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## **STANDING ORDERS COMMITTEE**

### **REPORT ON THE REVIEW OF STANDING ORDERS**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
**Parliamentary Paper No. 20 of 2017**

*February 2017*

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*Published and Printed by the Department of Legislature, Parliament House, SUVA*

## **Standing Orders Committee Members**

Hon. Dr Jiko Luveni, Speaker (Chairperson)  
Hon. Inia Seruiratu, Leader of the Government in Parliament  
Hon. Ashneel Sudhakar, Government Whip  
Hon. Salote Radrodro, Opposition Whip (SODELPA)  
Hon. Prem Singh, Opposition Whip (NFP)

As reflected in the Minutes of the meeting on 7 June 2016, the Hon. Attorney-General substituted for the Hon. Leader of the Government in Parliament; Hon. Netani Rika substituted for Hon. Government Whip; and Hon. Mosese Bilitavu substituted for the SODELPA Whip.

Furthermore, as reflected in the Minutes of the meeting on 2 February 2017, the Hon. Attorney-General substituted for the Hon. Leader of the Government in Parliament; and Hon. Mosese Bilitavu substituted for the SODELPA Whip.

## **Standing Order 128 - Standing Orders Committee**

- (1) The Standing Orders Committee shall consist of the following members —
  - (a) Speaker, who shall be the Chairperson of the Committee;
  - (b) Leader of the Government in Parliament; and
  - (c) Whip of each party.
- (2) Immediately following the first sitting of Parliament after each election, the Standing Orders Committee shall be automatically convened to —
  - (a) review the Standing Orders; and
  - (b) report to Parliament within 14 sitting days with recommended amendments to the Standing Orders, if any, in which case, on the third sitting day after the tabling of the report, the Speaker must put the question “That the amendments recommended by the Standing Orders Committee in [name of the report] be adopted by Parliament”.
- (3) Despite clause (2), it is the ongoing duty of the committee to consider and review the practices and procedures of Parliament and to make recommendations for their improvement or change or for the development of new practices and procedures.

## **Report**

- 1 In accordance with Standing Order 128, the Standing Orders Committee (**‘Committee’**) convened to review the Amended Standing Orders adopted by Parliament on the 11<sup>th</sup> Day of February 2016.
- 2 The Committee met twice on 7 June 2016 and 2 February 2017.
- 3 The Committee adopted the amendment to Standing Order 37 on 7 June 2016. The other proposed amendments were conveyed by electronic mail to the Committee Members for their comments. The collated comments were re-circulated electronically and the final amendments that were agreed to by the majority formed the body of proposed amendments, attached as **Annexure 1**. This report was endorsed at the meeting on 2 February 2017.
4. The Minutes of the meetings of the Standing Orders Committee are attached as **Annexure 2**.

# **Annexure 1**

## **Amendment agreed to at the meeting on 7 June 2016**

### **37 Presentation of petitions**

- (1) Any member may present a petition to Parliament that has endorsed upon it a certificate signed by the member stating that, in the member's opinion, the petition is respectful, does not promote disharmony, and is deserving of presentation. The member may make a brief statement about the person or persons in whose name the petition is presented, the number of signatures attached to it, and a summary of the petitioning words before laying the petition on the Table.
- (2) Two days' notice must be given of the intention to present a petition during which time the Speaker must scrutinise it to ensure that the petition—
  - (a) conforms with the requirements of this Standing Order; and
  - (b) is seeking action which lies within the powers of Parliament to take.
- (3) A petition must be in English.
- (4) Parliament is not required to receive or consider a petition that is of the same subject matter as a petition that has already been finally dealt with by Parliament during the term of Parliament unless substantial or new evidence in relation to the subject matter of the petition is available and that evidence was not available when the earlier petition was considered.
- (5) Following the presentation of a petition by a member, that member must move a motion that Parliament vote on whether the petition is to be referred to the standing committee under which the subject matter of the petition falls. The member moving the motion may make a statement on the reasons for referring the petition to the standing committee, and the time limit for the statement is 20 minutes. There is no debate on the statement, but –
  - (a) if the motion is moved by a member of the Opposition, the Leader of the Government in Parliament, or his or her designate; or
  - (b) if the motion is moved by a member of the Government, the Leader of the Opposition or his or her designate,

may comment on the statement, for no more than 5 minutes.
- (6) If 40% of the total number of members of Parliament approve that the petition be referred to a standing committee under clause (5), the Speaker must refer the petition laid on the Table to the standing committee and the standing committee must investigate its contents and provide a report to Parliament on the petition and the action sought by the petitioners.

## **Amendments agreed to at the meeting on 2 February 2016**

### **4 Definition of party**

- (1) In these Standing Orders, unless the context requires otherwise, party means a political party registered under the Political Parties (Registration, Conduct, Funding and Disclosures) ~~Decree~~Act 2013.
- (2) Despite clause (1), three or more independent members who have formed a working relationship for the purposes of participating in parliamentary business in relation to which these Standing Orders specifically prescribe rules or procedures for parties (rather than members) must be treated as a party for the purposes of that business.
- (3) To avoid doubt, the members of a group described in clause (2) are treated as a party for the purposes only of that business and the relevant Standing Orders. Other than as a necessary consequence, the members concerned are not required to exercise their votes or participate in Parliament in any other way as if the members were members of the same political party.

