Standing Orders and precedents of the National Parliament of Solomon Islands.
- (95) The Speaker may order the removal of any member who violates these orders or behaves in a disorderly or offensive manner. On the first occasion upon which a Member is removed under this order the Member shall be excluded for the remainder of the sitting and upon return shall apologise verbally to the Assembly.
- (96) Where a member violates these orders or behaves in a disorderly or offensive manner;
- (a) on a second occasion the Speaker shall order the removal of the member for the remainder of the sitting and the two following sittings.
  - (b) on any third or subsequent occasion for the remainder of the sitting and the four following sittings.
- (97) Any person, not a member, who is removed by the Speaker shall not be permitted to return for the remainder of the sitting.
- (98) Any member may move a motion for the suspension of any or all of these Orders. The Order or Orders shall be suspended upon a two thirds majority vote of members.

**PART 5. SPEECHES AND RULES OF DEBATE**

- (99) The routine of business shall be as follows:
- (a) Prayer
  - (b) Administration of Oaths
  - (c) Urgent motions
  - (d) Messages and announcements
  - (e) Petitions
  - (f) Questions
  - (g) Notices of new business
  - (h) Ministerial statements
  - (i) Papers
  - (j) Subsidiary legislation
  - (k) Executive ordinances
  - (l) Committee reports
  - (m) Members statements
  - (n) General Business
- (100) On the first day of each meeting the Premier shall be allocated one hour to make a speech regarding the present circumstances of the Province.
- (101) The Speaker in consultation with the Premier, where there is a business committee, the business committee shall determine the business for each sitting subject to these Orders. The Speaker shall issue an Order Paper for the information of the members thirty (30) minutes prior to the beginning of each sitting.
- Speeches**
- (102) Members wishing to speak shall observe the following rules:
- (a) Speeches shall be relevant to the subject matter being debated and except with leave of the Speaker shall not exceed thirty (30) minutes.
  - (b) A member who has not previously spoken may without notice move that debate on that matter be closed. Thereupon the Speaker shall immediately put the motion to a vote.
  - (c) If a motion under S.O. 93(b) is carried in the affirmative the mover of the original motion shall have a right of reply before the substantive motion is put to a vote.

- (d) The Speaker may order a member to cease speaking and sit down if the content of the member's speech is irrelevant, repetitious or offensive.
  - (e) In the Committee of the Whole Assembly a member may speak up to three (3) times, for no more than five (5) minutes each time, during debate on any question.
- (103) Provincial Ministers may make a statement on any matter relating to their portfolio at the time set down in the routine of business. The Minister must inform the Speaker of his intention no later than thirty (30) minutes before the beginning of the sitting. The Minister shall be allocated up to thirty (30) minutes. No debate will be allowed but the Speaker may allow short questions to the Minister for the purpose of elucidating points made in the statement.
- (104) Members may make statements of no more than fifteen (15) minutes, at the time allotted in the routine of business, after notifying the Speaker on the day prior to the sitting. If there is insufficient time at any sitting to allow for all members who wish to speak priority will be given to those members at the next sitting. No debate will be allowed but the Speaker may allow short questions to the member for the purpose of elucidating points made in the statement.
- (105) Oral submissions from the public may be made on the day set aside for private members business subject to the following rules,
- (a) application to make an oral submission must be lodged with the Speaker by the applicant in person at least fourteen (14) days before a meeting of the Assembly,
  - (b) when lodging the application the applicant must verbally advise the Speaker of the content of the submission.
  - (c) after hearing the application the Speaker shall consider its content and make a decision within two clear days whether the content is appropriate and the applicant shall be notified of the Speaker's decision,



- (d) the Speaker's decision shall be final,
- (e) if the Speaker approves the application it shall be the Speaker's responsibility to advise the applicant on the correct procedure for making the submission.
- (f) the applicant may address the Assembly for up to ten (10) minutes.
- (g) there shall be no debate or questions on the subject matter of the submission.

#### **PART 6. MOTION OF NO CONFIDENCE IN THE PREMIER**

- (106) Any Member may give notice of a motion of no confidence in the Premier subject to the provisions of Section 19(5) of the Act. Every Member may speak
- (107) Notwithstanding any other provision of these Orders, no member shall move a motion of no-confidence in the Premier, unless at least seven (7) clear days notice has been given and placed on the Notice Paper and on the Public Notice Board at Provincial Headquarters.
- (108) A motion of no-confidence under S.O. 106 must state in specific terms the grounds for the lack of confidence, being" If motion against Speaker defeated no further motion for twelve months
  - (a) gross misuse or neglect of the powers of the office; or
  - (b) misappropriation of public funds; or
  - (c) any other grounds which may bring the office into serious disrepute.
- (109) A motion of no confidence shall be listed under general business but on the day it is set down for debate shall take precedence over all other business. Effect of successful motion
- (110) Every member shall have an opportunity to speak once to the motion. Casual vacancy in office of Speaker

Person dismissed from office of Speaker may not nominate for 12 months

- (111) The Premier shall have the opportunity to speak in the debate and in addition to the mover of the motion shall have a right of reply at the conclusion of the debate immediately before the mover's right of reply.

