



THE NATIONAL PARLIAMENT OF PAPUA NEW GUINEA



Manual *of* Practice & Procedure



centre for democratic institutions

THE NATIONAL PARLIAMENT
OF
PAPUA NEW GUINEA

Manual
of
Practice and Procedure

First Edition

Prepared by

The Clerks of the Parliament

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This Manual has been prepared by the Parliamentary Service of the National Parliament of Papua New Guinea with the support of the Centre for Democratic Institutions, ANU Canberra,
www.cdi.anu.edu.au

First Edition, 2009

Editing assistance, formatting & artwork: Luke Hambly
Cover design: Luke Hambly | Photographs supplied by the
Parliamentary Service of the National Parliament of Papua New
Guinea

Printed by Ligare Pty Ltd, Riverwood, Sydney

FOREWORD

Papua New Guinea's National Parliament occupies a unique place in modern PNG society. It serves a people that are still culturally diverse in very many ways. This in itself provides a major challenge for our legislators. It has been variously referred to as the Parliament of a Thousand Tribes; a unifying institution; a guardian and symbol of sovereignty; and a bastion for people's democratic rights.



In recognition of these important roles, and their significance to the people of Papua New Guinea, those who are given the privilege and honour to represent their people in the Parliament have to be properly and adequately equipped to understand the process by which the Parliament fulfills these roles. To do this the Parliament wishes to provide its Members with relevant information, knowledge and guidance in the way it conducts and regulates its business when it meets. All Members must understand its rules, procedures and practice if they are to become effective representatives during their term in Parliament.

This manual has been prepared for Members with this in mind. It is a practical guide, and a ready and useful source of reference. It is a valuable piece of work that will assist newly elected Members, serving Members and parliamentary staff.

I am grateful to all who have contributed to its publication. I commend the Manual to all Members of Parliament and to anyone with an interest in how our Parliament functions.



The Hon. Jeffery Nape
Speaker of the National Parliament
August 2008

TABLE OF CONTENTS

	Page
FOREWORD	1
<hr/>	
HOW TO BE AN EFFECTIVE MEMBER	11
<hr/>	
Planning	11
Know what you want to achieve	11
Standing Orders	11
The Parliament conducts business in accordance with Standing Orders	11
Get to know the rules	11
Take ownership of the rules	11
Revision of the Standing Orders is in the hands of Members	12
PRINCIPLES AND ETHICS	12
<hr/>	
Parliamentary Privilege	12
The Parliament is not subject to outside control	12
Parliamentary privilege is part of the laws of Papua New Guinea	12
Parliamentary proceedings are protected by absolute privilege	13
No protection if statements are repeated outside the House	13
Limitations on what a Member may say	13
Parliamentary proceedings	14
A Member's first duty is to the Parliament	14
Matters of privilege are raised with the Speaker	15
Respect for the law	15

It is important to respect the laws Parliament has enacted	15
Be careful when using the protection of parliamentary privilege	15
Declaration of financial interest	15
Conflict of interests	16
Be aware of a potential conflict of interest	16
A Member can choose to step aside from debating particular business	16
Personal explanation	16
A Member can offer a personal explanation to the Parliament	16
Personal explanations cannot be debated	16
FUNCTIONS OF PARLIAMENT	17
Definition of Parliament	17
What constitutes Parliament	17
Attendance at Parliament	17
The National Executive	17
The Ministry	17
Collective responsibility of Ministry	17
Executive functions are not parliamentary functions	18
National Parliament	18
Functions of the Parliament are not codified	18
The Parliament provides the Government	18
The Parliament makes law	19
The Parliament scrutinizes the Government	19
The Parliament provides representation	19
The Mace	20

MANAGING PARLIAMENT BUSINESS **20**

The Speaker **20**

The Speaker presides over Parliament 20

Members acknowledge the Speaker when entering and leaving the Chamber 21

Speaker rising 21

Assistant Speakers carry out the Speaker's functions 21

Standing Orders are the rules of the Parliament 21

Sanctions can be applied if Standing Orders not observed 22

Obeisance to the Chair 22

Speaker's rulings **22**

Rulings are enduring 22

Notice Paper **22**

The Notice Paper is the Parliament's agenda 22

Notice Paper is on your desk in the Chamber 22

Sitting Times **23**

The Parliament has regular meeting times 23

Sometimes sittings are extended 23

Ringling of the bells **23**

Bells alert Members to various procedures 23

Management of the Parliamentary Complex **23**

National Parliament Committee facilitates management 23

CONDUCT IN PARLIAMENT **24**

Procedures **24**

Strict procedures ensure the will of Parliament is determined 24

Seating and Speaking	24
Seats are allocated by the Speaker	24
Members’ speak from allocated seats	24
When a Member may speak	24
Ministerial statements	24
Statement by Leader of the Opposition	25
Seeking the “call”	25
The Speaker allocates the call	25
Speaking in debate	25
Calling Members to speak	25
Members must speak standing	25
Members may speak sitting with permission of Speaker	25
Member not to be interrupted	25
Irrelevance or tedious repetition	26
Time limits for speeches	26
Debates not otherwise provided for	26
Extension of time	26
Closure of debate	26
Members are addressed through the Speaker	27
A point order may be raised	27
Interjections are permitted	27
Leave of the Parliament means approval granted without dissent	28
Any Member can object to leave being given	28
Tabling of documents	28
A document may be tabled by leave of Parliament	28
Misrepresentation	29
A Member may correct the record if misrepresented	29
Notice of Motion	29
Private Notices of Motion	29

Forms and advice available	29
Government Notices	29
Government business takes precedence	30
Private Member notices take precedence	30
Leave of the House for certain items of business	30
Moving Amendments	30
Amendments must be relevant and in writing	30
Order of amendments	30
Putting the Question	30
Speaker ‘puts the question’ when the Parliament is to vote on a motion	30
Voting	31
Divisions	31
Method of Voting	31
When division not taken	31
Member calling for vote	31
Closing of doors	31
Taking of vote	32
Confusion or error	32
Correction of mistake in Minutes	32
The Speaker’s casting vote	33
Languages used	33
Speeches can be in English, Pidgin or Hiri Motu	33
Orderly conduct of debate	33
Debate should be conducted in orderly manner	33
Disorder may arise	33
Speaker can order a Member to leave the Chamber	34
The Parliament may suspend a Member for being grossly disorderly	34
Suspension affects ability to participate in proceedings	34

and vote	
Duration of suspension	34
Grave disorder	34
Dress Standard	35
Business attire is expected in the Chamber	35
MAKING THE LAW	35
<hr/>	
The Parliamentary process	35
The Parliament debates, amends, passes and rejects bills	35
Formal legislative process begins and ends in Parliament	36
Initiation and notice of intention	36
Scope of title and clauses	36
Withdrawal of an irregular bill	37
Tabling a copy of bill	37
Readings	37
First Reading	37
Second Reading	37
Third Reading	37
Bill deemed to be circulated	38
When a second reading may be debated immediately	38
Questions on second reading	39
Bill lapses if second reading vote negatived	39
Committee of the Whole	39
Committee comprises all Members	39
Procedures less formal	39
Order of debate and voting	39
Form of amendments	40
Amendments may be circulated	40
Amendments in committee need not be seconded	40
Amendments ruled out of order if not within the scope of	41

the bill	
Amendments that may be ruled out of order	41
Disorderly amendments	41
Amendment out of order if it has significant financial impact	41
Committee reports	42
Record of Proceedings	42
Minutes of proceedings	42
Hansard	42
Members may ask for corrections	42
Hansard staff may check information with you	43
Debates are published within three weeks	43
Subordinate legislation	43
Some details of law-making are provided by regulations	43
Subordinate Legislation Committee	43
Committee reports to Parliament	43
FINANCING THE GOVERNMENT	44
Supply of public funds	44
Parliament controls the supply of funds to the Government	44
The Budget	44
Budget legislation sets out the Government's fiscal plan	44
Debate on the Budget	44
Special provisions for Supply and Appropriation bills and taxation proposals	45
Certification of bill by Clerk	45

