



Tuvalu

**PARLIAMENTARY RULES OF
PROCEDURE**

2008 Revised Edition

Cap 1.02.3



Tuvalu

PARLIAMENTARY RULES OF PROCEDURE

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Tuvalu

PARLIAMENTARY RULES OF PROCEDURE

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 108 OF THE CONSTITUTION OF TUVALU, THE PARLIAMENT OF TUVALU MAKES THE FOLLOWING RULES OF PROCEDURE.¹

1 Construction

These Rules are subject to and shall be read together with the relevant provisions of the Constitution and other laws of Tuvalu.

2 Oath of Allegiance

- (1) The oath of allegiance prescribed by section 112(1) of and schedule 4 to the Constitution shall be administered by the Clerk to Parliament to every Member, including the Speaker immediately after prayers at the first sitting of Parliament at which such Member is present after he has been elected.
- (2) The oath of allegiance shall be made before Parliament by every Member of Cabinet notwithstanding that he may already have made an oath as a Member of Cabinet.
- (3) The oath of allegiance shall be repeated by any Member who is re-elected after a dissolution of Parliament.
- (4) Each Member shall make an oath of allegiance in Tuvaluan as follows: —
Au e tauto (taku tonu) atu me i au ka tautua mote fakamaoni ki te Tupu o Tuvalu. (Ke fesoasoani mai te Atua kia au).
- (5) In place of making an oath of allegiance a Member may take an affirmation of allegiance.

3 Language

- (1) Proceedings of Parliament and all records of proceedings in Parliament shall be conducted and recorded in the Tuvalu language.
- (2) Any item may first appear on the Order Paper in English or Tuvaluan but shall be subsequently translated at the request of any Member or at the direction of the Speaker.
- (3) A Member may speak in English or Tuvaluan but any speech, question, answer or comment shall, at the request of any Member or at the direction of the Speaker, be interpreted orally.
- (4) A Member may offer his own translation of any speech or item made or placed by him, failing which the Speaker's decision on the manner and content of any translation shall be final.
- (5) The translation of any Bill, statutory instrument or paper shall be at the discretion of the Speaker subject to the direction of Parliament.

4 Election of the Speaker

The procedure for the election of the Speaker shall be in accordance with the provision of section 104 of the Constitution, and shall be as follows: —

- (a) A meeting of Members shall be called under section 104(2) of the Constitution.
- (b) The Chairman for such meeting shall be the Clerk of Parliament in accordance with section 104(3) of the Constitution. He shall not have an original vote nor a casting vote.
- (c) If at any time during a meeting convened under paragraph (a) there are less than eight Members present the Chairman shall, after allowing a reasonable time for further Members to appear, close the meeting which shall be reconvened in accordance with paragraph (a).
- (d) The Chairman shall call for written nominations and when there are no further nominations shall put the list of nominees to the vote by secret ballot.
- (e) The nominee receiving the largest number of votes shall be declared Speaker. Should 2 or more nominees receive an equal number of votes, there shall be a further vote on those nominees. Should there still be a tie between 2 or more nominees the chairman shall eliminate by lot all but 2 nominees upon whom there shall be a further ballot. In the event of a further tie, the Chairman shall choose the Speaker by lot between those 2 nominees.
- (f) A Member may not nominate himself but may vote for himself.
- (g) Nominations shall not require to be seconded, but shall require the consent of the nominee.

5 Functions of the Speaker

- (1) The Speaker shall be responsible for keeping order in Parliament in accordance with section 106(3) and (4) of the Constitution, and for supervising the performance of the Clerk's duties.
- (2) The Speaker's decision on a point of order or on any other matter relating to the conduct of the business of Parliament is final and subject to these Rules no Member will challenge or openly criticize it.
- (3) The Speaker shall order any Member or other person whose conduct is grossly disorderly or who is persistently in breach of these Rules to withdraw from the chamber for the remainder of the day's sitting.
- (4) If a Member or person so ordered by the Speaker under sub-rule (3) above disobeys such order, the Speaker may adjourn the House and the Clerk shall report the matter to the police who shall immediately remove that Member or person from the Chamber.

6 Election of Acting Speaker

- (1) If the Speaker is for any reason absent from a sitting of Parliament, or if there is a vacancy in the Office of Speaker during a sitting, a Private Member elected by the Members as Acting Speaker shall preside and perform the functions of the Speaker during such sitting or part thereof, in accordance with section 107(1) of the Constitution.
- (2) The procedure for the election of the Acting Speaker, which election may be held as Parliament so decides, shall be in the manner and form as that prescribed for the election of the Speaker in Rule 4.
- (3) Any Member duly elected as Acting Speaker may continue to serve as such until relieved by the Speaker.
- (4) Any business outstanding to the Acting Speaker's name at any sitting may be disposed of as the Acting Speaker directs.

7 Functions of the Acting Speaker

All the powers and functions vested in the Speaker by these Rules of Procedure, the Constitution or other relevant Acts may be exercised and performed by the Acting Speaker.

8 Appointment of Clerk of Parliament

In accordance with section 115 of the Constitution there shall be a Clerk of Parliament who shall be appointed by the Public Service Commission.

9 Functions of Clerk of Parliament

- (1) The Clerk shall keep minutes of all proceedings of Parliament and of any committee of Parliament and after approval of the same by the Speaker shall distribute such minutes to Members and upon request may provide them to members of the public.
- (2) The Clerk shall keep an Order Book in which he shall record all items notified by Members and accepted by the Speaker for inclusion in Parliament's business. The Order Book shall be open for inspection by any Member at any reasonable time.
- (3) The Clerk shall —
 - (a) before the commencement of or during any session prepare one or more Notice Papers recording all items notified in the Order Book since Parliament last sat; and
 - (b) prepare for each day's sitting an Order Paper which must show all the business to be dispatched on such day and which Order Paper may be amended on the Speaker's motion during a sitting as the Speaker may subject to the direction of Parliament decide,and shall distribute such papers to all Members before the commencement of the sitting to which they relate, and upon request may provide them to members of the public.
- (4) The Clerk shall keep or cause written records to be kept of the proceedings in Parliament and Parliament-in-Committee and shall subject to the direction of the Speaker and of Parliament, make provision for public broadcasts of such proceedings.

10 Appointment and Functions of Assistant Clerk

- (1) There shall be an Assistant Clerk of Parliament who shall be appointed by the Public Service Commission.
- (2) The Assistant Clerk shall perform and carry out such duties and functions as may from time to time be imposed upon him by the Speaker or Clerk of Parliament, other than any duty or function which these Rules so require of him.
- (3) In the event of the Clerk of Parliament being absent or if the post of Clerk of Parliament is vacant, the Assistant Clerk shall act in that capacity and perform the duties and functions of that post on top of any duties imposed upon him by these Rules.

11 Parliament Reports and Records

- (1) The official report of the proceedings of Parliament and of Parliament-in-Committee or Committee of the Whole House, shall be compiled verbatim

from the taped record of proceedings under the direction of the Clerk who shall publish them in such form as the Speaker may direct and shall be distributed to Members and the Attorney-General as soon as practicable after publication.

- (2) In the event that the Clerk is satisfied that the verbatim record of any debate cannot be satisfactorily completed, he shall liaise with the Member concerned or the Attorney-General as the case may be for an appropriate record of the debate. The Speaker shall approve such record before it becomes part of the official report of the proceedings of Parliament.
- (3) If practicable Members' and the Attorney-General's speeches in Parliament should be cleared with the Members concerned or the Attorney-General, as the case may be, if the Clerk considers it necessary to do so for the sake of clarifying any ambiguity in the taped proceedings.
- (4) The Clerk shall keep a copy of the Official report of all Parliament proceedings in a sequence for each year.
- (5) Copies of the official reports of Parliament shall be made available to the public on payment of a fee to be prescribed by the Speaker.
- (6) At a subsequent sitting and as a matter of personal explanation a Member or the Attorney-General may make a statement pointing out an error in the report of his speech in the official report.

12 Behaviour and Dress of Members in Parliament

- (1) Members shall at all times of a sitting of Parliament wear ties or safari, but shall wear suits whenever the Head of State is present in Parliament
- (2) Except as provided in Rule 44(3)(c), Members shall not smoke in the Chamber and shall not eat or drink there during a sitting unless it be a glass of water or during an adjournment for the purpose.
- (3) Members shall enter and leave the Chamber with decorum and when doing so shall acknowledge the Chair by bowing.
- (4) Members shall not cross the floor of the Chamber unnecessarily.
- (5) Members shall not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business of Parliament.
- (6) While a Member is speaking all other Members shall be silent.
- (7) Members shall uphold the dignity of Parliament.
- (8) All Members shall rise each time Parliament is called to order upon entry of either the Speaker or His Excellency the Governor-General as the case may be.

- (9) All Members shall, at the beginning and at the end of a sitting and during any adjournment of a sitting rise and acknowledge the Chair by bowing.