When vacancy is filled

- (112) Where a motion of no-confidence is defeated no further motion of no-confidence shall be moved for a further twelve (12) months.

Effect of successful motion against Minister

- (113) Where a motion of no confidence is carried the meeting shall be adjourned for a period of forty eight (48) hours excluding weekends and public holidays.

Question Time each day

- (114) The first matter of business on the recommencement of the meeting shall be the election of a new Premier.

Rules for questions

- (115) Until a new Premier is elected the Deputy Premier shall be Acting Premier to maintain current services only.

**PART 7. MOTION OF NO CONFIDENCE IN THE SPEAKER OR PROVINCIAL MINISTER**

- (116) Any member may give notice of motion of no confidence in the Speaker or a Provincial Minister.
- (117) Notwithstanding any other provision of these Orders, no member shall move a motion of no-confidence in the Speaker or a Provincial Minister unless at least seven (7) clear days notice has been given by being placed on the Notice Paper.
- (118) A motion of no-confidence in the Speaker under S.O. 116 must be handed to the Deputy Speaker stating in specific terms the grounds for the lack of confidence, being:
- (a) gross misuse or neglect of the powers of the office; or
  - (b) misappropriation of public funds; or
  - (c) any other grounds which may bring the office into serious disrepute.

- (119) A motion of no confidence shall be listed under general business but on the day it is set down for debate shall take precedence over all other business.
- (120) In any debate of no confidence in the Speaker the Deputy Speaker shall be the presiding officer.
- (121) Every member shall have an opportunity to speak once to the motion.
- (122) The Speaker or Provincial Minister who is the subject of the motion of no confidence shall have an opportunity to speak in the debate and in addition to the mover of the motion shall have a right of reply at the conclusion of the debate immediately before the mover's right of reply.
- (123) Where a motion of no-confidence in the Speaker is defeated no further motion of no-confidence shall be moved within the next twelve (12) months.
- (124) Where a motion of no-confidence in the Speaker is supported by a two thirds majority the Deputy Speaker shall immediately declare that the office of Speaker is vacant.
- (125) A person removed from the office of Speaker under S.O. 124 shall not be eligible to nominate again for the office of Speaker within a period of twelve (12) months.
- (126) Whenever the office of Speaker becomes vacant under S.O. 124, or for any other reason, the Clerk will immediately announce the opening of nominations for the office of Speaker pursuant to S.O. 10 to 15.
- (127) If the election of a new Speaker to fill a vacancy under S.O. 124 does not take place within the meeting in which the vacancy occurs it shall be the first item of business at the next meeting.

- (128) Where a motion of no-confidence in a Provincial Minister is supported by a two thirds majority the Premier shall immediately remove that person from the executive position under the power conferred by Section 21(4) of the Act.

**PART 8. QUESTIONS TO THE EXECUTIVE**

- (129) There shall be a question time each day and the time set aside for asking questions shall not exceed sixty (60) minutes.
- (130) All questions shall be subject to the following rules.
- (a) Questions may be asked by any member, not a being a member of the Executive, to any Provincial Minister seeking information or official action on any matter for which the Provincial Minister has portfolio responsibility and the Provincial Minister is required to give a relevant answer.
  - (b) The member posing the question shall deliver to the Clerk a signed copy of the question no later than 10am on the day before the day on which the member wishes to ask the question. The Clerk shall give copies of the question to the Speaker, the Premier and the Provincial Minister to whom the question is addressed and shall place the question on the Order Paper in the order in which it has been received.
  - (c) Questions shall not contain argument, inferences, opinion or offensive words.
  - (d) As far as practicable members shall be afforded equal opportunity to ask questions however a member shall not ask consecutive questions unless no other member wants to ask a question and in any circumstances shall not ask more than three (3) questions at any one sitting.

- (e) Where the member of the Executive to whom the question is addressed is not present the Speaker shall ask the Premier to answer the question.
  - (f) After an answer has been given the member who asked the question may ask one supplementary question forthwith, without notice, for the purpose of elucidating the original answer. The Speaker shall rule out of order a supplementary question that introduces matter not related to the original question.
  - (g) If questions remain on the business paper after sixty (60) minutes the remaining questions shall be given priority on the next sitting day.
- (131) A question on a matter of public urgency may be asked under the following rules:
- (a) The Member shall hand a copy of the question, together with a statement of why it is urgent, to the Speaker no later than thirty (30) minutes before the sitting commences.
  - (b) The Speaker shall determine whether the matter is sufficiently urgent to warrant setting aside the normal notice period.
  - (c) A matter is urgent if it addresses a matter of significant public concern, suddenly arising, and for which there is not sufficient time for notice to be given in the normal way.
  - (d) If the Speaker determines the matter is urgent it shall have priority at Question Time.