MEMBERS MAY RAISE ISSUES OF CONCERN 45

Forms of debate 45

Grievance debate	45
Matter of Public Importance	45
Address-in-Reply	46

Parliamentary Questions 46

Questions ensure Ministers are regularly accountable to the Parliament	46
Members may seek information on any relevant matter	47
Content of Question is prescribed	47
Questions are checked to ensure they are in order	47
Questions without notice taken at beginning of day	47
Allocation of Questions	48
Asking a Question	48

Select Committees 48

Select Committees examine specific subject	48
Membership	49
Quorum	49
Meetings	49
Powers	49
Member must not disclose evidence	49
Chair prepares report	49
Alternative report	50
Consideration by the Parliament	50

Petitions 50

The public may petition Parliament	50
Form of petition	50
Presentation by Member	50
Clerk scrutinizes petitions	51

RELATIONSHIPS WITH OTHER PARLIAMENTS	51
<hr/>	
Official travel programme	51
Official travel	51
Places for official travel shared out proportionally among parties	51
Members normally set aside political differences	51
Visitors from other Parliaments	52
Overseas Parliamentarians visit Papua New Guinea	52
You are expected to assist with welcoming foreign visitors	52
Friendship Groups	52
Members can establish informal bipartisan friendship groups	52
PARLIAMENTARY FACILITIES	53
<hr/>	
Use of Parliamentary facilities and support	53
Members' offices	53
Member support	53
FURTHER READING	54
<hr/>	
INDEX	55
<hr/>	

HOW TO BE AN EFFECTIVE MEMBER

Planning

Know what you want to achieve

If you wish to make an effective contribution to the Parliament, much of what you want to achieve will need advance planning and an understanding of Parliamentary procedures.

Standing Orders

The Parliament conducts its business in accordance with Standing Orders

The Parliament conducts its business according to rules determined by the Parliament itself. These are known as Standing Orders. They are designed to ensure the Parliament and its committees go about their business with due deliberation, providing adequate warnings and opportunities for reflection and debate before decisions are taken.

Get to know the rules

The Standing Orders are your rules. They are prepared for Members guidance and you will be at a disadvantage if you do not familiarize yourself with them. To put your plans into action you will need an understanding of the rules, otherwise you may find that what you have planned to achieve is ruled out of order, and there is no time to revise your plan.

Take ownership of the rules

To be a successful parliamentarian you will need to take ownership of the rules and act responsibly within them. The Standing Orders can work for you if you plan and use them

effectively, but may seem to work against you if you do not.

Revision of Standing Orders is in the hands of Members

The Standing Orders Committee decides when to review Standing Orders and Members have an opportunity to raise any concerns about them at that time by making a submission. The Standing Orders Committee makes recommendations to the Parliament. A Standing Order can only be amended or revoked by resolution of the Parliament.

PRINCIPLES AND ETHICS

Parliamentary Privilege

The Parliament is not subject to outside control

Parliamentary privilege enables Members of Parliament, as the democratically elected representatives of the people, to go about their business without being subject to external control. This involves certain exemptions and immunities from general law.

Parliamentary privilege is part of the laws of Papua New Guinea

Parliamentary privilege is part of the laws of Papua New Guinea, and is enshrined under Section 3 of the Parliamentary Powers and Privileges Act, 1964. Basically they are the powers (other than legislative powers), privileges and immunities of the House of Commons of the Parliament of the United Kingdom. Ancillary powers and privileges are set out in Sections 5 and 6 of the Act. Privilege acts to protect Members collectively and as a

vindication of the Parliament's authority and dignity. It is only in this collective function of the House that the individual privileges are enjoyed by Members. It is not a device to enable individuals to act outside the law.

Parliamentary proceedings are protected by absolute privilege

Parliamentary proceedings are protected by absolute privilege, which means they cannot be questioned in a court of law. Anything said in Parliament cannot be subject to an action for defamation. This allows Members to speak in the course of parliamentary proceedings without fear of being sued for defamation. This also applies to committees; see Section 24 of the Permanent Parliamentary Committees Act, 1994.

Such a privilege or right is considered essential for the effective administration of any Parliament and enables Members to undertake their functions, including being able to speak freely and offer criticisms without fear of penalty. Members are advised, however, to use these privileges responsibly.

No protection if statements are repeated outside

Privilege does not, however, protect a Member if that Member repeats outside the Parliament words said in debate in the Parliament, for example, if the Member says he or she stand by what they said in the Parliament.

Limitations on what a Member may say

There is however some limitations on what a Member may say in parliamentary debate. These are:

- (a) A matter that is the subject of judicial proceedings,

- (b) Offensive words against Her Majesty the Queen, the Governor-General, another Member, or a member of the judiciary: **S.O. 77**, and,
- (c) Improper motives, offensive words, personal reflections and allegations against other Members are considered highly disorderly: **S.O. 78 and 79**.

Parliamentary proceedings

“Parliamentary proceedings” refer to the business of the Parliament and include debate in the Parliament and its committees. It also includes actions immediately linked to the Parliament such as lodging a petition, notice of motion, Questions on Notice, Questions Without Notice, writing to the Speaker on a matter of privilege or on a matter of public importance, and delivering printed copies of a bill for circulation to Members. It does not include a Member’s dealings with constituents, party meetings and caucus meetings.

A Member’s first duty is to the Parliament

Your first duty is to the Parliament and you are therefore entitled to claim certain exemptions, for example,

No Member shall be liable to arrest –

- (a) for any civil debt whilst going to, attending at, or returning from a sitting of Parliament or any committee thereof,
- (b) for any criminal offence while within the precincts of Parliament during parliamentary sittings or during a committee hearing, without the consent of the Speaker or the Governor-General, as may be appropriate.

Nor shall any process issued by any court, in

the exercise of its jurisdiction, be served or executed within the precincts of the Parliament while Parliament is sitting.

Matters of privilege are raised with the Speaker

If a Member considers the privileges of Parliament have been infringed in some way, the Member can raise the matter with the Speaker, in writing, at the earliest opportunity. The procedure for dealing with a matter of privilege suddenly arising is set out in Part X of the Standing Orders.

Respect for the Law

It is important to respect the laws Parliament has enacted

While absolute freedom of speech and the power to send for persons, papers and records provides an exemption and immunity from the general law not otherwise available, the principles behind the general law need to be respected. All laws are passed after due consideration by Parliament and while parliamentary privilege ensures that different legal provisions apply to parliamentary proceedings, that is not good enough reason in itself to act in a way that, for instance, breaches an individual's privacy or a court order.

Be careful when using the protection of parliamentary privilege

You should carefully consider the public interest before using the protection of parliamentary privilege in a way that transgresses other interests.

Declaration of financial interests

Before participating in any item of business before the Parliament, or a committee, Members should declare any financial interest

they may have in relation to that item of business. If a dispute should arise, the Speaker will decide whether a Member has such an interest.

Having declared a financial interest a Member is not prevented from participating in related proceedings. This is a matter of personal judgment.

Conflicts of Interest

Beware of potential conflicts of interest

Your actions will always be subject to close scrutiny. You should therefore always consider the possible result of your personal conduct in relation to your public positions.

A Member can choose to step aside from debating particular business

Members may step aside from a particular responsibility, such as chairing a committee while a particular item is considered. Parliament is not a court. It is a political environment where you can expect to be able to advance your ideas. So while there is no procedural requirement to do so it may however prove prudent.

Personal explanation

A Member can offer a personal explanation

With leave of the Speaker, a Member may explain a matter of a personal nature that impinges on the Member's personal integrity, or which has been misrepresented in the media.