13 Press and Public

- (1) Members of the press and public shall normally be admitted to all proceedings of Parliament and of Parliament-in-Committee but shall not be admitted to the proceedings of any other committee unless otherwise directed by Parliament.
- (2) The right of admission shall be subject to the availability of accommodation and to the preservation of order and decorum.
- (3) Members of the public shall be subject to the provisions of Rule 12 so far as the same can reasonably be held to apply to them.
- (4) A Member may without notice at any time move that strangers do withdraw either for the remainder of that day's sitting or during the consideration of certain business. Thereupon the Speaker shall put the question which shall be disposed of before Parliament proceeds with any further business.
- (5) The Speaker shall if such a motion is passed or may of his own motion order strangers to withdraw and the doors of the Chamber to be closed whereupon strangers shall withdraw from the Chamber.

14 Sessions of Parliament

- (1) When the Head of State has appointed a session of Parliament under section 116(1) of the Constitution notice thereof shall be given to all Members either by telegram or letter by the Clerk at least 21 days before the session is to commence:
Provided that
 - (a) in an emergency the Head of State, acting in accordance with the advice of Cabinet, may dispense with such notice in which case the longest possible notice shall be given;
 - (b) the Head of State may change the day, time or place for the commencement of any session on the advice of Cabinet.
- (2) Without prejudice to the provisions of sections 116 to 118 of and section 2(1) of Schedule 1 to the Constitution there shall normally be at least 2 sessions of Parliament in every calendar year.

15 Sitting of Parliament

- (1) Parliament shall not sit on Sunday except in an emergency.
- (2) Subject to any motion that may be moved to the contrary, and without prejudice to sub-rule (1) above, Parliament shall, during a session, sit

everyday except Saturday, or Public holiday, until Parliament business for that session is completed; Provided that should Parliament decide to sit on a Saturday or public holiday it shall indicate the nature of the business to be transacted on that day. Should it decide not to sit on any particular day or part of such day as the case may be it should make provision for business which would otherwise be transacted on that day or part thereof.

- (3) Subject to sub-rule (4) below, a sitting other than the first sitting of a session where the Governor-General formally opens Parliament may begin at any time between the hours of 9am and 2pm as the Speaker may decide having regard to the amount of business to be dispatched according to the Order Paper for such particular day, as well as any outstanding business deferred by a decision of the Speaker, from a previous day's sitting for dispatch on that particular day, during that same session:

Provided that subject to a short prolongation of a day's sitting in accordance with Rule 16 (4) below, any day's sitting of Parliament must not exceed six hours sitting time inclusive of any brief suspensions which the Speaker may allow for refreshments or for any other reason.

Notwithstanding the above, time spent by Parliament for the observation of a 'full lunch break' by Members, shall not be counted towards the computation of the six-hours sitting time as prescribed hereon.

- (4) The first sitting of a session shall commence at such time as the Governor-General, on the advice of Cabinet, may appoint. If there is to be a speech from the Governor-General, the first sitting shall normally commence not later than 10am:

Provided that any time taken up for the speech from the Governor-General will not be included in the computation of the six hour sitting time as fixed by the proviso to sub-rule (3) herein.

- (5) A sitting may be suspended for refreshment or other purpose at the discretion of the Speaker without question put.
- (6) If it becomes necessary to preserve order in Parliament, the Speaker may without putting the question, either suspend a sitting for a specified period of time during that same day, or adjourn such sitting day of the same session, as he may determine, provided of course that the time restriction in sub-rule (2) is not thereby exceeded.
- (7) In the event of the Speaker either suspending or adjourning a day's sitting in accordance with sub-rule (6) above, any outstanding or unfinished business shall be set down for completion on the Order Paper for an appropriate day during the same session as the Speaker may determine.

16 Adjournment of a Sitting and Adjournment Topics

- (1) At the end of any day's sitting time, such sitting shall be interrupted by the Clerk of Parliament by announcing the end of the sitting time. Save as hereinafter provided there shall be no further business after such interruption.
- (2) If Parliament is in Committee of the Whole House, Parliament shall resume in full session and subject to sub-rule (4) below, any unfinished business for that day's sitting shall be placed on the Order Paper for dispatch on an appropriate day during the same session as the Speaker may determine.
- (3) If a division is in progress at the end of a sitting time, the business shall not be interrupted as provided for in sub-rule (1) herein, until such time that business pertaining to such division has been satisfactorily completed.
- (4) Except as provided for in sub-rule (3) above, after such interruption, if the Speaker is of the opinion that the business then before Parliament or the Committee could be concluded by allowing a short prolongation of that day's sitting time then he may direct that Parliament or the Committee continues sitting until such business is concluded. If, however, the Speaker is of the opinion that such business then before Parliament or the Committee will take some time to conclude after such interruption, then he will rule that such unfinished business in that day's Order Paper be set down for completion on the Order Paper for an appropriate day during the same session as the Speaker may determine.
- (5) After Parliament has complied with whatever ruling the Speaker gives in accordance with sub-rule (4) or at the conclusion of business in the Order Paper whichever is the earlier, a Member of Cabinet shall move "that Parliament do now adjourn".
- (6) If, after the moving of the adjournment motion there is no adjournment topic set down on the Order Paper for the day's sitting, the Speaker shall proceed straight on to putting the question for adjournment. If, however, there is an adjournment topic set down for discussion on that day's Order Paper and having regard to any extra time that may have already been allowed by the Speaker beyond that day's sitting time in accordance with sub-rule (4) above, he may if he considers it expedient to do so, either call upon any Private Member to initiate the discussion on any public matter for which the government is responsible (herein referred to as an "adjournment topic") or order that any such adjournment topic be deferred for dispatch on another appropriate day as he may determine.
- (7) A Private Member wishing to raise an adjournment topic shall give notice thereof to the Speaker not later than one clear day before the sitting at which he wishes to do so. The Speaker shall not call upon any Private Member on more than two occasions in each session or more than two Private Members in each sitting.

- (8) A Private Member if called upon by the Speaker may raise two separate adjournment topics for discussion at the same sitting, but shall be confined to the same time limits as if he had raised only one topic.
- (9) A Private Member called upon to initiate an adjournment topic may speak for not more than 20 minutes in all. A Member of Cabinet shall then be called on by the Speaker to reply but it shall not be obligatory on the Cabinet to reply. The Member of Cabinet replying may speak for not more than 10 minutes in all.
- (10) When the Speaker is satisfied that the discussion on the adjournment topic in the Order Paper has concluded he shall then put the question for adjournment.
- (11) If at the end of 1 hour from the moving of the adjournment the motion has not been agreed to, the Speaker shall adjourn Parliament without putting the question.

17 Dissolution and Prorogation of Parliament

- (1) A session shall be concluded upon the dissolution of Parliament under section 118 (*dissolution of Parliament*) of the Constitution or upon prorogation under section 117 (*prorogation of Parliament*) of the Constitution.
- (2) On the last sitting day of a session the motion to be moved under Rule 16(5) by a Member of Cabinet shall be “That His Excellency the Head of State be now advised to prorogue Parliament” and reference to an adjournment in Rule 16 shall be construed accordingly. On the passing of this motion Parliament shall stand adjourned indefinitely and the Clerk of Parliament shall forthwith advise the Head of State.

18 Quorum

- (1) If objection is taken by any Member or the Speaker that there are less than 7 Members present in the Chamber besides the Speaker, the Speaker shall on being satisfied that the objection is correct announce that Parliament shall be adjourned unless under section 109(1) of the Constitution a quorum of 7 Members besides himself is present within 5 minutes.
- (2) If 7 Members, besides the Speaker, are not present in the Chamber within 5 minutes of any announcement made under the provision of sub-rule (1) then the Speaker shall adjourn Parliament until a time and date that he thinks appropriate in accordance with section 109(2) of the Constitution.
- (3) If at a time and date fixed by the Speaker under sub-rule (2) a quorum of 7 Members besides himself is not present, the number of Members actually present and qualified to take part in the proceedings is a quorum for the purposes of that day’s sitting.

- (4) Subject to sub-rule (3) if, from the number of Members taking part in a division, including abstentions, it appears to the Speaker that less than 7 Members are present, besides himself, he shall declare the division invalid and the question shall stand over and the procedure prescribed in sub-rules (1), (2) and (3) shall be followed.

19 Prayers

- (1) At the commencement of every sitting of Parliament other than the first sitting of a session, the Speaker shall lead Members in saying the following Prayers:

“Te motou Tamana tela i te lagi,
Ke tapu a tou igoa,
Ke oko mai a tou Malo,
Ke fai a te mea e loto a koe ki ei i lalo nei,
E pela mo te faiga i te lagi,
Tuku mai omotou meakai e tau mo te aso nei,
Kae fakamagalo mai omotou agasala,
E pela mo matou e fakamagalo atu,
Ki tino kola e se mai kia matou,
Kae sa takitaki a matou ki se tofotofoga,
Kae fakasao mai a matou mai ite masei,
Me e o koe a te Malo, te Malosi, mo te tavaega e se
Gata mai,
Amene.”