**PART 9. PAPERS**

- (132) At the time set down in the routine of business any Member may table a paper and that paper shall be deemed part of the record of the Assembly.
- (133) After tabling all papers shall be available for inspection by members and the public during business hours.
- (134) The procedures for tabling papers are as follows:
- (a) A member who wishes to table a paper shall, at least 48 hours prior to the sitting day on which the member seeks to table the paper, provide a copy to the Clerk who shall record it in the Order Book and place it on the Notice Paper.
  - (b) The Clerk shall distribute copies of the paper to all members within twenty four (24) hours of receiving the paper.
  - (c) A member tabling a paper may move that the Assembly resolve itself into the Committee of the Whole Assembly to debate the paper in detail.
  - (d) The member may move in the following terms:
    - (i) that the Assembly take note of the paper
    - (ii) the Assembly reject the paper,
    - (iii) that the Assembly adopt the paper or any part of it as policy for the Province.
- (135) Where subordinate legislation has been approved by the Executive since a previous meeting the Premier shall lay on the table of the Assembly at its next meeting such subsidiary legislation. The validity of the subsidiary legislation shall continue unless revoked by a majority of members.

- (136) Any member may give notice of motion to the Clerk for revocation of any subsidiary legislation tabled at that meeting within five (5) sitting days of it being tabled by the Premier and the Clerk shall list it for debate on the day following, at the time set down in the routine of business.
- (137) If there is insufficient time to debate a motion to revoke subsidiary legislation at the current meeting the motion shall be given priority at the next meeting.
- (138) Revocation of any subsidiary legislation shall not affect anything done pursuant to its provisions prior to revocation.

#### **PART 10. MOTIONS**

- (139) The rules applying to motions are as follows:
- (a) except as otherwise provided in these Orders or with prior permission of the Speaker on grounds of public urgency, no member shall move a substantive motion unless such motion has appeared on the Notice Paper for two (2) clear days before the day on which it is to be considered by the Assembly.
  - (b) a substantive motion must concern matters within the legislative competence of the Assembly or relating to provincial services or functions of the Executive or be otherwise relevant to provincial affairs.
  - (c) Any motion which would have the effect of increasing revenue or expenditure shall be not moved except by or with the consent of the Minister in the Executive with responsibility for finances.
  - (d) If the Speaker is of the opinion that a motion contains offensive or inappropriate words or is otherwise improper or unclear, the motion shall be returned to the member who may amend the motion so that it conforms with these Orders after which it shall be printed in the Notice Paper as amended.

- (f) A member moving a motion shall be called upon by the Speaker to move and speak in support of the motion.
- (g) The Speaker shall then open the motion for debate. When all members who wish to speak have spoken in reply before putting the motion to a vote.
- (h) Every member shall be entitled to speak for up to thirty (30) minutes on any motion, and no member shall speak more than once.
- (i) A member having a right of reply may only answer matters raised in debate and shall not introduce new matter.
- (j) A member who believe he or she has been misquoted may seek to clarify the misunderstanding by raising a point of order.
- (k) A motion may be amended. Members may speak to the amendment as a new question which shall be voted on before further debate on the original question.
- (l) It shall be out of order to attempt to reconsider a specific question on which the Assembly has taken a decision during the current or preceding two meetings except, with the permission of the Speaker, by substantive motion to rescind that decision.
- (m) Any member may move a motion that a matter be dealt with urgently if it is in the public interest and to delay debate may cause harm to the Province.
- (n) A notice of motion may be withdrawn from the Notice Paper at any time before it is moved if the mover gives a written instruction to the Clerk to withdraw it.



- (o) A motion already moved may be withdrawn at the oral request of the mover before the question has been voted upon if the Assembly so agrees with no dissenting voice.
- (140) Any member may move an urgent motion subject to the following rules:
- (a) The member shall submit a copy of the motion to the Speaker no later than one (1) hour before a sitting commences.
  - (b) The Speaker shall determine if the subject of the motion is sufficiently urgent to be given priority on that sitting day.
  - (c) A matter shall be considered urgent if it addresses a matter of significant public concern, suddenly arising, and for which there is not sufficient time for notice to be given in the normal way.
  - (d) An urgent motion shall take priority over other business.

#### **PART 11. DISSOLUTION OF THE ASSEMBLY**

- (141) The Assembly is dissolved;
- (a) on the fourth anniversary of the date of the previous election,
  - (b) if the Assembly resolves that it be dissolved.
- (142) Any member may move that the Assembly be dissolved.
- (143) Following an ordinary election the Executive in place before the election shall remain in office until a new executive is sworn in for the purpose only of ensuring services are maintained, and shall not implement any new policy or initiative.

- (144) Notwithstanding any other provision of these Orders, no member shall move a motion for dissolution of the Assembly unless such motion has appeared on the Notice Paper seven (7) clear days before the day on which it is to be considered by the Assembly in accordance with Section 10(2) of the Act.
- (145) A motion to dissolve the Assembly must state in specific terms the grounds for dissolution.
- (146) A motion to dissolve the Assembly shall be debated only if the Speaker finds that the content of the motion shows:-
- (a) a gross misuse or neglect of Executive powers; or
  - (b) Misappropriation of public funds; or
  - (c) Any other grounds which brings the Assembly or the Provincial Government into disrepute.
- (147) Every member shall have an opportunity to speak to the motion.
- (148) A motion for dissolution shall require an absolute majority of members voting by secret ballot.
- (149) Upon the passing of a motion for dissolution of the Assembly, the resolution shall be forwarded immediately to the Minister for direction under the provisions of Section 10(2) of the Act.
- (150) Where a motion to dissolve the Assembly is defeated no further motion of dissolution shall be moved within the next twelve (12) months.