Personal explanation not to be debated

A personal explanation may not be debated. Members making personal explanations must confine their remarks to the vindication. The

matter of concern must be personal to the Member and once the explanation is given, the Parliament accepts the word of the Member.

FUNCTIONS OF PARLIAMENT

Definition of Parliament

What constitutes Parliament

Parliament consists of the Members who have been elected. They are assisted by the Clerk and the parliamentary staff.

Attendance at Parliament

Members must attend all sittings of Parliament and should not absent themselves without obtaining leave of absence from the Parliament: **S.O. 29**. The attendance of all Members shall be recorded in the Minutes of Proceedings. **S.O. 27**.

The National Executive

The National Executive consists of the Head of State acting in accordance with Division V.2 of the Constitution and the National Executive Council.

The Ministry

The Ministry is the Parliamentary Executive and only Members of Parliament may be appointed to be a Minister.

Collective responsibility of Ministry

The Ministry is collectively responsible to the People, through the Parliament, for the proper carrying out of the executive government of Papua New Guinea and for all things done by or under the authority of the National Executive.

Executive functions are not parliamentary functions

When Ministers are carrying out their Executive functions they are not carrying out a parliamentary function. The Executive is drawn from Members of Parliament, but its functions are not functions of Parliament in the same way, for example, as being a member of a select committee. Parliamentary privilege does not, therefore, apply to Executive functions such as meetings of Cabinet or public statements arising from Cabinet decisions.

The National Parliament

Functions of the Parliament are not codified

There is no codified list in law, or within the Standing Orders, specifying the functions of Members of Parliament. Broadly, the rules governing the functions of the Parliament itself are based on the Standing Orders, past rulings of the Speaker, and precedents and conventions established by other parliaments, for example, the House of Commons of the United Kingdom, the Australian House of Representatives, Australian State and Territory parliaments and the New Zealand Parliament.

The Parliament provides the Government

The process of forming a government begins as soon as provisional results of a general election are known. If no party has an outright majority, negotiations begin among parties for coalition agreements and/or agreements on confidence and supply. These are political negotiations and take place before the Parliament meets. Members contribute through the party they represent or as independents. At the first meeting of Parliament and after the Speaker has been elected, a vote is taken to establish

which party leader has the majority support from Members. The Governor-General then invites that person to form a government. An interim Cabinet is announced and the first working session commences several weeks later after Parliament is officially opened. During this period the permanent Cabinet is announced.

The Parliament makes law

As a legislature the Parliament determines the laws of Papua New Guinea. Members can participate in this process by bringing ideas for laws to Parliament, participating in debate, considering bills in select committees, and consulting with constituents and interest groups outside Parliament.

Parliament scrutinizes Government

The continuation of the Government in office is always subject to it maintaining the confidence of Parliament. That confidence is regularly tested because the Government needs Parliament to legislate for the supply of public funds, for the imposition of taxation measures, and for the carriage of legislation in support of its policies. The debate associated with these requirements, like all parliamentary debate, provides frequent opportunity to put the spotlight on the Government. Daily Question Time also provides this opportunity while select committees carry out much of the detailed process of scrutinizing government activity.

The Parliament provides representation

Obviously most of the general public cannot attend sessions of Parliament in person to explain their views on particular issues and

participate in decision-making. Therefore, the role of an elected Member is to represent these views in Parliament. The general public is then bound by the majority decisions of those who represent them in Parliament. This is because participating in a representative democracy means taking responsibility for laws decided through this process. It is general adherence to these principles that gives legitimacy and popular support to our system of government. A Member's role is crucial in maintaining representative links with the community.

The Mace

The Mace is the symbol of authority in the Parliament and of its Speaker. It was originally a medieval weapon of hand to hand combat shaped like a club. Its earliest ceremonial role was as a symbol of royal authority. When the Speaker enters the Chamber at the beginning of a sitting day and leaves at the adjournment the Sergeant precedes the Speaker with the mace. It is placed on the table of the House during the sitting to signify that Parliament is in session. When the House resolves itself into the Committee of the Whole the Sergeant-at-Arms places it below the table on brackets mounted at the end of the table for that purpose.

MANAGING PARLIAMENT BUSINESS

The Speaker

Speaker presides over Parliament

The Speaker presides over Parliament, maintaining order, ruling on procedure, and

calling on Members to address the Parliament. Speaker's rulings are not open to challenge except by substantive motion. A Member otherwise challenging the Speaker is disorderly and such action may lead to the Member being ordered from the Chamber.

Members acknowledge the Speaker when entering or leaving the Chamber

Members are expected to acknowledge the Speaker every time they enter or leave the Chamber. This takes the form of a brief nod of the head. All Members stand as the Speaker enters at the beginning of the sitting day and when the Speaker leaves at the end of the day. A Member may not leave the Parliament while the Speaker is speaking: **S.O. 52**

Speaker rising

Whenever the Speaker rises during any debate, the Member who is speaking must sit down, and the Parliament shall be silent so that the Speaker may be heard without interruption.

Assistant Speakers carry out the Speaker's functions

The Parliament elects a Deputy Speaker while Assistant Speakers are appointed by resolution of Parliament. They are entitled to the same respect as the Speaker when they are presiding and their rulings have equal effect: **S.O. 13 to S.O. 17.**

Standing Orders are the rules of the Parliament

The Standing Orders of the Parliament are the rules by which its business is conducted. They have been determined by the Parliament to define the procedures that the Parliament will follow in conducting its business in an orderly, fair and efficient manner.

Sanctions can be applied if Standing Orders not observed

It is the duty of the Speaker and all Members to uphold them. Failure to do so is disorderly. Ultimately a Member may be found in contempt for continued disregard of the Standing Orders.

Obeisance to the Chair

Every Member shall make obeisance (bow) to the Chair when passing to and from their seat.

Speaker's Rulings

Rulings are enduring

The Speaker's rulings are not open to appeal and may only be challenged by the Parliament upon a substantive motion made with notice.

Notice Paper

The Notice Paper is the Parliament's agenda

All parliamentary business is set out on a Notice Paper which is produced each sitting day. It is the Parliament's agenda for that day's proceedings, although generally only the items near the beginning will be reached on that day. Business not reached carries over to a later day. The routine of business is set out in **S.O. 103(4)**. The order in which items appear is determined by the Leader of Government business, except on Thursday when the Private Business Committee may so determine: **S.O. 106**. The final Notice Paper is generally available a day before the meeting. Copies of the Notice Paper may be obtained from the Parliamentary Division or the Parliamentary Library.

Notice Paper is on your desk in

The printed Notice Paper is on the Member's desk in the Chamber each sitting day. It is also

the Chamber

available after 5 pm the day before from the First Clerk Assistant's office.

Sitting Times

The Parliament has regular sitting times

Each sitting, other than the first sitting day of a new Parliament, begins at 10.00 am and concludes at:

5.00 pm on Tuesday,

8.00 pm on Wednesday,

5.00 pm on Thursday, and,

1.00 pm on Friday, unless the Parliament otherwise decides.

Extension of sittings

From time to time Parliament agrees to extend sitting times by suspending Standing Orders. This is done by way of motion without notice.

Ringling of the bells

Bells alert Members to various procedures

A bell will ring throughout the parliamentary complex for the following purposes:

(a) Ten minutes before the Parliament is about to meet.

(b) For a division

(c) For a quorum

Management of the Parliamentary Complex

National Parliament Committee facilitates management

The National Parliament Committee assists with the smooth running of the Parliamentary complex. It consists of the Speaker as chairman and four other Members of Parliament. The Committee advises the Speaker on the administration of the parliamentary building and precincts and its services and facilities.

CONDUCT IN PARLIAMENT

Procedures

Strict procedures ensure the will of Parliament is determined

While the procedures of Parliament may appear unnecessarily complicated they ensure an orderly process is followed that enables the will of the Parliament to be clearly determined.