- (2) On the first sitting of a session, the Speaker may invite a representative of the Ekalesia Kelisiano Tuvalu to say the prayers on that sitting day.
- (3) When prayers are said as aforesaid in sub-rule (2), such representative may deliver a short religious address relevant to the occasions besides saying the prayers
- (4) Parliament shall be adjourned during evening devotion.

20 Speech from the Governor-General

- (1) The decision whether to make a speech shall be that of the Governor-General, acting on the advice of Cabinet. There shall normally be one such speech in each calendar year.
- (2) The Governor-General’s Speech shall be in the Tuvalu Language.

- (3) Copies of the Governor-General's Speech at the opening of any session, shall be made available to all Members at least 24 hours before it is to be delivered in Parliament.
- (4) Parliament shall cause the speech to be debated on the same day that it is delivered in Parliament:

Provided that and without prejudice to the provision of Rule 15 (*Sitting of Parliament*) no debate on the Governor-General's speech shall continue beyond the six-hour period without the consent of the Speaker.
- (5) If the Speaker is satisfied that every member has had an opportunity to comment on the Governor-General's Speech, he may stop any further comments on the Governor-General's speech and shall notify Members of his decision.

21 Order of Business - Speech Days

- (1) The order of business at the opening of the first sitting day shall be as follows: —
 - (a) Prayers;
 - (b) Oaths of Allegiance;
 - (c) Speech from the Governor-General;
 - (d) Speech of Thanks to the Governor-General;
 - (e) Suspension of Sitting under sub-rule (3)(c) below;
 - (f) Announcements by the Speaker;
 - (g) Obituary and other ceremonial speeches;
 - (h) Debate on the speech from the Governor-General;
 - (i) Motion of Adjournment.
- (2) The order of business for the second and subsequent sitting day(s) of a session which begins with a speech from the Governor-General shall be: —
 - (a) Prayers;
 - (b) Debate on the Speech from the Governor-General;
 - (c) Announcement or direction from the Speaker;
 - (d) Motion of Adjournment.
- (3)
 - (a) At the conclusion of the speech from the Governor-General on the first day, a Member who shall be privately nominated by the Speaker shall make a speech of thanks to the Governor-General.
 - (b) A speech of thanks made under this Rule shall be very brief and shall be limited to the expression of personal thanks to the Governor-General for attending Parliament and delivering the Speech.

- (c) At the conclusion of the speech of thanks, the Speaker shall suspend the sitting to allow for the Governor-General to leave the Chamber after refreshments, if any, and to a time not later than 2 p.m. of the same day, in which case the speech from the Governor-General shall stand committed for debate by Parliament as the Speaker may so direct under this Rule.
- (4) At the resumption of the sitting following the suspension under sub-rule (1)(e) and (3)(c) above Parliament shall proceed to dispatch normal business in accordance with the Order Paper prepared for that day's sitting.
- (5) At the resumption of the sitting to deal with the Speech from the Governor-General as required by sub-rule (3)(c) above, a motion without notice but placed in the Order Paper for that day, may be moved by a Member of Cabinet in the following form:
- “That Parliament do approve the policies and intentions of the government as set out in the Speech from the Governor-General”.
- (6) Debate on the motion shall not be limited to the terms of the motion but may range over the political, economic, and social conditions of Tuvalu.
- (7) Amendments, limited to the addition of words at the end of the motion, may be moved without notice, but shall be subject to the rules for debating amendments to motions as contained in Rule 36 hereafter.

22 Order of Business - on Speech Day

- (1) Subject to these Rules and in particular to Rule 21 herein, the business at any sitting where there is no speech from the Governor-General shall, unless the Speaker otherwise directs, be transacted in the following order:—
- (a) Prayers;
 - (b) Oaths of allegiance;
 - (c) Announcements by the Speaker;
 - (d) Obituary and other ceremonial speeches;
 - (e) Statements;
 - (f) Petitions;
 - (g) Papers;
 - (h) Questions;
 - (i) Bills;
 - (j) Motions.

23 Government Business Days and Private Members' Days

- (1) The first day of any session and in the case of a session commencing with a speech from the Governor-General the days taken up by the Governor-General's speech and debates on the speech, and subject to sub-rule (3), every alternate sitting day thereafter during the continuance of the session excluding any sitting day on a Saturday or public holiday shall be a Government Business Day:

Provided that if there is on any day fixed by this sub-rule as a Government Business Day no Government Business remaining to be completed in that day's sitting then that day or part thereof shall be a Private Members' Day.

- (2) Every sitting day in any session which is not a Government Business Day under the provisions of sub-rule (1) shall be a Private Member Business Day:

Provided that if there is on any day fixed by this sub-rule as a Private Members' Day no Private Members' Business remaining to be completed in that day's sitting then that day or part thereof shall be a Government Business Day.

- (3) A motion may with the leave of the Speaker be moved without notice to allow any day to be treated as a Government Business or as a Private Members' Day notwithstanding the provisions of sub-rules (1) and (2) or to allow any item or items of business to be dealt with on any particular day notwithstanding that is not business appropriate to that day.
- (4) At the commencement of a session a Member of Cabinet shall outline to Parliament the Government Business proposed for that session.
- (5) Subject to these Rules, the Bills and Motions to be considered by Parliament on Government Business Days shall be such as may be determined by the Cabinet and shall be set down on the Order Paper in such order as the Prime Minister may direct.
- (6) The Bills and Motions to be considered on Private Members' Days shall be those presented or proposed by Private Members and shall be determined by the Business Committee and set down on the Order Paper in such order as the Business Committee shall direct.
- (7) A member of the Business Committee shall, on the first Private Members' Day of any session outline to Parliament, the Private Members' business for that session.
- (8) A member of Cabinet may move any motion required by these Rules to be moved by a Member of Cabinet on either a Government Business Day or a Private Members' Day.

24 Statements

- (1) Any Member may make a statement concerning matters personal to himself which he wishes to expound to Parliament.
- (2) A Member of Cabinet or the Attorney-General may make a statement on any public matter for which the Government is responsible.
- (3) The Chairman of the Business Committee or of any other committee of Parliament may make a statement of behalf of that committee. In the event of the Chairman not being available any Member who is a member of any such committee may make a statement if he is authorized by that committee to do so.
- (4) Any Member or the Attorney-General wishing to make a statement in accordance with these Rules shall inform the Speaker of his wish before the sitting at which he wishes to make it and such request shall be placed on the Order Paper for that day.
- (5) No debate may arise on any such statement but the Speaker may allow short questions to be put to the Member or the Attorney-General making the statement following such statement for the purpose of elucidating it.

25 Petitions

- (1) A petition may only be presented to Parliament by a Member.
- (2) No Member shall be obliged to present any petition submitted to him but a Member may present a petition which has been refused by another Member.
- (3) Every petition to be presented shall be endorsed by the Member presenting it and shall be deposited with the Clerk for the Speaker's consideration, in accordance with sub-rule (4) below.
- (4) The Speaker shall approve a petition for presentation to Parliament, if: —
 - (a) it is addressed to Parliament;
 - (b) it is endorsed by a Member;
 - (c) it is properly and respectfully worded;
 - (d) it identifies and legibly names the signatories and their home islands and shows clearly the number of signatories; and
 - (e) in other respects it conforms to these Rules.
- (5) The Speaker shall indicate upon every petition his approval for presentation or otherwise and shall return to the Member depositing it any petition he disapproves for presentation.
- (6) A Member presenting a petition shall not make a speech upon its presentation but may indicate the number and descriptions of the petitioners, the substance of the petition, and whether or not it has his support.

- (7) Any petition presented to Parliament shall be laid upon the Table without question put unless any Member moves that it be referred to a select committee in which case that motion shall be decided forthwith without amendment or debate.
- (8) A petition presented under this Rule may be the subject of a motion or adjournment motion but no debate shall follow the presentation of the petition under this Rule.

26 Papers

- (1) All papers other than a report of a Select Committee or other committee, as provided for in these Rules, or the Auditor-General or others (as to which see Rules 45(14), 47, 48 and 51(1) and (2) respectively), shall be presented by any Member or the Attorney-General, as the case may be, and their presentation shall be entered in the record of proceedings.
- (2) A Member or the Attorney-General presenting a paper may make a brief statement of its contents after which such paper shall be laid upon the Table by the Clerk.
- (3) A paper presented under this Rule may be the subject of a motion or an adjournment topic but no debate shall follow the presentation of a paper under this Rule.
- (4) Except for the Estimates mentioned in Rule 35 (1) papers presented under this or any other Rule shall be lodged with the Clerk with not less than 19 copies at least 4 clear days before presentation. The Clerk shall distribute a copy of each paper to each Member as soon as possible after it is lodged.
- (5) Papers shall be numbered in an annual sequence of Parliamentary papers and shall be made available to the Public on such payments as the Speaker may prescribe.