## **PART 12. VOTING**

- (151) Only elected members may vote on any question before the Assembly or in committee.

- (152) All voting shall be by open ballot unless otherwise provided for in these Orders and all votes of the Assembly shall be determined by a majority vote unless otherwise provided in these Orders.
- (153) Each elected member shall have one vote.
- (154) If the Speaker is presiding and there is an equality of votes the question shall be determined in the negative.
- (155) If the Deputy Speaker is presiding, the Deputy Speaker shall have an original vote, but if there is then an equality of votes the question shall be determined in the negative.
- (156) The outcome of a vote shall be determined by a simple majority of the collective voices of "yes" and "no", or a raising of hands, as determined by the Speaker, unless otherwise provided for in these Orders.

Stages of a bill

No debate on first reading

### PART 13. DIVISION

- (157) Any member may challenge the Speaker's decision on the voices or on a show of hands by calling for a division vote which shall be held forthwith.
- (158) When a Division is called, the Clerk shall announce each member's name and the member must say "yes" or "no" or "I abstain".
- (159) As soon as the Clerk has taken and recorded the votes he shall hand the list to the Speaker who shall state the number voting "yes" and the number voting "no" then declare the result of the division.
- (160) A member may abstain from voting and such abstaining shall be recorded along with the "yes" and "no" votes.
- (161) Where these Orders specify a secret ballot the Clerk shall prepare and issue each member with a ballot paper on which the member shall record his/her vote and return the ballot paper folded to the Clerk. The Clerk shall count the votes and give the count to the Speaker who will declare the result.

Second reading

Debate on second reading

**PART 14. PROCEDURE ON ORDINANCES**

- (162) The laws of the Province shall be known as ordinances. Each ordinance shall have a short title which is the name by which it shall be known and a long title setting out its purpose in general terms followed by the words "Enacted by the Provincial Assembly of Malaita Province".
- (163) Any member may propose an ordinance to the Assembly for its consideration.
- (164) Whenever the Clerk receives notice from an ordinary member proposing an ordinance the Clerk shall first seek advice as to whether the proposed ordinance.
  - (a) has objectives that are clear and unambiguous,
  - (b) is properly drafted in the correct format,
  - (c) is legally within the jurisdiction of the Assembly, and
  - (d) addresses a matter of relevance to the people of the Province.

The Clerk shall within ten (10) clear days of receiving the notice

- (a) provide a copy of the proposed ordinance to the Premier and the relevant Provincial Minister for comment with a request that any comments be provided within thirty days.
  - (b) within ten (10) clear days of the expiry of the time limit in sub-clause (1) above forward all advices that have been received to the member proposing the ordinance who shall within ten (10) days of receiving the advices lodge formal notice of the members wish to proceed by providing a copy of the ordinance to the Speaker.
- (165) When a Minister intends to propose an ordinance the Minister shall first give notice of that intention by providing a copy of the ordinance to the Speaker no less than ten (10) calendar days prior to the commencement of a meeting.

- (166) A separate memorandum shall accompany any proposed ordinance explaining its purpose and contents.
- (167) The proposed ordinance shall be divided into clauses numbered consecutively and have a descriptive note in the margin or at the head of each clause. Matters of detail relevant to the ordinance may be annexed to the ordinance in the form of a schedule or schedules.
- (168) If an ordinance does not comply with these Orders the Speaker shall return the ordinance to the responsible member for amendment with an explanation why it does not comply.
- (169) Where the Speaker receives a proposed ordinance under S.O. 164 or 165 and it is in order, the Speaker shall direct the Clerk to arrange for delivery of copies of the ordinance to all members as soon as practicable but no later than three (3) clear days before the first day of the meeting and the date of notice and short title shall be listed on the Notice Paper.
- (170) From the time the ordinance has been listed on the Notice Paper until it has been gazetted it shall be known as a bill.
- (171) Proposed ordinances shall be debated according to the following priority.
- (a) Appropriation Ordinances
  - (b) Executive Ordinances in the order determined by the Premier.
  - (c) Private Members Ordinances in the order they have been received by the Speaker.
- (172) If there is insufficient time to consider all ordinances at a meeting those not dealt with shall receive priority at the next meeting.
- (173) Immediately upon receipt of a proposed ordinance under S.O. 173 the Speaker shall provide a copy of the ordinance, memorandum and estimates to the Provincial Minister having charge of financial matters and the Assembly shall not consider the ordinance unless the Minister has acknowledged its receipt.