Seating and Speaking

Seats are allocated by the Speaker

Any question with regard to the seats occupied by Members shall be determined by the Speaker: **S.O. 28.**

Members speak from allocated seats

Members are generally expected to speak from their allocated seat.

When a Member may speak

A Member may speak

- (a) to any question before the chair that is open to debate,
- (b) when moving a motion that is open to debate,
- (c) to move an amendment,
- (d) to make a point of order,
- (e) on a matter of privilege,
- (f) on a matter of public importance, but not otherwise.

Ministerial Statements

Ministers may make statements relating to matters of Government policy or public affairs, after which at the Speaker's discretion,

Members may ask questions relevant to the subject. The Opposition has a right of reply on the motion, “That the Parliament take note of the statement”. The Chair may rule out a closure motion until the Opposition has been given the opportunity to reply.

Statement by the Leader of the Opposition

The Leader of the Opposition has a similar right to make a statement relating to Opposition policy or public affairs. Members may also ask relevant questions and the Government has a right of reply.

Seeking the ‘call’

The Speaker allocates the call

When two or more Members rise at the same time to seek the call the Member called upon by the Speaker has the right to speak. Among other factors the Speaker keeps in mind is the need for proportionality to be maintained.

Speaking in debate

Members must speak standing

Members must speak standing and must address their observations to the Speaker.

Member may speak sitting with permission of Speaker

With the Speaker’s permission, a Member unable to conveniently stand by reason of sickness or infirmity may speak sitting.

Member not to be interrupted

When a Member is speaking no other Member may converse aloud or make any noise or disturbance that interrupts the Member speaking but a Member may be interrupted on a point of order, or a closure motion.

<i>Irrelevance or tedious repetition</i>	The Speaker may direct a Member to discontinue speaking if the Member persists in irrelevance or tedious repetition.
<i>Time Limits for speeches</i>	Specific time limits are set down in Standing Order 91.
<i>Debates not otherwise provided for</i>	In debates not otherwise provided for the mover may speak for thirty (30) minutes and other Members twenty (20) minutes.
<i>Extension of speaking time</i>	With the consent of a majority of Members, a Member whose speech has been interrupted under Standing Order 91 may be allowed to continue for a period not exceeding five (5) minutes. No extension is allowed in discussion on a matter of public importance, grievance debate, and the Budget.
<i>Closure of debate</i>	While most debates have time limits, some do not. Where the debate is not time-limited Members may sometimes seek to finish the debate by moving a ‘closure’ motion. To do this the Member must rise, and without notice, and whether any other any other Member is addressing the Chair or not, move the motion, ‘That the question be now put’. A Member cannot move the closure at the end of their own speech. The Presiding Officer has discretion whether to accept the motion. If the motion is accepted, the question ‘That the question be now put’ will be taken immediately. If the motion is resolved in the affirmative the mover, if entitled to a reply, will speak in reply prior to the main question being put.

Members are addressed through the Speaker

All debates in Parliament are conducted through the chair. Each Member must address the Chair by saying, ‘Mr. Speaker ----’. Members should not address each other in the second person, for example, ‘you’ but in the third person, for example, he, she, the Member, the Minister and so on. When identifying another Member during a speech the Member speaking should address other Members by their constituency title, for example, The Honourable Member for xxxxxx, after which the abbreviated form given above may be used.

A point of order may be raised

A Member may raise a point of order at any time by rising in his or her place and addressing the Speaker with the words. “Mr. Speaker, I wish to raise a point of order.” A point of order, takes precedence over all other business, must be brief, address a perceived breach of the rules of the Parliament, and will be heard in silence. It cannot be used as a subterfuge to raise matters relevant to the debate. The Speaker may permit other Members to speak to the point of order before making a ruling. Once the Speaker has ruled on the point of order that is the end of the matter. The ruling cannot be challenged except upon a motion of dissent, submitted in writing, and moved immediately: **S.O. 96**.

Interjections are permitted

Interjecting while another Member is speaking is generally permitted provided it is done reasonably. It must be relevant to the debate and ought to contribute information to that debate. Hansard will record the objection only if the Member speaking responds. This is so

that both the interjection and the response have some context.

Leave of the Parliament means approval granted without dissent

A number of procedures may be taken without debate provided there is unanimous consent or 'leave' of the House. Members sometimes seek 'leave' to move motions, table documents, incorporate material in Hansard, make a personal explanation or do something for which leave is required under the Standing Orders.

Any Member can object to leave being given

One dissenting voice is sufficient to prevent the matter from proceeding forthwith. Often there has been prior agreement between parties that leave be granted, but the Speaker cannot be assumed to know this and will always give Members the opportunity to object. As both the government and opposition often require the cooperation of the other in this regard they generally resist from withholding leave too readily. In the event leave is not granted the mover may suspend standing orders which requires an absolute majority of fifty five to proceed with the motion.

Tabling of papers

Papers may be tabled by leave of Parliament

Members may seek leave to 'table' a document during debate that gives supplementary information too detailed to be read on to the record. Ministers seek leave to table official documents. To table documents a Member or Minister must seek leave of the Parliament.

Misrepresentation

A Member may correct the record if misrepresented

After a Member has spoken in a debate he or she may consider they have been misrepresented, misquoted or misunderstood by a Member speaking after them. The Member may raise a point of misrepresentation. This must be done immediately after the speech of the Member who is alleged to have made the misrepresentation. When invoking the Standing Order a Member must not interrupt the Member speaking and must not introduce new material: **S.O. 70.**

Notices of Motion

Private notices of motion

A private notice of motion shall be submitted to the Chairman of the Private Business committee and must be signed by the Member and seconder. If the Private Business Committee considers the notice is in order the Committee shall forward it to the Clerk. **S.O. 130.**

Forms and advice available

Members may seek advice from the First Clerk Assistant's Office on how to draft a motion in conformity with the rules about form and content.

Government notices

The Government decides if or when one of its notices of motion will be moved and debated in the Parliament. These decisions are made at caucus meetings every day during sittings. Government notices of motion shall be given by a Minister. **S.O. 129**

Government business takes precedence

Government business takes precedence over all other business on Tuesdays and Wednesdays.

Private Member Notices take precedence

Private Members' business takes precedence over Government business on Thursdays.

Leave of the House for certain items of business

Under some circumstances the House may grant leave for an item of business to proceed forthwith and without prior notice being given. Leave of the Parliament or a committee must be granted without any dissentient voice.

Moving amendments

Amendments must be relevant and in writing

Amendments must be relevant to the question before the Parliament. They must have a seconder and must be written and signed by the mover and seconder before being given to the Clerk at the table. Members may also foreshadow further amendments. Amendments may be debated unless Standing Orders direct otherwise: **S.O. 167, 168 & 169.**

Order of amendments

An amendment that has been moved must be disposed of before another amendment to the original question may be moved: **S.O. 172**

Putting the question

Speaker 'puts the question' when the Parliament is to vote on a motion

There is sometimes confusion between the terms 'motions' and 'questions'. 'Putting the question' is the mechanism by which a motion is put to a vote. When the Parliament is ready to vote on a motion, the Speaker will state, "The question is that the motion be agreed to.

Those in favour will say ‘aye’, those against will say ‘no’”. This is putting the question. It should not be confused with proposing the question, which the Speaker does to instigate debate.

Divisions

Divisions

Divisions are contested votes. Unless there is a division the Minutes of Proceedings will record a unanimous vote.

Method of voting

As soon as debate upon a question has been concluded a vote will be taken: **S.O. 161**. The vote is first taken on the voices and if not challenged will be declared upon the determination of the Speaker. If, however, the vote is challenged a division will be held.

When a division not taken

A division will not proceed unless more than one (1) Member has called for the division.

Member calling for a division

A Member calling for a division shall not leave the Chamber and shall vote with those who in the opinion of the Speaker were in the minority when the voices were taken.