27 Questions

- (1) A Private Member may address a question to the Government relating to : —
 - (a) any body established by or under an Act;
 - (b) any public matter for which the Government is responsible.
- (2)
 - (a) Questions will be asked on any Government Business Day and shall be placed on the Order Paper in such sequence as the Prime Minister may direct.
 - (b) No Private Member may ask more than 12 questions in one session.
- (3)

- (a) No question may be asked without notice except with leave of the Speaker which shall normally be granted for any questions on a matter of urgency.
 - (b) A Member shall give notice of a question by delivering a signed copy thereof to the Clerk not less than 5 clear days before the commencement of the session during which the question is to be asked.
- (4) Any Member of Cabinet or the Attorney-General may answer any question or supplementary question.
- (5) The answer to any question shall be printed in the Order Paper but a person answering a question orally may in doing so change the written answer.
- (6)
 - (a) Any Private Member may ask a supplementary question for the purpose of elucidating any answer (whether or not it is printed in the Order Paper), but not for the purpose of introducing matter not related to the original question.
 - (b) If a question appears on the Order Paper in the name of a Member who is not present, whether or not it is answered in writing on the Order Paper, it shall not be asked nor be the subject of supplementary question by any other Member unless the absent Member has specifically and in writing authorized another Member to ask the question in his name, under the provision of Rule 43(2).
- (7) A question shall not be made the pretext for a debate.
- (8) A question shall not:
 - (a) contain argument or opinions;
 - (b) contain a reference to more than one subject or be of excessive length;
 - (c) if it has been fully answered be asked again during the same session;
 - (d) seek information which is of its nature secret;
 - (e) be, or require any answer which would be, in breach of the rules for the content of speeches (see Rule 39).
- (9) A question should be specific and so framed as to give fair notice of the substance of the matter in question.
- (10) If the Speaker is of the opinion that a question infringes this Rule or Rules 12(7), 38 or 39 he may direct that it be placed on the Order Paper with such alterations as may be determined or refuse the question and inform the Member concerned that it is out of order. The Speaker may also inform any Member whose question duplicates that of any other Member and invite that Member to substitute a different question.
- (11) A Member may withdraw a question at any time before it has been fully answered, and any written answer to a question so withdrawn shall not appear on the records of Parliament.

- (12) The Speaker may place questions on the Order Paper in his own name and may authorize a Private Member to ask such questions under the provisions of Rule 43(2).

28 Publication, Presentation and Withdrawal of Bills

- (1) 19 copies of every Bill intended for presentation to Parliament shall be submitted to the Speaker through the Clerk by the Member in charge of the Bill not less than 12 days before the day it is to be presented. If a recommendation of a Minister is required under section 166(1) of the Constitution the same shall be endorsed on such Bill, and shall be recorded in the minutes of the proceedings when such Bill is presented.
- (2) No Bill shall be presented to Parliament unless not less than 14 days before the day on which it is to be presented —
- (a) the Bill has been published together with an explanatory memorandum by the Attorney-General setting out briefly in ordinary language the purpose and effect of the clauses of the Bill in such manner as the Speaker may in each case direct; and
 - (b) the long title and main features of the Bill have been provided to Radio Tuvalu and if functioning broadcasted by it ten days before the day it is to be presented in Parliament.
- (3) Immediately after publication of the Bill and its explanatory memorandum and in any event not later than 10 days before it is to be presented copies thereof shall be sent by the Clerk to every Member.
- (4) If a certificate to dispense with notice signed by the Governor-General has been laid upon the Table, a Bill may be presented notwithstanding that sub-rules (2) and (3) have not been complied with.
- (5)
- (a) The Bill shall be given a short title by which it is to be cited if it becomes law.
 - (b) Bill shall be given a long title setting out its purposes in general terms.
 - (c) The clauses of the Bill shall be preceded by the enacting formula “ENACTED by the Parliament of Tuvalu”.
 - (d) The Bill shall be divided into clauses numbered consecutively and having a descriptive note in the margin or at the head of each clause.
 - (e) The Bill may be divided into Parts and Divisions and may have schedule annexed to it containing matters of detail provided for in the clauses of the Bill
- (6) The Speaker shall refuse to allow any proceedings of a Bill which does not comply with the provisions of this Rule.
- (7)

- (a) The Member in charge of a Bill may at the beginning of the proceedings on it announce that he withdraws the Bill and shall be allowed to do so without question put.
- (b) The Member in charge of a Bill which is going through any of its reading stages in Parliament may with the consent of Parliament withdraw such Bill at any stage before its final reading.

29 Briefing on Bills

- (1) By way of assistance to Members, the Attorney-General after consultations with the Speaker, may convene briefing meetings for Members on Bills which have been published and scheduled for first reading at any session of Parliament. Such meetings may be convened at any time during the period between the time when Members have received their copies of Bills from the Clerk, under Rule 28(3), and the time when Bills are introduced in Parliament for first reading, under Rule 30.
- (2) The purpose of this rule is to enable the Attorney-General to brief Members on the contents of the more complicated Bills and to allow Members to seek clarification of any provisions in the Bills which they may find difficult to cope with before the same are introduced in Parliament, having regard to the importance for Members to fully understand the contents of the Bills before they can satisfactorily debate their principles and merits during first reading and when explaining them to the Island Councils after first reading.
- (3) The attendance of Members at meetings convened under this Rule will be optional.

30 First Reading of a Bill

- (1) Upon the presentation of a Bill the Member in charge of it shall move that the Bill be read a first time and may give an exposition of its contents and purpose. There may then be a debate on the merits and principles of the Bill but no amendment shall be moved to the question, "That the Bill be now read a first time"
- (2) If the motion for the first reading of a Bill is negatived no further proceedings shall be taken on that Bill in that session.
- (3) If the motion for the first reading of a Bill is agreed to the Bill shall stand committed to Parliament - in - Committee.
- (4) A Bill which has been certified by the Head of State under section 111 (2) (b) of the Constitution as urgent or as not of general public importance (by a certificate herein called a "Certificate of Urgency") shall not be considered by Parliament - in- Committee any earlier than the day next following that on which it was committed under sub-rule (3).

- (5) A Bill which has not received a Certificate of Urgency shall not be considered further by Parliament any earlier than the session next following that in which it was committed under sub-rule (3) and shall be subject to the procedure outlined in Rule 31. Subject to Rule 31A(3) it shall be for the Member in charge of the Bill to designate the session in which proceedings on the Bill should be resumed.
- (6) For the avoidance of doubt it is hereby declared that a certificate to dispense with notice under Rule 28(4) (which may be known as a “Rule 28 Certificate”) may be granted or refused by the Governor-General independently of the grant or refusal of a Certificate of Urgency.

31 Procedure for Bills without a Certificate of Urgency

A Reference to Kaupule

- (1) At the conclusion of every session one copy of any Bill which has not received a Certificate of Urgency and which has received a first reading, shall be sent by the Clerk to the Kaupule Secretary appointed to every Kaupule with the transcript of the debate on the first reading of such Bill for consideration and comment by such council in accordance with section 111 (2) of the Constitution.
- (2) When referring Bills to Kaupule as in sub-rule (1) above, the Clerk shall indicate the probable timetable for further proceedings on such Bills and the date by which the comments are to be received.
- (3) Any communication received by the Clerk from Kaupule through Kaupule Secretary on the merits or contents of such a Bill, shall be transmitted by the Clerk to the Member in charge of the Bill Not less than 21 days before the commencement of any sitting where the proceedings upon any Bill which has not received a Certificate of Urgency are to be resumed. The Clerk shall prepare a paper giving the comments received from each Kaupule and shall supply a copy of such paper to each Member.
- (4) It shall be the responsibility of the Member for each island to satisfy himself that his respective Kaupule has had the opportunity to consider such a Bill and comment on it before the session of Parliament in which proceedings on the Bill are due to be resumed.

B Second Reading

- (1) At the session in which proceedings on a Bill which has not received a Certificate of Urgency are to be resumed, the Member in charge of the Bill may either put the Bill down on the Order Paper for a second reading or seek Parliament’s approval under Rule 28(7) (b) to withdraw the Bill. Should the Bill be put down for a second reading or withdrawal be refused, the Member in charge of the Bill shall move that the Bill be read a second time and shall indicate his view of its acceptability of the Bill during which Parliament shall

consider and dispose of any comments received from the Kaupule but no amendment shall be moved to the question “That the Bill be now read a second time”.

- (2) If the motion for the second reading of a Bill is negatived, no further proceedings shall be taken on the bill in that session.
- (3) If the motion for the second reading of the Bill is agreed to the Bill shall stand committed to Parliament-in-Committee not earlier than the day next following.