**PART 15. CONSIDERATION OF A BILL**

- (175) Each bill shall be considered in the following stages, first reading, second reading, Committee of the Whole Assembly and third reading.
- (176) There shall be no debate on the first reading. The first reading shall take place on the day decided by the Premier or, if there is a business committee, the business committee and shall be deemed complete when the Clerk reads out the short title, enters it in the minutes and enters a copy into the record of the Assembly.
- (177) The second reading shall take place immediately after the first reading and shall be limited to the purpose and general principles of the bill.
- (178) When called upon by the Speaker the member introducing the bill shall move "that the ...(short title)...bill be read a second time" and speak to the motion for no longer than thirty (30) minutes after which:
- (a) the debate shall continue until all members who wish to speak have spoken.
  - (b) members may speak for no longer than thirty (30) minutes.
  - (c) when the last member has spoken the mover shall then have a right of reply after which a vote will be taken.
- (179) If the motion is defeated no further proceedings shall be taken upon the bill nor may it be presented again during the meeting.
- (180) If the motion is approved, the second reading shall be deemed to be complete when the Clerk reads the title aloud and repeated by the Speaker.

- (181) After a bill has been read a second time it shall be referred immediately to the Committee of the Whole Assembly which shall consider it clause by clause, debating the detail of each clause but not general principles.

**Committee of Whole Assembly**

- (182) Subject to any special provisions otherwise provided for in these orders the procedures for the Committee of the Whole Assembly shall be governed by the same orders as for debate on other matters. Mandatory Committees
- (183) Amendments in committee may be moved upon written notice delivered to the Speaker before business commences on the day set down on the Notice Paper. Provincial Public Accounts Committee
- (184) Amendments must be relevant to the subject matter of the original proposed ordinance and must otherwise conform to these Orders. Appointment of Members
- (185) The Speaker shall call the number of each clause and each schedule in succession. If there is no debate on a clause or schedule or no amendment moved, or after any amendment has been considered and voted upon, the Speaker shall propose the question "that the clause, or the clause as amended, stand part of the bill". Training of committee members
- (186) If no member objects or no notice has been given of any amendment, the Speaker may call the numbers of more than one clause as a single group and propose that "the clauses as read stand part of the bill".
- (187) Consideration of a clause may be suspended until the remaining clauses of the Bill have been considered.
- (188) Each Member may speak up to three (3) times, for no more than five (5) minutes on each occasion, on every question put to the Committee and may move any amendment in accordance with S.O. 183 and 184.

(189) When every clause and schedule and any new clause or schedule has been considered the member in charge of the bill shall report bill with or without amendments to the Speaker after which the same member shall move "That the Committee report be adopted and that the bill ve now read a third time."

**Final stages of bill**

(190) There shall be no debate on the third reading and no amendment may be moved.

(191) If the motion for adoption of a bill on the third reading is approved, the Speaker shall read out the title and the Clerk shall write at the end of the ordinance "Enacted by the ..... Provincial Assembly" together with the date and the motion number.

(192) If the motion for adoption of a bill on the third reading is defeated no further proceedings shall be taken on the same ordinance during that meeting of the Assembly.

(193) After the Assembly has passed an ordinance the Clerk shall send certified copies to the Minister for assent under Section 30(2) of the Act.

(194) If the Minister refuses assent the Assembly may:-

- (a) at the first reasonable opportunity debate a motion moved by the member who presented the ordinance in order to consider such amendments as may be necessary to obtain the Minister's assent,
- (b) take such other action by resolution as is deemed appropriate to the circumstances of the Minister's refusal to assent to the ordinance, and
- (c) each member shall have the opportunity to speak on any motion under (a) and (b) above.



**PART 16. FINANCIAL PROCEDURES**

- (195) Excepts as otherwise set out in this Part, the procedure to be followed for the presentation, consideration and passage of any financial ordinance shall be identical to the procedures for other ordinances as set out in Part 14 of these Orders.
- (196) The Assembly shall not proceed to debate or pass any ordinance relating to income or expenditure to or from the Provincial Fund unless:
- (a) the bill is accompanied by an estimate of revenue and expenditure for the financial year to which it relates, or
  - (b) the proposed ordinance is only for the first four (4) months of the financial year, is intended solely to maintain existing services and is so certified by the Provincial Minister in charge of financial matters.
- (197) During the second reading, debate shall be on the financial and economic state of the Province and the general principles of the Executive's policies and administration as indicated in the bill and estimates.
- (198) After the second reading, the bill and estimates shall be referred to the Committee of the Whole Assembly immediately for detailed consideration of each schedule and clause and:
- (a) The schedules to the bill shall be considered before the clauses.
  - (b) In consideration of a schedule each head of expenditure or revenue shall be considered with the appropriate estimates.
  - (c) When considering a schedule the Chairman shall call the title of each head in turn and put the question "That the sum of \$..... stand part of the schedule".