Closing of doors

Before a vote is taken the Clerk shall ring the bells and turn the two-minute sandglass, kept on the table for that purpose, and the doors shall not be closed until after the lapse of two minutes as indicated by the sandglass, after which the doors shall be closed and locked, and no Member shall enter or leave the Chamber until the vote has been taken and the result recorded.

Taking of vote

When the doors have been locked:

- (i) All Members shall sit in their allocated places,
- (ii) The Speaker shall state the question to Parliament and direct the 'ayes' to stand. After the 'ayes' have been counted those Members will sit and the Speaker will direct the 'noes' to stand.
- (iii) Every Member present in the Chamber when the question is stated shall vote, except the Speaker or other Member presiding, who shall have a casting vote.
- (iv) A Member standing to be counted shall not sit until the Clerk has recorded the Member's vote and called the Member's name.
- (v) The Clerk shall make a list of the names of the Members voting, and how each voted.
- (vi) No Member shall move from their place until the result of the division is announced.
- (vii) The Clerk shall then hand the list to the Speaker who shall declare the result to the Parliament.
- (viii) The Clerk shall enter the particulars of the voting in the Minutes of Proceedings.

Confusion or error

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

Correction of mistakes in

If a complaint is made to the Parliament that a vote has been inaccurately recorded, the

Minutes

Speaker shall cause the inaccuracy to be corrected.

The Speaker's casting vote

If the number of 'ayes' and 'noes' is equal the Speaker shall exercise a casting vote. Any reason stated by the Speaker relating the manner in which the casting vote was used shall be entered in the Minutes of Proceedings.

Languages used

Speeches may be in English, Pidgin or Motu

The official language of the Parliament is English but a Member may address the Speaker in Pidgin or Motu. An interpreter is present at all times. If prior notice of addressing the Parliament in one of the vernacular languages is given, and/or a copy of any points made provided beforehand, this will ensure more effective delivery of this service. A speech in one of the vernacular languages is transcribed, translated and edited for Hansard.

Orderly conduct of debate

Debate should be conducted in orderly manner

Debates in the Chamber should always be conducted in an orderly manner and it is the Speaker's role to maintain order.

Disorder may arise

Disorder may arise during debate if Members do not observe the Standing Orders or the Speaker's rulings. The Speaker will generally warn a Member if their actions are leading to disorder. This gives the Member a chance to desist or, if necessary, withdraw the offensive words, or, if the Speaker considers the Member has seriously reflected on another Member's

character he may direct the offending Member to withdraw and apologise.

Speaker can order a Member to leave the Chamber

In the case of persistent disorderly conduct the Speaker may order a Member to leave the Chamber for the remainder of the day's sitting. Members who are ordered to withdraw must leave the Chamber immediately and will be removed by the Sergeant-at-Arms.

The Parliament may suspend a Member for being grossly disorderly

If a Member's behaviour is considered to be grossly disorderly, **S.O. 56**, the Speaker may call upon the Member to stand up in his place and make an explanation or apology he thinks fit, and afterwards the Speaker may suspend the Member from the service of the Parliament: **S.O. 58**.

Suspension affects ability to participate in proceedings and vote

The effect of being suspended in a session is that the suspended Member may not enter the Chamber for the period of the suspension. **S.O. 60**.

Duration of suspension

Periods of suspension are:

- (a) on the first occasion – for the remainder of that day's Sitting.
- (b) on the second occasion within the same Meeting – for two (2) Sitting days, and,
- (c) on the third or any subsequent occasion within the same meeting for three (3) sitting days, **S.O. 59**.

Grave disorder

In the case of grave disorder arising in the Parliament, the Speaker may, if necessary,

- (a) adjourn the Parliament without a question being put, or,

- (b) suspend any sitting for a time thought to be necessary, **S.O. 61**.

Dress standard

Business attire is expected in the Chamber

Members are expected to dress in appropriate business attire in the Chamber. The Speaker will take issue with any Member, male or female, whom the Speaker considers not to be appropriately dressed.

In the case of male Members, coat and tie must be worn except when, with the prior permission of the Speaker, coats may be removed. There are no specific rules in relation to female Members.

MAKING THE LAW

The Parliamentary process

The Parliament debates, amends, passes or rejects bills

One of the most important functions of the Parliament is to consider the legislation that is introduced; at this stage legislation is called a 'bill'. When a 'bill' is passed it becomes an 'Act of Parliament'. Most legislation originates from the Government but can also originate from private Members. The Parliament scrutinizes, debates, and if necessary, amends bills that come before it. At the end of this process the Parliament may pass or reject a bill.

Formal legislative process begins and ends in Parliament

The formal life of a bill begins when it is introduced to the Parliament. Drafts may have been in circulation prior to introduction, or a bill may be preceded by rounds of consultation and/or significant publicity. However, these measures are not part of the formal legislative process, which begins and ends in Parliament.

Initiation and notice of intention

A bill may be initiated:

- (a) by the Parliament giving leave to bring in a bill, or,
- (b) on the calling of notices of presentation,
- (c) in accordance with **S.O. 237**.

Notice of intention to present a bill shall be given by a Member stating its terms to the Parliament and delivering a fair copy to the Clerk at the Table, or, delivering a copy of its terms to the Clerk.

A notice of intention to present a bill shall:

- (a) specify its title,
- (b) be signed by the proposer and at least one other Member.

After notice of intention to present a bill is given to the Clerk, the Clerk shall report it to the Parliament at the first convenient opportunity and shall not be entered on the Notice Paper unless it has been so reported. Material shall not be included in a bill that does not come within its title, **S.O. 191**.

Scope of title and clauses

The title shall agree with the order of leave or notice of presentation, and clauses shall not be

included in a bill that do not conform to its title.

Withdrawal of irregular bill

A bill not prepared in accordance with the Standing Orders shall be ordered to be withdrawn.

Tabling a copy of bill

To present a bill, a copy of the bill shall be laid upon the Table, accompanied by such documents as the originator of the bill thinks necessary for the information of the Parliament.

The accompanying documents shall not be removed from the table until the bill to which they relate has been passed or otherwise disposed of.

Readings

First reading

On the presentation of a bill by a Member, it shall be read a first time by the Clerk without any question being put. It shall then be placed on the Notice Paper as an Order of the Day for a later time. **S.O. 198**

Second reading

When the Order of the Day relating to the bill is called on by the Speaker, the Member having carriage of the bill moves that it be read a second time. On this motion the general merits and principles, but not the detail, of the bill may be debated, and no amendment to the motion may be moved: **S.O. 199**

Third reading

The last stage in the Parliament is the third reading where the Members debate whether the

bill should be passed in its final form as it emerged from the Committee of the Whole.

Bill deemed to be circulated

For the purposes of Standing Order 199 a bill shall be deemed to have been circulated if:

- (a) during a meeting of the Parliament the Clerk has caused a copy to be placed on the desk, or in the office, of every Member, or,
- (b) At other times the Clerk causes a copy to be posted to every Member, but the posting of a copy of the bill to a Member less than fourteen (14) days before the date fixed for a meeting of the Parliament does not constitute circulation of a bill.

When a second reading may be debated immediately

If a copy of a bill:

- (a) has been circulated to every Member at least twenty one (21) days before its presentation, or,
- (b) the bill is one specified in Standing Order 237, or,
- (c) leave is granted for the second reading to be moved immediately,

then the second reading may be moved immediately after the bill has been read a first time, but under no circumstances shall the second reading be moved until the bill has been printed and circulated to every Member.

Notwithstanding these provisions, if the bill has not been read a first time and placed on the Notice Paper as an Order of the Day, the second reading shall not be moved on a later day until this procedure has been complied with.

Questions on second reading

At the conclusion of the speech of the Member moving the second reading, the Member may, in the Member's discretion, and for such time as the Member determines, answer questions from other Members with respect to the provisions of the bill: **S.O. 201.**

The answer shall be relevant to the question but must not debate the subject to which it refers.