32 Procedure in Committee — All Bills

- (1) When a Bill is being considered by Parliament-in-Committee, Members shall discuss the details of each clause, rather than the general principles of the Bill, taking into account the comments received from all Kaupule.
- (2) The Bill shall be considered clause by clause (or if the Chairman finds it more convenient, by groups of clauses) and, subject to sub-rules (4) and (5), any Member may propose an amendment to the Bill, whether for the addition, deletion or substitution of any clause or Schedule or of part of any clause or Schedule.
- (3) A Schedule to a Bill shall be considered in connection with and before consideration of the clause or clauses to which it relates.
- (4) All amendments proposed to be moved to a Bill shall be relevant to the subject matter of the Bill and where necessary shall comply with the provisions of section 166 of the Constitution.
- (5)
 - (a) Notice of amendments proposed to be moved to a Bill shall be given not later than one clear day before that on which the Bill is to be considered in Committee but with leave of the Chairman, subject to the direction of Parliament-in-Committee, amendments of which notice has not been given may be moved to a Bill.
 - (b) It shall be normal for the Chairman to allow amendments without notice for the correction of errors or oversights or for the improvement of the expression of the Bill. Any Member or the Attorney-General may draw the attention of Parliament-in-Committee to any minor error or oversight and propose how such error or oversight may be corrected. The Speaker may allow such amendments without motion put but subject to no Member raising an objection.
- (6) Parliament-in-Committee may refer the Bill to a select Committee for a report in the same or any later session and may adjourn further consideration of the Bill for that purpose or generally.
- (7) When all proceedings on a Bill have been completed by Parliament-in-Committee, Parliament shall resume in full session and the Member in charge

of the Bill shall report the Bill to Parliament and shall specify any amendments which have been made in Committee.

33 Final Reading and Passing of Bills

- (1) When a Bill has been reported by Parliament-in-Committee, Parliament shall be deemed to have ordered it to be set down for a final reading, and such order shall be so recorded in the minutes of the proceedings.
- (2) The Member in charge of the Bill shall thereupon and without notice move “That the Bill be now read a final time and do pass”.
- (3) The motion that the Bill be read a final time and do pass shall be decided without amendment or debate.
- (4) If the motion that the Bill be read a final time and do pass is agreed to, the Bill shall be deemed to be passed by Parliament and the Clerk shall read out the short title of the Bill, and shall number the same as an Act in a sequence commencing afresh each year and shall write at the end thereof “I certify that this is a correct copy of the Bill passed by the Parliament of Tuvalu this..... day of20”.
- (5) If the motion that the bill be read a final time and do pass is negated no further proceedings shall be taken on that Bill in that session and if the Bill is reintroduced at any later session it shall require to pass through all stages again.
- (6) Four copies of every Bill passed by Parliament certified as correct copies by the Clerk, and by the Attorney-General as being in order for the Head of State’s assent shall be submitted by the Clerk to the Head of State for his assent, which shall be indicated with the date thereof on the 4 copies sealed with the Parliament seal, one copy for the use of the Governor-General, one to be retained by the Clerk, one to be retained by the Attorney-General and one to be kept in the National Archives, which copies shall be the definitive version of all Acts enacted by Parliament.
- (7) Upon receiving the Head of State’s assent, the Bill shall be known as an Act and clauses shall be known as sections.
- (8) Immediately after an Act has received the Head of State’s assent the Clerk shall supply a copy each to the Secretary to Government for publication and the Officer responsible for the Publication of the Gazette.

34 Special Provisions for Amending Schedules to Acts

- (1) Where schedules to an Act may be amended by a resolution of Parliament in accordance with any provision to that effect in such an Act, Parliament may, when details of amendments to such schedule have been introduced in

Parliament, by way of a motion assume the role of Parliament-in-Committee in accordance with Rule 44 to consider such proposed amendments.

- (2) When all proceedings on the proposed amendments have been completed, Parliament shall resume in full session in accordance with Rule 44(4) and the debate may continue to dispose of the motion in accordance with these Rules.

35 National Budget: Special Rules

- (1) The National Budget in accordance with section 165(2) of the Constitution shall contain the details of the financial requirements to be provided for by a Bill for any Appropriation Act and the Development Fund Estimates motion.

It shall be —

- (a) lodged with the Clerk not later than 12 days before the day it shall be presented;
 - (b) provided to Members not later than 10 days before the day it shall be presented; and
 - (c) presented as a paper in the same session it will be presented.
- (2) Copies of the Minister's National Budget speech shall be made available to Members not less than 24 hours before the time fixed for the debate on the budget. The debate on the budget shall be held immediately after the motion for the first reading of the Appropriation Bill and the Development Fund Estimates motion have been jointly introduced into Parliament.
 - (3) Members in receipt of copies of the Minister's National Budget Speech shall not publicly discuss, publish, advertise or disclose in any form whatsoever, the contents of such speech which shall remain confidential until after the Minister has delivered the same in Parliament.
 - (4) Notwithstanding any other rule, the motion for the first reading of the Appropriation Bill shall be listed together with the Development Fund Estimates motion on the Order Paper for the sitting day on which the National Budget shall be presented and debated.
 - (5) The debate on the National Budget shall not be confined to the precise terms of the Appropriation Bill and/or the Development Fund Estimates motion but may relate to the financial and economic state of the country and the general principles of the Government policy as indicated by the National Budget.
 - (6) After the debate as aforesaid Parliament shall decide only on the question for the first reading of the Bill, after which the Appropriation Bill, Development Fund Estimates motion and the National Budget shall, as the case may be, stand committed to and shall be discussed jointly by Parliament-in-Committee.
 - (7) On consideration of an Appropriation Bill in Committee: —

- (a) the clauses of the Bill shall stand postponed until after consideration of the Schedule or Schedules;
 - (b) on consideration of every Schedule each head of expenditure shall be considered with the appropriate estimates;
 - (c) on consideration of a Schedule the Chairman shall call the title of each head of expenditure in turn and shall propose the question “That the sum ofdollars for head stand part of the Schedule,” and unless an amendment is proposed no debate may take place on that question;
 - (d) amendments to a Schedule shall be dealt with in the order in which they appear on the Notice Paper save that an amendment to increase a head (which may only be moved by a Member of Cabinet) shall take the head in the same respect and if it is carried, no amendment to reduce the head in that respect shall be called;
 - (e) an amendment to any head of expenditure to reduce the sum allocated thereto may be moved by any Member;
 - (f) an amendment to reduce a head of expenditure without reference to a sub-head therein shall be in order but a Member may vote against the inclusion of any head;
 - (g) an amendment to leave out a head shall not be in order but a Member may vote against the inclusion of any head;
 - (h) when all the heads in a Schedule have been disposed of by question put, the Chairman shall put forthwith without amendment or debate the question “That the Schedule (as amended if it be the case) stand part of the Bill”;
 - (i) when every Schedule has been disposed of the Chairman shall call successively each clause of the Bill and forthwith propose the question - “That the clause stand part of the Bill” and that question shall be disposed of without amendment or debate, save that an amendment to any clause consequential on an alteration in the total sum appropriated by a Schedule may be moved but only by a Member of Cabinet;
 - (j) when the question on the last of any consequential amendments to a clause has been decided the Chairman shall forthwith put the question “That the clause as amended stand part of the Bill”, and that question shall be decided without amendment or debate.
- (8) On consideration of the Development Fund Estimates motion in Committee, Parliament-in-Committee may where necessary and agreed amend any relevant detail in the National Budget.
 - (9) When proceedings have been completed by Parliament-in-Committee, Parliament shall resume in full session and the Member in charge of the Bill and the Development Fund Estimates motion shall report the same to Parliament and shall specify any amendments which the committee may have

made. Thereafter the Bill shall be deemed to have been ordered to be set down for final reading and shall be disposed of in accordance with Rule 33.

- (10) Immediately after the question on the final reading of the Bill has been disposed of, Parliament shall decide on the “question” on the Development Fund motion.
- (11) If a Supplementary Appropriation Bill is presented to Parliament, estimates containing the details of the estimated supplementary financial requirements contained in the Bill shall be presented as a paper in the same session as any such Bill and the procedure upon such a Bill shall be the same as for an Appropriation Bill except that no copies of the Minister’s speech on the first reading of the Bill shall be required to be circulated to Members.
- (12) To avoid any confusion, all Appropriation Bills and Supplementary Appropriation Bills shall be prepared in accordance with Rule 28 and section 165(1) of the Constitution.

36 Motions and Amendment to Motions

- (1) Except as otherwise provided in these Rules no motion shall be moved unless notice thereof has been given at least 2 clear days before the first sitting of the session during which the motion is to be moved.
- (2) A motion should be so framed as to give sufficient notice of the substance of the matter to which the mover seeks a reply.
- (3) Except as otherwise provided in these Rules no amendment shall be moved to a motion unless notice thereof has been given not later than one clear day before that on which the motion is to be considered by Parliament.
- (4) Subject to the direction of Parliament, the Speaker may give leave to dispense with notice of any motion, or any amendment to any motion.
- (5) Notice of a motion or an amendment to a motion shall be given by delivering to the Clerk a copy of the motion or amendment, signed by the Member wishing to move it. The Clerk shall inform Members of all motions and amendments as soon as possible after receiving notice thereof.
- (6) A motion or an amendment to a motion shall not: —
 - (a) contain arguments or opinions;
 - (b) be manifestly absurd, or of no effect or a disguised question;
 - (c) anticipate a Bill or another motion or any amendment of which notice has been given for the same session;
 - (d) be in breach of or likely to produce debate which would be in breach of the rules for the contents of speeches (see Rule 39) or of section 166 of the Constitution.