- (d) When all the heads in a schedule have been considered the Chairman shall put a vote, without amendment or debate, the question "That the schedule stand part of the bill".
- (e) When every schedule has been voted on the Chairman shall call in turn each clause of the bill.
- (f) An amendment to an Appropriation Bill to increase or decrease revenue or expenditure shall only be moved by the Premier or the Provincial Minister of Finance.
- (g) An amendment to increase the sum allocated to any head shall take precedence over an amendment to reduce the sum.
- (h) An amendment to increase or decrease the sum allocated to a Head shall be moved in the following form, "That Head ..... be increased or decreased by \$..... in respect of Subhead..... Item ....."
- (i) An amendment to increase or decrease the sum allocated to a Head shall not be in order unless the Sub-Head and the Item number (if any) to which the increase or reduction applies are specified.
- (j) After the bill is passed by the Assembly, certified copies of the Appropriation Bill shall be sent to the Minister for assent, and, the bill shall be summarized by each Head of Expenditure and Revenue without reference to every Sub-Head and other such detail as contained in the Estimates.

**PART 17. MANDATORY STANDING COMMITTEES**

- (199) It shall be mandatory for the Assembly to establish a Provincial Public Accounts Committee and a Provincial Co-ordinating Committee. Procedures for these committees shall be governed by the same Orders as for debate on other matters provided that where these Orders do not cover a necessary procedure the committee shall determine its own procedure.

**Provincial Public Accounts Committee**

- (200) The Provincial Public Accounts Committee shall meet at least four times each Provincial Financial year.
- (201) The Speaker in consultation with the Premier shall appoint no more than seven (7), but where the number of members does not allow this, no less than four (4) members to the Provincial Public Accounts Committee none of whom shall be executive members.
- (202) Members shall be appointed for the full term of the Assembly and shall undergo training on their roles and responsibilities within six months of their appointment to the committee.
- (203) The Provincial Public Accounts Committee shall be responsible for electing its own chair, who shall be a senior and fair-minded person who should be seen to be fair-minded and respected by members of the Assembly.
- (204) The Provincial Public Accounts Committee shall have the following powers,
- (a) to adjourn from time to time and to meet on days other than sitting days,
  - (b) to adjourn from place to place,
  - (c) to send for and examine persons, papers, records and things,
  - (d) to make visits of inspection within the Province and if authorized by the Assembly within Solomon Islands,
  - (e) to request the attendance and examine members the Assembly.
- (205) The functions of the Provincial Public Accounts Committee are to examine and report to the Assembly on:
- (a) the account of sums paid and received by Executive in the current financial year under review

- (b) any draft estimates of revenue and expenditure prepared by the Executive in support of any appropriation ordinance,
- (c) the account of payments into and out of the Provincial Fund in the current financial year under review, balance sheet of assets and liabilities of the Executive,
- (d) the reasons for any under-collection of revenue and/or excess of expenditure,
- (e) any Provincial financial matter it thinks necessary to bring to the attention of the Assembly, including discrepancies or irregularities, but in doing so shall ensure that its focus is on the financial activities of the Assembly and accountability of financial performance, and shall not comment on or evaluate the content of Assembly policies,
- (f) the effectiveness of the Province's financial systems and procedures as set out in the Financial Management Ordinance and the requirements of Section 34 of the Act and where necessary make recommendations for improving financial and accounting control, and
- (g) steps taken to implement previous recommendations and may report to the Minister on any areas where it considers adequate steps have not been taken to implement its recommendations and any reasons given by the executive for its failure to implement the recommendations, and,
- (h) in regard to any inquiry may investigate any financial matter relating to any previous financial year if the matter is deemed relevant to the committee's inquiry.

- (206) The Provincial Public Accounts Committee may at any time seek the assistance of persons with financial qualifications as may be necessary to the carrying out of its functions.
- (207) In addition to the powers of all committee the Provincial Public Accounts Committee has specific power to call and examine public officers, Provincial Ministers, and any other person on any financial matter relating to the finances of the Provincial Government and the Province's jurisdiction.
- (208) The Clerk shall forward the Auditor General's report under Section 39(3) to the Chair of the committee within seven (7) days of its receipt by the Clerk or Provincial Secretary.
- (209) The Provincial Public Accounts Committee shall meet within twenty eighth (28) days to consider the Auditor General's report and an analysis of that report prepared by its secretariat.
- (210) The committee shall prepare a detailed report thereon for the consideration of the Assembly at its next meeting.
- (211) Any report under S.O. 210 shall be forwarded immediately to the Premier for consideration by the Executive prior to the Assembly meeting and a copy shall be forwarded to the Minister.
- (212) The Provincial Public Accounts Committee shall be supported by a competent secretariat which at minimum shall comprise an executive officer and secretary, both with accountancy qualifications.
- (213) The Executive shall ensure that adequate funds are available to fund the secretariat and may seek supplementary funding from the Ministry of Provisional Government or other external sources as may be necessary for this purpose.

- (214) The Committee shall submit a report to the Clerk after each meeting and where it considers a matter to be of an urgent nature shall have the power to direct the Clerk to call an additional meeting of the Assembly to consider its report.