Bill lapses if second reading vote negated

If the question, 'That this bill be now read a second time' is negated the bill lapses.

Committee of the Whole

Committee comprises all Members

Immediately after the second reading the Parliament may resolve itself into a Committee of the Whole to consider amendments to a bill. It comprises all Members and is chaired by the Deputy Speaker who is addressed as Mr. Chairman or an Assistant Speaker.

Procedures less formal

Procedures in the Committee of the Whole are less formal and allow for more detailed consideration of the bill. Amendments to the bill are proposed and debated in Committee. The Member in charge of the bill may speak for an unspecified number of times while other Members may speak on each amendment for two periods not exceeding fifteen (15) minutes.

Order of debate and voting

In Committee each clause is considered in its numerical order, followed by any schedules, also in their numerical order. Finally the preamble and title are considered. The question is 'That the clause (or schedule etc.) stands part

of the bill'. Amendments are moved as each question is put. If an amendment has been moved the Chairman proposes the question, 'The clause as amended stand part of the bill. After the chair has put the question and the Parliament has voted, no further amendments may be made to that clause or schedule.

Form of amendments

Amendments change the original question by:

- (a) omitting some words,
- (b) omitting some words so that new words may be added,
- (c) adding new words, and,
- (d) must be relevant to the question it proposes to amend,
- (e) must not be inconsistent with a previous decision,
- (f) cannot amend an earlier question upon which a decision has been made.

Amendments may be circulated

It is advisable to circulate amendments as early as possible as this gives other Members a better chance to consider them. For the same reason, Members are encouraged to mention their amendments when they are speaking to those parts of the bill. Amendments need to be submitted to the Clerk in sufficient time for checking and for them to be printed and circulated to Members. If assistance is needed in drafting amendments the First Clerk Assistant's Office or the Office of the Parliamentary Counsel should be contacted.

Amendments in committee need not be seconded

A motion moved in committee need not be seconded.

Amendments ruled out of order if not within the scope of the bill

Amendments must be within the scope of the bill. Broadly speaking, this means they must be within the leave of the title of the bill, that is, relevant to its subject matter.

Amendments that may be ruled out of order

- (1) An amendment must not be inconsistent with any previous decision of the Committee.
- (2) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (3) If an amendment or a series of amendments makes reference that is not intelligible without subsequent amendment to the clause or schedule then, if the Speaker directs, written notice of the subsequent amendment to the clause or schedule must be given before the initial amendment is moved so as to make that amendment intelligible.
- (4) An amendment which proposes to omit the whole of the substance of the clause or schedule is out of order. The proper course is to negative the clause.

Disorderly amendments

The Speaker may refuse to propose an amendment which in the Speaker's opinion is unintelligible, irrelevant, frivolous or vexatious, or is otherwise not in accordance with the provisions of the Standing Orders.

Amendment out of order if it has significant financial impact

It is also possible for an amendment to be ruled out of order if:

- (a) it appropriates revenue or moneys or increases such an appropriation,
- (b) imposes taxation or an increase in

- taxation,
(c) reduces the amount of any debt due to the State.

Committee reports

After the Committee has finished its consideration of the bill and agreed to the final form of the bill it shall be reported by the Chairman to the Speaker immediately.

Record of proceedings

Minutes of proceedings

All proceedings of the Parliament are recorded by the Clerk and these records are the Minutes of Proceedings. The Clerk is custodian of all Parliamentary records: **S.O. 30-31**

Hansard

The official report of debates in Parliament is known as Hansard. Hansard derives its name from the Hansard family who were first given responsibility for reporting debates in the United Kingdom House of Commons. Hansard is a full report, in the first person, of all speakers alike, and although not a strictly verbatim report, with repetitions and redundancies omitted and obvious mistakes corrected, but which leaves nothing out that adds to the meaning of a speech or illustrates the argument.

Members may ask for corrections

The day after a Member's speech, a copy is delivered to the Member for correction before it is published. If a corrected copy is not received from the Member within fourteen (14) days from the date of its dispatch to the Member, the speech is published without any change.

*Hansard Staff
may check
information
with Member*

Where reporting staff are in doubt about what was said in a speech, or the terms used, they may contact the Member to check the information. If a Member intends to use many facts and figures in a speech the production of Hansard can be assisted by supplying such material in writing to Hansard staff.

*Debates are
published within
three weeks*

Hansard is publicly available within three (3) weeks and is available in the Parliamentary Library.

Subordinate legislation

*Some details of
law making are
provided by
regulations*

Primary legislation often provides for a power to make subordinate or delegated legislation otherwise known as regulations, rules, by-laws, or orders that provide the working detail of a bill. These are laid on the Table for consideration by the Subordinate Legislation Committee.

*Subordinate
Legislation
Committee*

A Subordinate Legislation Committee consisting of eight (8) Members is appointed at the beginning of each Parliament to consider all regulations. It has a quorum of three (3) and has power to send for persons, papers and records to assist its deliberations and may act during both the parliamentary sitting and recess: **S.O. 24**

*Committee
reports to
Parliament*

The Subordinate Legislation Committee may report to Parliament on any matter it considers requires further action of the Parliament but such action may only be instituted on motion after notice.

FINANCING THE GOVERNMENT

Supply of public funds

Parliament controls the supply of funds to the Government

Along with law-making, the supply of funds (appropriations) to the Government to run the country is a key parliamentary function. The Constitution, the Public Finance Act and the Standing Orders provide formal mechanisms by which Members can test the Government's support in the Parliament and ensure the Government is publicly accountable for its expenditure.

The Budget

Budget legislation sets out the Government's fiscal plan

The delivery of the Budget is one of the most important events in the parliamentary calendar. It is delivered at 2.00 pm in early November in the form of a speech to the Appropriation Bill. Its progress through the Parliament varies from the practice for other bills. For instance, its second reading immediately follows introduction and the first reading. The bill itself is not referred to a sector committee. The 'Estimates', which are the detailed plans contained in the Budget, are referred to the Plans and Estimates Committee established pursuant to Standing Order 25.

Debate on the Budget

The Budget debate, that is, the second reading of the Appropriation Bill, commences with the

Minister for Finance outlining the features of the Budget.

Special provisions for Supply and Appropriation bills and taxation proposals There are special provisions relating to Supply and Appropriation Bills and taxation proposals. These are outlined in Part XXI of the Standing Orders.

Certification of bill by Clerk No bill shall be submitted to the Speaker for his certification under Standing Order 221 until it has been certified by the Clerk as having been passed by the Parliament.

OPPORTUNITIES TO RAISE ISSUES OF CONCERN

Forms of debate

Grievance debate A grievance debate is held each sitting Friday immediately after Question Time when the Speaker proposes the question, 'That grievances be noted.' Members may speak for ten (10) minutes and no amendments may be moved. If the debate is not concluded by 1 pm the debate is terminated. **S.O. 108.**

Matter of Public Importance A Member may submit a matter of public importance to the Speaker for urgent consideration. The Member must submit the matter in writing at least one (1) hour before the Parliament sits. Generally the subject matter must be recent, involve ministerial

responsibility, and require immediate attention. The Speaker rules on whether these conditions have been met and if there is more than one matter presented on the same day shall determine the most urgent and important. It must be supported by nine (9) Members including the proposer, standing in their places in the Chamber. The matter is then listed for debate at 3.30 pm when the Speaker proposes the question that 'The matter of public importance be noted'. The debate cannot be adjourned: **S.O. 109**. The proposer is allowed fifteen (15) minutes and a Minister first speaking is allowed fifteen (15) minutes. Other Members are allowed ten (10) minutes. The debate continues until the time appointed for the sitting to adjourn for the day or until there is a motion to conclude the discussion. The question cannot be amended.