- (7) The Speaker shall direct that any motion or amendment to a motion be printed in the terms in which it was delivered to the Clerk, or with such alterations as the Speaker may determine, or that it be returned to the Member signing it as being in the Speaker's opinion out of order.
- (8)
- (a) A Member called upon by the Speaker to move a motion shall first state its terms, and may then make such remarks as he may wish in support of his motion.
 - (b) Thereafter the Speaker shall propose the question on the motion and debate may take place on that question.
 - (c) Each amendment to a motion of which notice has been given or dispensed with may be moved at any time after the question thereon has been proposed; such amendments shall be debated and voted on in the order in which they are proposed.
 - (d) After all amendments to a motion have been disposed of the Speaker shall propose the question on the motion as amended, and further debate may then take place.
 - (e) Immediately before the question is put on any motion or an amendment to a motion, the Speaker shall call on the mover of that motion or amendment to reply if he wishes to do so.
 - (f) No Member other than the mover of the motion or an amendment to a motion shall without leave of the Speaker speak on a question after the Speaker has so called on the mover.
 - (g) At the conclusion of such reply (if any), the Speaker shall put the question on the motion as amended or otherwise.
 - (h) No Member shall speak on a question after it has been fully put by the Speaker for decision.
- (9) Notice of a motion or an amendment to a motion may be withdrawn at any time before it is moved by the Member in whose name the motion or amendment stands so instructing the Clerk, or, after such motion or amendment to a motion has been moved, at the request of the mover before the question thereon is fully put, but subject to no Member raising an objection.

37 Motions to Defer Debate and to Put the Question

- (1) A Member who has been called upon to speak on any question proposed by the Speaker may move without notice that further debate be deferred and thereupon the question on that motion shall be put without amendment or debate.

- (2) If the motion to defer is agreed to the debate on the question then before Parliament shall stand deferred and Parliament shall proceed to the next item of business
- (3) If the motion to defer is negatived the debate on the question then before Parliament shall continue and no further motion for deferment shall be moved during that debate except by a Member of Cabinet on a Government Business Day or by the mover of the motion on a Private Members' Day.
- (4) Whenever proceedings are deferred under this Rule they shall be set down on the Order Paper for continuation as directed by Parliament at the time of deferment or as the Speaker may determine.
- (5) Any Member may with leave of the Speaker move without notice that the question be put without further debate, and thereupon the question on that motion shall be put without amendment or debate. The Speaker shall not give leave for such a motion unless he is satisfied that all Members have had an adequate opportunity to speak.
- (6) If the motion to put the question is agreed to the Speaker shall call on the mover of the question then before Parliament to reply to the debate thereon and at the conclusion of the reply (if any) the Speaker shall then put the question.
- (7) If the motion to put the question is negatived the debate on the question then before Parliament shall continue and no further motion to put the question shall be moved during that debates except by a Member of Cabinet on a Government Business Day or by the mover of the motion on a Private Members' Day.

38 Rules of Debate

- (1) A Member shall if able to do so speak standing and shall address his remarks to the Speaker. He shall not be entitled to stand or speak until he has caught the eye of the Speaker, who shall select which Member may speak at any time by calling on such Member to speak.
- (2) It will be normal to refer to Members as "The Honourable Member for" " or as "the Honourable Minister for" " or even by name.
- (3) A Member may read extracts from books, papers or documents in support of his argument and may refresh his memory by reference to notes.
- (4) A Member may speak as often as he wishes on any question being debated but the Speaker shall give preference to any Member who has not previously spoken on that question.
- (5) A Member shall not interrupt another Member except: —

- (a) on a point of order which is a point arising out of an alleged breach of these Rules, the Member speaking shall sit down and the Member interrupting shall direct attention to the point he wishes to bring to notice and submit it to the Speaker for decision; or
- (b) on a point of information or clarification to elucidate or seek elucidation of some matter raised by the Member speaking if that Member is willing to give way and sits down and the Member wishing to interrupt is called by the Speaker:

Provided that if the Member speaking is winding up a debate he shall give way and sit down.

- (6) Except for speeches in debating the Governor-General's speech under rule 20, or the Minister of Finance's budget speech under rule 35, all speeches on questions before Parliament, will be restricted to 30 minutes on the first occasion a member is asked to speak. Should a member be allowed by the Speaker a second and subsequent opportunity to speak on the same questions, the member may be allowed up to 10 minutes on each subsequent opportunity to speak unless a member is summing up in which case the Member may be allowed up to 30 minutes.

39 Contents of Speeches

- (1) A Member shall restrict his remarks to the subject under discussion and shall not introduce matters irrelevant to that subject.
- (2) A Member shall not adversely name individual public officers or members of the general public.
- (3) A member shall not make any statement which he is not in a position and prepared to substantiate before Parliament.
- (4) A Member shall not refer to the proceedings of a committee of Parliament before that committee has reported to Parliament
- (5) A Member shall not make remarks likely to prejudice a case pending in a court of law or a matter currently the subject of a commission of inquiry, nor remarks reflecting adversely on the decision of any court or commission of inquiry unless such decision be the subject matter of the debate or question.
- (6) A Member shall not make any remarks about the character or conduct of Her Majesty the Queen in her personal capacity.
- (7) A Member shall not use insulting or offensive language about any Member of Parliament or any other person.
- (8) A Member shall not use the name of Her Majesty the Queen or of His Excellency the Governor-General to influence Parliament.
- (9) A Member shall not wilfully disclose information which he obtained under an oath of secrecy, shall not use seditious, obscene or threatening language, nor

use in Parliament behaviour or language which if used outside Parliament would render him liable to prosecution under any law of Tuvalu.

- (10) A Member shall not raise in a session of Parliament any subject on which Parliament has made a decision during that session, except, with the leave of the Speaker on a substantive motion to rescind that decision.
- (11) A Member shall not persist in tedious repetition of his own or other Members' arguments.
- (12) The Speaker may direct the attention of any Member speaking to the foregoing and other provisions of these Rules and if a Member persists in being in breach of such provisions the Speaker may direct such Member to discontinue his speech.

40 Decision of Questions

- (1) Voting in Parliament shall be in accordance with the provisions of section 7(3), 63(2)(f) and 105 (1)(g) of the Constitution
- (2) All questions put to Parliament for decision shall be decided in the first instance by collection of voices, that is to say, the Speaker shall first call on those Members who are in favour of the question to say "Aye" and then upon those who are against to say "No".
- (3) According to his judgement of the number of voices on either side the Speaker may then state that he thinks the Ayes have it or that he thinks the Noes have it, as the case may be; and if no Member challenges his statement he shall declare the question to have been decided.
- (4) If: —
 - (a) the Speaker is unable to judge which side has the most votes; or
 - (b) any Member challenges the Speaker's statement that the Ayes or the Noes have it by claiming a division,then the Speaker shall order Parliament to proceed to a division.
- (5) When a division is so ordered the Clerk shall sound the division bell for two minutes or if no bell is available at least two minutes shall elapse before the votes are taken, but if the Speaker is satisfied that all Members are present, he may proceed immediately with the division.
- (6) The vote of each Member shall be taken by the Clerk who shall ask each Member separately in alphabetical order how he wishes to vote. A Member shall upon his name being called give his vote by saying "Aye" or "No" or expressly stating that he abstains from voting.
- (7) As soon as the Clerk has taken the votes, the Speaker shall state the number voting for the Ayes and for Noes respectively and the number of abstentions and shall declare the result of division.

- (8) In accordance with section 110 of the Constitution, the Speaker shall have an original vote but not a casting vote on:
- (a) a motion of no confidence in the Government; or
 - (b) a Bill for an Act to amend the Constitution.

In all other matters before Parliament the Speaker shall have a casting vote but not an original vote.

41 Directions of Parliament

When under any provision of these Rules any decision of the Speaker is stated to be subject to the direction of Parliament any Member may immediately upon the Speaker making such a decision and without notice move that Parliament makes an appropriate direction whereupon that motion shall be put without debate or amendment.

42 Disclosure of Interest

- (1) In accordance with section 97(1) of the Constitution, and in the absence of an Act of Parliament in relation to this matter, this Rule makes provision requiring the disclosure of interest by a Member who has such an interest in a matter under consideration, either in Parliament or in a Committee of Parliament.
- (2) The purpose of this Rule is to prevent Members from exploiting their public positions or Membership whether for private gain or to personal advantage of whatever nature whether direct or indirect, that he may have had, may have or may be expected to have.
- (3) For the purpose of this Rule, the word “interest” shall be interpreted in accordance with the purpose for which this Rule is made as in sub-rule (2) above.
- (4) In any proceedings of Parliament, or a Committee of Parliament, any Member who has an interest in any matter which is the subject of such proceedings, shall disclose his interest to Parliament, or a Committee of Parliament, as the case may be.
- (5) Any Member who has disclosed his interest in any matter before Parliament, or a Committee of Parliament, shall not take part in such proceedings except with the approval of Parliament or a Committee of Parliament.
- (6) When a Member has disclosed an interest in a matter before Parliament, or a committee of Parliament, the approval or otherwise of Parliament, or Committee, shall be expressed by the Speaker, or Chairman, as the case may be who shall decide as to whether such Member may take part in such proceedings.