**Provincial Coordinating Committee**

- (215) The Provincial Coordinating Committee has the function of co-ordinating relations between the Province and the National Government and between the Province and other Provinces.
- (216) The Provincial Coordinating Committee shall meet at least twice each calendar year but may meet on such other occasions as the Premier may decide.
- (217) The Committee shall consist of:
- (a) the Premier, as chair,
  - (b) each member of the National Parliament whose constituency includes any part of the Province,
  - (c) at least one member of the Assembly appointed by the Premier for each National Parliament Member.
  - (d) at least two community representatives appointed by the Premier.
- (218) The Provincial Coordinating Committee shall report to the first meeting of the Assembly after it has met.
- (219) Procedures for meetings of the Provincial Coordinating Committee shall be those applying to Standing and Special Committees.

**PART 18. STANDING AND SPECIAL COMMITTEES**

- (220) In addition to the mandatory standing committees the Assembly may establish by resolution such standing or special committees as it considers necessary to consider matters or ordinances which the Assembly may refer to such committees.
- (211) The Speaker, after consultation with the Premier, shall appoint the Chair and each member of a standing or special committee from the members of the Assembly.
- (222) A resolution to establish a standing or special committee shall state the terms of reference of the committee, the names of the members to be appointed to the committee, the powers of the committee and if it is a Special Committee the final reporting date.
- (223) A committee appointed to consider matters covered by broad terms of reference shall be termed a standing committee and shall cease to exist upon dissolution of the Assembly in accordance with section 10 of the Act.
- (224) A committee appointed to inquire into a specific matter shall be termed a special committee and shall cease to exist on the date set down in the resolution as its final report date.
- (225) Committees shall have the following powers,
- (a) to adjourn from time to time,
  - (b) to adjourn from place to place,
  - (c) to send for and examine persons, papers, records and things,
  - (d) to make visits of inspection within the Province,
  - (e) to request the attendance and examine members of the Assembly,
  - (f) to meet and transact business during the sittings or any adjournment of the Assembly.
  - (g) may require evidence presented to it to be given on oath or affirmation.

- (226) Standing committee shall table a report to each meeting of the Assembly.
- (227) Special Committees may table a report to each meeting of the Assembly but shall as soon as it has either completed consideration of the matter or ordinance assigned to it, or reached its final reporting date, lodge its report with the Clerk; and the committee shall then be dissolved.
- (228) If the Assembly is sitting the Clerk shall table a special committee report on the next sitting day after it is received however if the Assembly is not sitting the committee may recommend, with reasons, earlier release of the report and the Clerk shall, with the consent of the Speaker, make the report publicly available before it is tabled at the next meeting.
- (229) Standing and special committees shall observe the following procedures:
- (a) deliberations shall be confined to the matter or matters assigned to it by the Assembly,
  - (b) sitting times shall be determined by the Chair,
  - (c) sittings may continue after the adjournment of a meeting of the Assembly,
  - (d) the quorum of any committee shall be one more than half its members,
  - (e) The Chair shall appoint a member to keep appropriate minutes of all committee proceedings, and shall appoint a member to serve as chair in the Chair's absence.
  - (f) Voting, divisions and debate shall proceed in the Committee in the same manner as provided by these Orders for the Assembly.
- (230) When consideration of the report is concluded, the Chairman shall put the question "that the report be the final report of the Committee to the Assembly".



**PART 19. MISCELLANEOUS MATTERS****Committee on the Prerogative of Mercy**

- (231) After the election of the Premier following an ordinary election the Premier, or a member designated by the Premier, shall nominate a person to serve on the Committee on the Prerogative of Mercy for the term of the Assembly pursuant to Section 45(2)(b)(ii) and (3) of the Constitution.
- (232) The nominee may resign in writing to the Premier which shall take effect from the date it is accepted by the Premier.
- (233) The nomination may be withdrawn by a resolution carried by a two thirds majority of members.

**Petitions**

- (234) Petitions from citizens of the Province may be presented to the Assembly by Members provided they are in the correct form. Sample forms of petition are attached to these Orders as Appendices 1 and 2.
- (235) A petition must:
- (a) be in English or Solomon Islands pijin, or a local language where that is a common language within the Province,
  - (b) be clearly written, typed or printed,
  - (c) not have anything attached to it and not contain any alterations
  - (d) commence with the words "To the Speaker and Members of the Malaita Provincial Assembly,
  - (e) state the facts which the petitioners wish to bring the notice of the Assembly,
  - (f) conclude with a request that the Assembly do, or do, something or take some course of action; and the content of (c) and (d) must appear at the top of each sheet,
  - (g) each page to contain at least one signature,
  - (h) contain the name, address and original signature of each petitioner.

- (236) The Member presenting a petition:
- (a) cannot be a signatory,
  - (b) is responsible for ensuring that the petition is in order and must sign the front sheet to verify this.
  - (c) must lodge it with the Clerk by 12.00 noon on the day before it is to be presented.
- (237) The Speaker will call for petitions to be presented at the time set down in the routine of business. A member presenting a petition may briefly state the number and description of the petitioners and the subject of the petition.
- (238) No debate will be allowed upon the subject matter of any petition at the time it is presented and every petition presented is deemed to be received by the Assembly.
- (239) A Member may give notice of motion on a subsequent day that the subject matter of the petition be debated as an item of business under general business.
- (240) There is no requirement for a member to present a petition to the Assembly when requested to do so.