Address-in-Reply At the opening of a new Parliamentary session the Governor-General will deliver an address declaring his reasons for calling Parliament together and outlining the Government's legislative programme. After the speech a motion for an address-in-reply shall be moved and seconded. The address-in-reply is a free-ranging debate with plenty of opportunity for Members to raise issues of concern. Each Member is allowed fifteen (15) minutes.

Parliamentary Questions

Questions ensure Ministers are regularly Asking questions of Ministers is a key example of how the Parliament scrutinizes the Government by ensuring Ministers are

accountable to the Parliament

regularly held accountable to the Parliament and thus the People.

Members may seek information on any matter

A Member who is not a Minister may address a question to the Government seeking information on any matter or asking for official action relating to a matter for which the Government is officially responsible. A question may either be on notice, that is, submitted in writing, or asked without notice in the Chamber during the daily Question Time.

Content of Questions is prescribed

Questions to Ministers must relate to areas of ministerial responsibility and should be concise. Examples of content not permitted in questions are:

- (a) statements of fact (unless they can be authenticated and necessary to make the question clear),
- (b) seeking an opinion,
- (c) argumentative,
- (d) giving too much information,
- (e) containing offensive words, imputations, or hypothetical matter,
- (f) asking multiple questions,
- (g) must not reflect on any person whose conduct may only be challenged by substantive motion.

Questions are checked to ensure they are in order

Questions are scrutinized to ensure they are in order. If they are not in order advice will be given if suitable amendment to the wording will bring them within the rules.

Questions without notice taken at beginning of day

Questions without notice are taken each sitting day immediately after Prayers, messages from the Governor-General, petitions, and notices of

motion. Question Time lasts for forty five (45) minutes.

Allocation of questions

The opportunity to ask Questions Without Notice is shared between the parties, and any independent Members, in proportion to their membership in Parliament. Ministers are excluded from this calculation of proportions because they do not ask questions and the main purpose is to ensure that they are held accountable to the Parliament.

Asking a question

When asking a question during Question Time a Member must seek the call from the Speaker in the usual way. Members address their questions to the relevant Minister by their portfolio rather than name and state their question.

SELECT COMMITTEES

Select Committees examine specific subject

Another avenue through which Members may investigate matters of concern is through select committees. These committees are established with a special and singular term of reference, that is, to examine and report on a particular subject. The date for reporting its proceedings to the Parliament shall be set down in the motion establishing the committee. The committee may report progress from time to time.

<i>Membership</i>	All select committees are appointed on motion and consist of the mover and such other Members nominated in the motion. Membership may change upon further motion. No Member who has a conflict of interest relating to the matter which is the subject of the inquiry may sit on the committee.
<i>Quorum</i>	In all committees the quorum shall be three (3) unless otherwise ordered.
<i>Meetings</i>	The date of the first meeting shall be fixed by the mover of the motion and at that meeting the committee shall elect one of its number as Chair. The Chair shall only have a casting vote. The committee may sit from time to time and from place to place and may meet while Parliament is sitting or during the period Parliament is in recess.
<i>Powers</i>	A committee has by resolution of the Parliament the power to send for persons, papers and records, and to summon and examine witnesses. The procedure for examining witnesses is set down in Standing Order 260.
<i>Member must not disclose evidence</i>	Evidence taken before a committee must not be disclosed by any Member, or any other person, unless authorized by the Parliament. To do so is contempt of Parliament.
<i>Chair prepares report</i>	The Chair shall prepare a draft report which shall be read to the committee and adopted paragraph by paragraph, with or without amendment.

*Alternative
report*

Another Member may prepare an alternative report and the committee has the right to decide which report it will proceed on.

*Consideration
by Parliament*

There shall be no discussion when the report is presented to the Parliament but consideration of its content may be set down as an item of business for a subsequent sitting day.

PETITIONS

*The public
may petition
Parliament*

One way in which members of the public can formally communicate their concerns is to petition the Parliament. Their concern may relate to a policy issue or be of a personal nature.

Form of petition

Petitions must be in the form of a request to Parliament for some action. They must be respectful, decorous and temperate in their language and shall not contain irrelevant statements: **S.O. 122**. They must conform to the general requirements set down in Standing Order 117.

*Presentation
by Member*

A petition may be presented to the Parliament by any Member. The Member is responsible for ensuring the petition bears the Clerk's certification: **S.O. 114**, and conforms to the Standing Orders: **S.O. 125**. The petition must be lodged with Clerk at least three (3) hours before the Parliament sits: **S.O. 113**. It may be in English, Papua-New Guinea Pidgin, or Motu

language, however, if written in Papua-New Guinea Pidgin or Motu, must be accompanied by an English translation.

*Clerk
scrutinizes
petitions*

Every petition is scrutinized by the Clerk to ensure it conforms to the rules and practice of the Parliament and, in particular, that it is seeking action which lies within the powers of the Parliament. Full details of petitions are contained in **Part XII** of the Standing Orders.

RELATIONSHIPS WITH OTHER PARLIAMENTS

Official travel programmes

Official travel

The Parliament promotes an official travel programme to build good relationships with other countries and their parliaments, and to promote a better understanding of government policy and practices in other countries.

*Places shared out
proportionally
among parties*

To the greatest extent possible the selection of Members to participate in official travel programmes is shared among Members in proportion to the numbers in their party or group, and, as appropriate, in order of seniority of service in the Parliament, and with regard to previous participation in travel programmes.

*Members
normally set*

Participation in parliamentary conferences is a valuable opportunity for Members to meet their

aside political differences

counterparts in other countries and so gain an appreciation of the political challenges they face. When participating in these delegations, Members generally set aside domestic political differences and work together to represent Papua New Guinea's interest.

Visitors from other Parliaments

Overseas Parliamentarians visit Papua New Guinea

Parliamentarians from overseas frequently visit Papua New Guinea. While some are invited guests, who are fully hosted throughout their visit, most are self-funded but wish to meet their counterparts while in Papua New Guinea, just as Papua New Guinea parliamentarians travel overseas for various purposes.

You are expected to assist with welcoming foreign visitors

The Office of the Clerk of National Parliament may facilitate some of these visits and will contact Members from time to time to arrange meetings and hospitality for visitors. If you are traveling overseas with a delegation you will observe the extent to which your counterparts make you welcome. You need to contribute to ensure this is reciprocated in Papua New Guinea.

Friendships Groups

Members can establish informal bipartisan friendship groups

Many Parliaments, including Papua New Guinea, establish informal friendship groups with other countries. The purpose is to foster parliamentary relationships between the various Parliaments and to meet with parliamentarians from the counterpart group when they visit Papua New Guinea.

PARLIAMENTARY FACILITIES

Use of Parliamentary Facilities and Support

Members’ Offices

The Sergeant-at-Arms is responsible for providing Members with office space and support staff within existing resources. An office at Parliament House is provided for each Member. Office space is also allocated to the Speaker, Deputy Speaker, Prime Minister, Leader of the Opposition, and Ministers.

Member Support

Comprehensive details of all parliamentary services may found by consulting the National Parliament Staff and Services Handbook.

Further Reading

This handbook, while presenting a comprehensive summary of procedural issues to assist Members, is by no means exhaustive. Set out below are further readings that will assist Members in their parliamentary work.

Legislative Briefs: Office of the Clerk of the National Parliament

This is a series of fact sheets about the Parliament. Copies are available free of charge from the Office of the First Clerk Assistant and the Parliamentary Library.