- (7) When considering the participation or otherwise of a Member who has disclosed an interest in any proceedings as aforesaid, the Speaker, or Chairman, shall take into account the degree of exploitation of such Member's public position or membership for which private gain or personal advantage may be achieved by his participation in such proceedings.
- (8) Any Member who has not received the approval of Parliament, or Committee to take part in any proceedings before Parliament, or Committee, in accordance with sub-rule (5) above, shall forfeit the right to vote in such proceedings.
- (9) The deliberate failure of any Member to disclose his interest in any matter before Parliament, or Committee, shall be treated as a breach of this Rule and subject to any extenuating explanations which such Member can raise in defence of such failure, the Speaker, or Chairman, may disallow any remarks or voting made by such Member in the proceedings at which he had failed to disclose his interest, or direct the discontinuation of that Member's further participation on that particular matter then before Parliament, or Committee.
- (10) Notwithstanding the foregoing provisions in this Rule, the participation of Members in any proceedings dealing specifically with Members' terms and conditions of pay, allowances and other privileges (whether as Private Members, Ministers or Speaker) in Parliament, or Committee, shall not be regarded as a breach of this Rule, and any voting of Members in any such proceedings shall be valid.
- (11) For the purpose of this Rule, a Member's interest in any matter before Parliament, or Committee, shall include the interest of Members of his "immediate family", which term means the spouse, children (including adopted and step children) and parents (whether fosters or step parents).
- (12) By way of clarification, it is hereby declared that it is not the intention of Parliament that there should be any provision in this Rule to compel the vacation of a Member's seat in accordance with sections 97(2) and 96(1) (g) of the Constitution.

43 Non-Attendance of Members

- (1) A member who is absent for at least five days in a session of Parliament for reasons other than Parliamentary or Public Business, vacates his seat pursuant to section 96(1)(c) of the Constitution.
- (2) Whenever a Member is unable for reason of illness or otherwise, to attend a sitting of Parliament or part thereof, he shall ask leave of absence from the Speaker and any business standing in his name may be pursued by any other Member so authorized by him in writing, but unless so pursued such business shall lapse:

Provided that a Member of Cabinet shall not authorize a Private Member and vice versa.

- (3) Any Member may through the Speaker ask any other Member to visit his constituency with a view to reporting and discussing the proceedings of Parliament where:
 - (a) that Member was unable or will be unable to attend the sitting; or
 - (b) that Member is unable to attend his constituency.

44 Parliament-in-Committee

- (1) Any Member may at any time move that Parliament shall go into committee to discuss any particular item of business and if that motion be agreed to, or if by these Rules Parliament is required to go into committee, Parliament shall be deemed to be in a committee of the whole forthwith (herein known as “Parliament-in-Committee”).
- (2) When Parliament is in committee, the Speaker, or other person up to then presiding over Parliament, shall act as Chairman of the committee and shall be addressed as such. Every Member of Parliament shall automatically become a member of the committee and shall be referred to as such.
- (3) The provisions of these Rules shall apply to the proceedings of Parliament-in-Committee so far as they can conveniently do so, but —
 - (a) the Chairman shall join Members on the floor of Parliament;
 - (b) Members may speak without standing or formal address but shall remain subject to the control of the Chairman;
 - (c) Members may be served with coffee and tea;
 - (d) The Attorney-General will not be subject to the provisions of Rule 50(2). He will normally play a full part in any debate but shall not have a vote; and
 - (e) Parliament-in-Committee shall have power at the motion of any Member to invite any person to take part in the proceedings of the committee as if he were a member but not to vote. Such a person shall not be obliged to answer any question put to him by the committee or by the Chairman.
- (4) Except as provided for in Rule 32(7) at the conclusion of the Business of the Committee or at any other time, any Member may move that the committee be dissolved and that Parliament resume in full session.

45 Select Committee

- (1) Other than standing Select Committees for which special provisions have been provided in the next following Rules, Parliament may at any time resolve to constitute from amongst its Members one or more select committees to consider any matter which Parliament may refer to such committee.

- (2) The Speaker shall decide the size of every select committee and shall appoint the Chairman and members thereof as soon as possible after the committee has been appointed. The Speaker may appoint himself or any Member as Chairman or member of any such committee in accordance with section 106(1) and (2) of the Constitution:

Provided that any Member may, without notice and immediately after the question for the appointment of such Committee has been put and favourably decided upon by Parliament move a motion calling upon Parliament to decide on the size of such Select Committee having regard to the nature of the business for which such committee was appointed and the expense likely to be incurred in appointing a large Committee. A motion so moved shall be debated by Parliament in the usual manner and disposed of as it thinks best. However, if the size of the Committee agreed following such motion is less than the full membership of Parliament, the appointment of members and the Chairman shall be made by the Speaker as hereinbefore provided in this Rule.

- (3) The Speaker may appoint any person who so consents to act as adviser to any committee. In the event of a person being so appointed he shall attend and take part in meetings unless excused by the Chairman but shall not have any vote.
- (4) The quorum of a Select Committee shall be one half of the members excluding the Chairman and any adviser appointed under sub-rule (3) calculated to the nearest whole number.
- (5) A select Committee shall as soon as it has completed its considerations of the matter referred to it report to Parliament thereon and the committee shall thereupon stand dissolved.
- (6) A select Committee may be required to complete consideration of the matter referred to it either before the end of the session in which it was appointed, or by the next or some other session of Parliament. If a Committee is of the opinion that it will not be able to complete such consideration by the time specified it shall so report to Parliament or, if Parliament be not sitting, to the Speaker, who shall have power to extend the time for such consideration.
- (7) A select committee may co-opt as non voting members persons who have been but are not Members up to a limit of two-thirds of the Members of Parliament on the committee, but select committee shall be distinct from a Commission of Inquiry in its form, purpose and procedure.
- (8) A select committee may invite any person to give evidence either on oath or otherwise. The evidence of a witness shall be written down and shall be signed by him.
- (9) A select committee shall not be entitled as of right to the production of any book, document or thing nor to inspect any place to which its members would not otherwise have access but may draw such inferences as it thinks fit from the refusal of members of the public to provide such facilities.

- (10) The Clerk of Parliament or some other person appointed by the Speaker shall act as Clerk to any select committee and shall keep minutes of its proceedings including a record of any votes taken.
- (11) The proceedings of a select committee shall be governed by these Rules so far as they may conveniently be applied thereto.
- (12) A select committee shall sit at times and in places determined by the Chairman and shall not sit in public unless Parliament otherwise directs.
- (13) If the Chairman is unable to be present at any meeting, the committee shall appoint one of its members to act in his place for that meeting. The Chairman or person so acting shall not have an original vote but shall have a casting vote in the event of an equality of votes.
- (14) The Chairman of a select committee shall prepare or cause to be prepared a report on the agreed findings of the committee, which shall at the request of any member record any dissenting view within the committee. The agreed report and the minutes of evidence shall be presented at the next following session of Parliament as a paper by the Chairman of the Committee or in the event of the Chairman being the Speaker by a member of the committee nominated by him.
- (15) The evidence taken before a select committee and the proceedings and report thereof shall not be published by any person before the committee has presented its report to Parliament:

Provided that unless Parliament directs, the report of the select committee shall not be debated in the same session as it is tabled unless copies of the report have been distributed to Members not later than 10 days before the beginning of the session at which it was tabled.
- (16) If after having been appointed to a select committee under sub-rule (2) above, a Member either refused or deliberately neglects to attend meetings of any such committee for no good reason, he may be removed from membership of such committee by the Speaker who will, if necessary, appoint another Member as substitute.
- (17) Either during the same session at which the report of the Select Committee is presented, or at a later session, any Member may by motion seek Parliament's adoption and acceptance of such Committee's report and recommendations, if any.

46 Business Committee

- (1) There shall be a standing committee, known as the Business Committee, made up of 3 Private Members appointed by the Speaker to ensure balanced representation of all Private Members.

- (2) The functions of the Business Committee shall be those assigned to it by these Rules and such other matters connected with the business of Parliament as may be referred to it by the Speaker.
- (3) Any other Private Member or a Member of Cabinet may be invited by the Committee to take part in the deliberations of the Business Committee but shall not vote.
- (4) A quorum for the Business Committee will be 2 excluding any Member invited under sub-rule (3) above.
- (5) A member of the Business Committee shall, on the first Private Members' day of any session outline to Parliament, the Private Members' business for that session.