**Participation of others**

- (241) The Speaker may invite persons, not being members, to address the Assembly and may permit someone who is not an Assembly member to participate in an Assembly debate in order to give technical advice.

**Admission of public and press**

- (242) Members of the public and press shall be admitted to all sittings of the Assembly or its committee unless upon majority vote of members, or members of a committee, the proceedings are made private.

- (243) The grounds for making proceedings private are those concerning:
- (a) commercial-in-confidence matters,
  - (b) security of the province,
  - (c) matters under police investigation when no charges have been laid.
- (244) The public and press may not be admitted during the election of the Premier, Speaker and Deputy Speaker.
- (245) Members of the National Parliament representing a part of the Province shall be admitted to all sittings of the Assembly or its Committees notwithstanding S.O. 242 of this Order.

**Integrity provisions for members**

- (246) Members shall conduct themselves, both in public and private life so as not to:
- (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 Provincial Assembly of Malaita Province.
  - (d) have their integrity reasonably called into question or,
  - (e) endanger or diminish respect for or confidence in the Provincial Government of Malaita Province.
- (247) No member of the Assembly may,
- (a) use the office of member for personal gain,
  - (b) 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 the members compliance with the duties and responsibilities of a member of the Provincial Assembly of Malaita Province.

- (248) Every member shall lodge with the Clerk a Statement of Assets and Financial Interests for each year ending 30th June after the date of the member's election which the Speaker shall file with the Leadership Code Commission pursuant to the Leadership Code (further provisions) Act, 1979.
- (249) Interest to be included in a Statement of Assets and Financial Interests include,
- (a) real or personal property
  - (b) income,
  - (c) gifts,
  - (d) financial or other contributions to travel,
  - (e) shareholdings or other beneficial interests in corporations,
  - (f) partnerships,
  - (g) trusts,
  - (h) positions (whether remunerated or not) held in or membership of corporations, trade unions, professional associations,
  - (i) occupations,
  - (j) debts,
  - (k) payments of money or transfer of property to other persons,
- (250) The Speaker may at his or her discretion refuse to allow any member who has failed to lodge the required Statement of Assets and Financial Interests to vote or otherwise participate in Assembly meetings until the Speaker receives the Statement.
- (251) The Clerk shall maintain a Register of Statements of Assets and Financial Interests received under this Order and shall make them available for inspection by members of the public between the hours of 8 am to 12.00 pm and 2.00 pm to 4.30 pm on week days, public holidays excepted.
- (252) A member must declare any direct personal pecuniary interest in any matter that is the subject of a motion before the Assembly.

- (253) A member may speak and vote on any such matter, whether in the Assembly or in any Committee, subsequent to disclosing that interest.
- (254) When a disclosure is made under S.O. 22 any other member may move a motion without notice to disallow the participation of the interested member in the matter under consideration.
- (255) The Speaker shall have discretion whether or not to put a motion moved under S.O. 254 to a vote and in exercising such discretion the Speaker shall take into consideration.
- (a) the nature of the question upon which a vote is to be taken,
  - (b) whether the interest therein of the member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of the province.
- (256) If the Speaker determines that the motion for disallowance of a member's participation in the debate is to be put to a vote, the member concerned may be heard in his/her place before the vote is taken but shall, if the motion is carried, withdraw from the Assembly for the duration of the debate and any vote on the question.
- (257) If it is discovered after a vote that a member who voted held a pecuniary interest in the motion any member may move without notice to disallow that member's vote on the ground of non-disclosure of his personal pecuniary interest. The Speaker shall have the same discretion specified in S.O. 255.
- (258) If a motion for the disallowance of a member's vote is carried, the Speaker shall direct the Clerk to alter the numbers voting in the original division.

**Repeal of previous standing orders**

- (259) All prior standing orders are repealed in their entirety upon a resolution that the Assembly adopt these orders.





APPENDIX 3

FORM OF MOTION FOR ESTABLISHMENT OF A STANDING OR SPECIAL COMMITTEE

1. *(insert name of member moving motion)* move
1. That a standing (or special) committee be appointed to inquire into and report on  
*(insert subject of inquiry)*
2. That the committee consist of seven members being:  
*(list members)*
3. That the Chair of the committee be elected by the committee.
4. That the Chair shall appoint a member to serve as chair in the Chair's absence and a member to keep appropriate minutes of all committee proceedings.
5. That four members will constitute a quorum.
6. That the committee has the following powers:
  - a) to adjourn from time to time and place and to make visits of inspection within the Province,
  - b) to send for and examine persons, papers, records and things,
  - c) to request the attendance and examine Assembly members,
  - d) to meet and transact business during the sittings or any adjournment of the Assembly.
  - e) to require evidence presented to it to be given on oath or affirmation.
7. That the committee report to each meeting of the Assembly (or for a Special Committee by *(insert date)*).

Signed .....  
*(Member moving motion)*

Date:.....