Salaries and Remunerations Commission Determination of 1997, updated 1st January 2002

Standing Orders of the National Parliament

Erskine May Parliamentary Practice *

Commonwealth of Australia House of Representatives Practice *

***Gavel to Gavel, an insider's view of Parliament* by the Hon. Kevin Rozzoli, AM, Former Speaker New South Wales Legislative Assembly ***

*** These may be borrowed from the Parliamentary Library**

INDEX

A

Act	35-37
Address-in-Reply	46
Adjournment of the House	
bells	23, 31
Amendments	30, 40
Address-in-Reply,	46
amendments to,	30
checked by Clerk,	40
circulated,	40
form of,	40
inadmissible,	30
in writing,	30
in committee,	40
motions to,	41
moving of,	40
order of,	30
out of order,	41, 42
outside the scope	
of a bill,	41
procedure,	39
relevance,	41
standing orders, to,	42
Appropriation bills	44, 45
Assistant Speaker	21
Attendance	17

B

Ballot	
bells for,	23

Bells,	23
alert Members,	23
closure of doors	31
Bills	
amendments to,	39, 40
certification,	45
circulated	38
consideration in detail,	39
debate,	35, 38
deliver copy,	36
deemed circulated,	38
documents relating to,	37
initiation of,	36
lapses,	39
legislative process,	36
money,	44, 45
must be signed,	36
notices of motion,	36
passing of,	38
private,	30
readings,	
first,	37
second,	37-38
debated immediately,	38
questions on,	39
third,	38
referral to committee,	39
tabling,	37
title and clauses,	36
withdrawal,	37
Budget (see Supply)	

Business	
listed on notice paper,	22
time for in routine of	
business,	22
establishing program	
for business,	22
lapsing of,	39
order dealt with,	22
Government,	
arrangement of,	22
listed on business	
paper,	22
with precedence	
Government,	30
Private,	30

C

Cabinet,	19
interim,	19
Clerk	
role of,	17
Closure,	27
Committee of the	
Whole,	20, 39, 40
amendments,	39
circulated,	40
form of,	40
need not be	
seconded,	40
not within scope	
of bill,	40
comprises all	
Members,	39
financial impact,	41

order of debate and	
voting,	39
procedures less formal,	39
reports,	42
Committees, Select	
See Select Committees	
Conflicts of interest,	
Voting in divisions,	16

D

Debate,	
Address-in-Reply,	46
budget,	26
closure of,	26
decorum in,	33
extension of time,	26
grievance,	45
interjections,	27, 28
interruption,	25
irrelevance,	26
leave of,	28
offensive words,	14, 34, 47
orderly conduct,	33
personal explanation,	16
personal reflections	
and allegations,	13
place of speaking,	25
points of order,	26, 27
relevance,	28
reply,	27
rules of,	24-35
speaking in,	25
tedious repetition,	26
time limits,	26
extension of	26

Defamation proceedings	
effect of the freedom of	
speech,	13
Deputy Speaker,	21, 39
Disorder,	33
interjections,	34
suspension,	34-35
Divisions,	23, 31
Called,	31
casting vote,	32-33
corrections,	32
error in count,	32
not taken,	31
record of,	32
Dress standard,	35

E

Effective administration,	13
Effective contribution,	11
Election,	18
Executive functions,	18
Extension	
of sitting,	23
of speaking time,	26

F

Financial interest	
declaration of,	15-16
Financial procedures,	44
appropriation bills,	44
estimates,	45
supply,	44
Freedom of speech,	15

Further reading,	54
------------------	----

G

Government Business	
takes precedence	30
Governor-General,	19, 46
Address-in-reply,	46

H

Hansard,	42
development of in UK,	42
Members may ask for	
corrections,	43
provision of material to	
assist editors,	43
staff check information,	43

J

Judiciary	
criticism of,	14

L

Language,	33
Law, respect for,	15
Leader of the Opposition	
statement on policy or	
public affairs,	25
Leave	
objection to,	28
of Parliament,	28, 30
Legislation (see Bills)	

M

Mace,	20
ceremonial significance,	20
origins,	20
role of the Sergeant-of-Arms in relation to,	20
Matter of Public Importance,	45
Member,	
acknowledge Speaker,	22
address through Speaker,	27
arrest of,	14
attendance of,	17
facilities for,	53
limitation on speeches,	13
may make corrections,	29
opportunities,	
to raise concerns,	45
to speak,	24
places of,	24
revision of Standing Orders in hands of,	12
suspension of,	21, 34
Ministerial statements,	24
Ministers, 18, 24, 28, 46, 48	
collective responsibility,	17
members of executive,	17
questions to,	47
tabling papers	28
statements by,	24
Minutes of proceedings,	17, 31-32, 42
Misrepresentation	
In debate,	29
in media,	16

Motions

Address-in Reply,	46
amendments to,	30
amendments to,	30
appropriation bill, for	44
closure,	25-26
dissent from Speaker's rulings,	33-34
extension of sitting,	23
forms and advice,	29
notices of,	29
private Members	29
withdrawal of,	37

N

National Executive,	17
National Parliament Committee,	23
Notice paper	22
on desk,	22
Notices of motions,	29
forms and advice available,	29
intention to move,	36
government bills,	29-30
Private Member bills,	30

O

Official travel,	51-52
friendship groups,	52
places shared	
proportionally,	51-52
political differences set aside,	51

visitors from other parliaments,	52
Opposition statement by Leader of,	25

P

Papers and documents, may be tabled,	28
Parliament buildings, definition of, duty to, facilities of, makes law, precincts, provides government, provides representation, role in the Budget, scrutinizes government, what constitutes,	17 14 24, 53 19 15, 23-24 18 19 44 19 17
Parliamentary privilege, Absolute, abuse of, defamation proceedings, definition of, exemption from general law, freedom from arrest, freedom of speech, issue of court process, issues of, raised, limitations of, no protection, part of the law of PNG, raising matters of,	12 13 15 13 12 12, 14, 15 14 13 14-15 14 13, 14, 18 13 12 14, 15
Parliamentary facilities,	24, 53

Parliamentary proceedings protected by privilege	13
Personal explanations,	16
Petitions, form, not in accordance with standing orders, presentation, by Member,	50 50 50 50 14,50
Point of order,	27
Private bills,	30
Privilege (see Parliamentary privilege)	
Public funds (see Supply)	
Public interest,	15
Presiding Officer (see Speaker)	

Q

Questions	30,46
allocation of, asking, checked, content prescribed, directed to Speaker, ensure ministerial accountability, may seek information, on notice, without notice,	48 47 48 46 48 46 47 47 47
Question Time, at beginning of day,	19 47
Quorum, bells for, call,	23 23

committees,	49	time of,	23
<u>R</u>		Speaker,	20
Records		absence of Speaker,	21
of committees,	49	allocates call,	21, 25
of debates,	15, 42, 43	Assistant,	21
Representation,		casting vote,	32-33
of the People,	19	Members acknowledge,	21
Routine of business,	22	obeisance to,	22
		rising,	21
		decides matter of	
		financial interest,	15
		dissent from rulings,	33-34
		rulings,	22, 23, 27, 46
		Standing Orders,	11, 18, 21
		Amendments to,	12
		observance of	21
		revision of	12
		S.O. 13-17,	21
		S.O. 24,	43
		S.O. 25,	45
		S.O. 27,	17
		S.O. 28,	24
		S.O. 29,	17
		S.O. 30-31,	42
		S.O. 52,	21
		S.O. 56,	34
		S.O. 58,	34
		S.O. 59,	34-35
		S.O. 60,	34
		S.O. 61,	34
		S.O. 70,	29
		S.O. 77-79,	14
		S.O. 91,	26
		S.O. 96,	27
		S.O. 103,	22
		S.O. 106,	22
<u>S</u>			
Seating,	24-25		
Select Committees	48		
alternative report,	50		
confidentiality,	49-50		
conflicts of interest,	16, 49		
consideration of			
report,	50		
examine specific			
subject,	48-49		
first meeting,	49		
meetings,	49		
membership,	49		
powers of,	49		
quorum,	49		
report of,	49		
draft report,	49		
Sergeant-at-Arms,	53		
removal of Members by,	34		
Sitting			
days of,	23		
extension of,	23		
Thursdays	23		
Fridays,	23		