47 Rules Committee

- (1) There shall be a standing committee, known as the Rules Committee, made up of three Members appointed by the Speaker at the commencement of each Parliament.
- (2) The functions of the Rules Committee shall be to inquire into the practices and procedures of Parliament generally and as often as the Speaker thinks it necessary, to inquire into specific cases where the rules are either deficient or in conflict with other legislation or instrument, or to carry out any other review which Parliament may resolve so to order under Rule 55.
- (3) Except for the convening of the committee meetings following a resolution of Parliament under Rule 55 no meeting of this committee may be convened without the approval of the Speaker.
- (4) For all other purposes relating to the compilation and submission of reports, the attendance of witnesses, the quorum, the co-opting of non voting members, the sitting times and places for the meetings of the committee, voting during meetings and the keeping of minutes of proceedings of the committee, the provisions contained in the relevant sub-rules of Rule 45 (Select Committees) shall be strictly adhered to.

48 Privileges' Committee

- (1) There shall be a standing select committee, known as the Privileges' Committee, made up of three Members appointed by the Speaker at the commencement of each Parliament.
- (2) The functions of the Privileges Committee will be to inquire into and report upon complaints arising out of the application of the contents of the Prescription of Salaries Act relative to Members' entitlements and privileges, and to deal with any review of those entitlements and privileges as Parliament may, by resolution, so order.

- (3) Except for the convening of the committee meetings following a resolution of Parliament made in accordance with section 2(2) of the Prescription of Salaries Act, no meeting of this committee may be convened without the approval of the Speaker.
- (4) For all other purposes relating to the compilation and submission of reports, the attendance of witnesses, the quorum, the co-opting of non voting members, the sitting times and places for the meetings of the committee, voting during meetings and the keeping of minutes of proceedings of the committee, the provisions contained in the relevant sub-rules of Rule 45 (Select Committees) shall be strictly adhered to.

49 Public Accounts Committee

- (1) There shall be a standing select committee whose function shall be to consider any report of the Auditor-General on: —
 - (a) the public accounts of Tuvalu;
 - (b) the control of public money and property of Tuvalu;
 - (c) all transactions with or concerning public money or property of Tuvalu; and
 - (d) the accounts, finances and properties of any statutory board, body, commission or organization where a report on the examination and audit of any such accounts, etc, is laid before Parliament.
- (2) The committee shall consist of a Chairman and two other members all of whom shall be appointed by the Speaker from Private Members. The Chairman and one member of the committee shall form a quorum.
- (3) The committee may at any time co-opt one non voting member to assist it in the performance of its functions under this Rule.
- (4) Meetings of the committee shall be called by the Chairman as soon as practicable after the Auditor-General's report has been tabled and for purposes of this Rule the words "laid" or "tabled" shall be construed as meaning the receipt by the Speaker of the Auditor-General's report for tabling at the next following session of Parliament.
- (5) The committee may call any person or any public officer or, in the case of a report on the accounts of or relating to a non-government body or organization, to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also call any other person to assist the committee in relation to any such information, explanation, records or documents.
- (6) The Clerk of Parliament or some other person appointed by the Speaker shall act as Secretary to the Committee and shall keep minutes of the proceedings

of the committee and perform any other functions relevant to the business of the committee as the chairman may direct.

- (7) The Auditor-General shall act as Adviser to the committee as and when necessary.
- (8) Subject to these Rules, the practice and procedure of the committee shall be determined by the committee.
- (9) As soon as it has completed its consideration of any report tabled by the Auditor-General, the Chairman of the committee shall prepare or cause to be prepared a report on the findings and recommendations of the committee, and together with the agreed minutes of evidence, shall present them as a paper at the next following session of Parliament.
- (10) The evidence taken before the committee and the proceedings and report thereof shall not be published by any person before the Chairman has presented his report to Parliament.
- (11) Either during the same session at which the report of the committee is presented by the Chairman or at a later session of Parliament, any Member may by motion, seek Parliament's adoption and acceptance of the committee's report and recommendations.

50 Attorney-General

- (1) In accordance with section 79(5) of the Constitution the Attorney-General shall attend all sittings of Parliament and of Parliament-in-Committee unless excused by the Speaker, subject to the direction of Parliament.
- (2) The Attorney-General shall be entitled to take part in the proceedings of Parliament but except under Rule 24(2) or 27(4) shall only do so if invited by the Speaker of his own motion or at the request of any Member.
- (3) The Attorney-General is subject to these Rules in so far as they are applicable to him.

51 Reports to Parliament

- (1) Any report of the Auditor-General under section 172 of the Constitution together with the accounts reported on in that report shall be delivered to the Clerk for transmission to the Speaker who shall lay the same on the table and report the fact thereof to Parliament
- (2) Except as provided elsewhere in these Rules, where under any Act or other law any person is empowered to present a report to Parliament without the intervention of a Minister, such report shall be delivered to the Clerk for transmission to the Speaker who shall lay the same on the Table and report the fact thereof to Parliament.

- (3) Any Member may initiate a debate on the contents of any such report by way of a motion or an adjournment topic.

52 The Gazette

- (1) The Tuvalu Gazette shall be tabled as a Paper by the Minister responsible for the publication of the Gazette at the next session after its publication.
- (2) The Clerk shall ensure that a copy of the Gazette is circulated to each Member as soon as possible after publication. In the event that the Clerk is satisfied that Members have already received copies of any Gazette to be tabled then there shall be no obligation on him to provide further copies when demanded by any Member.
- (3) Any Minister may, on the tabling of the Gazette and after any statement on that tabling has been made, make a brief statement about any matter contained in the Gazette which is within the area of responsibility of his Ministry.

53 Unfinished Business

- (1) Subject to any other provision in these Rules and in particular Rule 33(5), any business which is unfinished at the conclusion of any session of Parliament may be resumed in any subsequent session:

Provided that:

- (a) subject to rule 28(7)(b), a Member in charge of any item of business may before the next following session notify the Speaker that he wishes to discontinue that item, whereupon it shall lapse; and
 - (b) any business unfinished upon the dissolution of Parliament shall lapse.
- (2) Any outstanding business carried forward from one session to another, in accordance with sub-rule (1), will automatically be accepted as business for the ensuing session, and the Member under whose name such business was originally filed with the Clerk need not submit any fresh notice in accordance with these Rules. However, should that Member wish to amend the wording of the original business, then he may be allowed to do so at the discretion of the Speaker.

54 Suspension of the Rules of Procedure

- (1) Subject to sub-rule (2), a motion which has the object or effect of suspending any of these Rules may, with the consent of the Speaker or at the Speaker's request, be moved without notice.
- (2) No such motion shall be moved which has the object or effect of contravening any of the provisions of the Constitution, the Public Finance Act, or any other Act which relates to or governs the procedure of Parliament.

55 Amendment of the Rules

Parliament may, by resolution, change these Rules but no motion shall be put effecting any change in these Rules unless the proposed change has been considered by the Rules Standing Committee under Rule 47(1) and the Report of the Committee has been tabled and decided upon by Parliament.

56 Interpretation

(1) In these Rules, unless the context otherwise requires —

“**Assistant Clerk**” means the Assistant Clerk of Parliament appointed under Rule 10;

“**Business Committee**” means the committee established by Rule 46;

“**Chamber**” means the room or building or area where Parliament is for the time being sitting;

“**Clear day**” means any day other than a Saturday, Sunday or public holiday (unless Parliament sits on such a day) and does not include the day on which notice is given nor the day on which it is to have effect;

“**Clerk**” means the Clerk of Parliament appointed under Rule 8;

“**Constitution**” means the Constitution of Tuvalu;

“**Kaupule**” includes the Funafuti Town Council;

“**Kaupule Secretary**” includes Island Secretary;

“**Member**” means a Member of Parliament;

“**Non Speech Day**” means any sitting day other than a Speech Day;

“**Private Member**” means a Member of Parliament other than the Speaker or a Member of Cabinet;

“**publication**” in relation to a Bill means the carrying out of both —

(a) publication by exhibition at the Government Office Building, Vaiaku, Funafuti, and

(b) copies of the Bill being made available to the public from the Parliament office free of charge or on such payment as the Speaker may prescribe;

“**published**” shall be construed accordingly;

“**sitting time**” means the six hours during which Parliament sits in session each day calculated from the time officially appointed for the commencement of the sitting, but shall exclude the time taken up for a full lunch break;

“**Speaker**” means any person presiding for the time being over the proceedings of Parliament;

“**Speech Days**” means the first and second sitting days of a session which begins with a Speech from the Governor-General;

“**Strangers**” includes all persons except the Members, the Attorney-General, the Clerk or other person specifically excepted by the Speaker;

- (2) In the case of a Member of Cabinet, any requirement in these Rules for the giving of notice on any matter by any Member shall be satisfied by such notice being given under the hand of the Member’s Secretary;
- (3) In cases of doubt and in all matters not provided for in these Rules the Speaker shall regulate the conduct of business in Parliament consistently with the usage or practice of the House of Commons of the Parliament of Great Britain and Northern Ireland so far as the same may conveniently be adapted to the circumstances of Tuvalu.

ENDNOTES

¹ Made by resolution of the Parliament of Tuvalu on the 30th day of November, 1994

Amended on 1st December, 2006