### **32 Official report of proceedings (*Hansard*)**

- (1) An official report (known as *Hansard*) of the proceedings of Parliament and of Committees of the Whole Parliament must be prepared under the direction of the Secretary-General. The report must be as nearly as possible verbatim. Questions and answers, whether oral or written, must be included in the report. Supplementary oral questions and answers, other than supplementary oral questions that the Speaker has disallowed, must also be included in the report.
- (2) The report must be published, and a copy of it sent to each member as soon as practicable. However, before publishing the report, a copy of any part of it that contains a speech by a member must be sent to that member for correction of any grammatical or other minor technical error. No corrections that alter the meaning, emphasis, or substance of the member's speech may be made. If a corrected copy is not received from a member within seven days of its despatch to the member, the speech may be published without any corrections from the member.
- (3) If a member disputes the accuracy of a copy of a report containing a speech of the member, the Speaker must rule on the matter and his or her decision is final.
- (4) The Secretary-General must not issue uncorrected copies of the Hansard to the public.

### **74 Points of order**

- (1) Any member may only raise a point of order if—
  - (a) there is an alleged breach of Standing Orders or practices of Parliament;
  - (b) the member specifies the relevant Standing Order or practice that is alleged to have been breached; and
  - (c) the point of order has not been previously raised and decided upon in relation to the same alleged breach.

- (2) A point of order takes precedence over all other business.
- (3) When a point of order has been stated, the member who raised it resumes his or her seat and no member, except with the Speaker's permission, may rise until the Speaker has decided the matter. ~~The member who was addressing Parliament at the time the point of order was raised is entitled to continue with his or her speech with no loss of allocated time, subject to any ruling made by the Speaker on the matter.~~
- (4) The Speaker may rule on a point of order when it is raised without allowing any discussion except from a member permitted by the Speaker.
- (5) The member who was addressing Parliament at the time the point of order was raised is entitled to continue with his or her speech with no loss of allocated time, subject to any ruling made by the Speaker on the matter.
- (6) The Speaker's decision on a point of order is not open to appeal and may not be considered by Parliament, except on a substantive motion with notice.
- (7) A member may seek clarification from the Speaker on any ruling made by the Speaker only if the member has not understood the ruling. A member is only entitled to seek one clarification from the Speaker. There shall not be any debate on any clarification sought from the Speaker or on any clarification provided by the Speaker.

## **89 President's assent to Bill**

- (1) Once a Bill has been passed by Parliament, the Speaker must present the Bill, certified by the Secretary-General as being a true copy, to the President for assent.
- (2) Within seven days of receiving the Bill, the President must provide his or her assent by signing the Bill. This copy must be kept in the archives of Parliament by the Secretary-General in the manner directed by the Speaker.
- (3) If the President does not assent to the Bill within the seven-day period, the Bill is taken as having been assented to on the expiry of that period. The copy presented to the President for signature, or a copy of that copy certified by the Secretary-General as being a true copy must be endorsed by the Speaker with the words "taken as having been assented to on [date]" and kept in the archives of Parliament by the Secretary-General in the manner directed by the Speaker.
- (4) ~~After a Bill has been assented to, the Secretary-General must immediately send a copy of the Bill to the Attorney-General for the Attorney-General to publish the Bill in the Gazette as an Act of Parliament in accordance with section 49(1) of the Constitution. The Secretary-General must send a copy of the Bill, certified by him or her as being a true copy of the signed or endorsed copy of the Bill as the case may be to the Government Printer for the printing of the Act.~~

## **92 Bills out of order**

- (1) A Bill that the Constitution does not allow Parliament to address is out of order, and may not be introduced. This includes a Bill that—

- (a) amends, replaces, or revokes the Limitation of Liability for Prescribed Political Events ~~Decree~~ Act 2010;
  - (b) amends, replaces, or repeals Chapter 10 of the Constitution or any provision within that Chapter or any immunity granted or continued by that Chapter, or that has the effect of infringing or diminishing the effect of any provision in that Chapter;
  - (c) repeals Part D of Chapter 12 of the Constitution or any provision within that Part or that has the effect of infringing or diminishing the effect of any provision in that Chapter; and
  - (d) repeals, infringes, or diminishes the effect of Chapter 11 of the Constitution.
- (2) A Bill that amends a law or subordinate law described in section 173(3) of the Constitution is out of order, and may not be introduced if the Bill—
- (a) has any retrospective effect;
  - (b) nullifies any decision made under the law; or
  - (c) grants any compensation, damages, relief, remedy, or reparation to any person affected by the law.

**101 Procedure on Appropriation Bill during Committee of Supply**

- (1) At the end of the procedure for the debate on the Estimates, the Committee of Supply immediately proceeds with consideration of the Appropriation Bill. Questions on the schedules are put before questions on the clauses, and no amendment may be moved to a schedule or clause unless—
- (a) it is consequential to an amendment made to an amount of any head during the consideration of the Estimates; or
  - (b) it is moved by the Minister responsible for Finance.
- (2) When the question on the last amendment to a schedule or clause has been disposed of, the Speaker puts the question “That [*schedule number/clause number*], as amended, stand part of the Bill”. If there are no amendments on a schedule or clause, the Speaker puts the question “That [*schedule number/clause number*] stand part of the Bill”.
- (3) Every question put under clauses (1) and (2) is decided without debate.
- (4) Once the question on each schedule and clause of the Bill has been decided, the Bill (or the Bill as amended) is reported to Parliament and a motion for the third reading (which is not required to be seconded) is then proposed by the Minister responsible for Finance and decided immediately without amendment or debate.

**107 Amendments to Bills**

- (1) Amendments to Bills must comply with the following rules—
- (a) an amendment must be in writing;

- (b) an amendment must be relevant to the subject-matter of the Bill and to the subject-matter of the clause to which the amendment relates;
  - (c) an amendment must not be inconsistent with any prior decision of the Committee of the Whole Parliament;
  - (d) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical; and
  - (e) if an amendment refers to a subsequent schedule, or is not intelligible without a subsequent amendment or schedule, then if the Speaker directs, notice of the subsequent amendment or schedule must be given when the first amendment is moved so as members are able to make sense of the proposed series of amendments.
- (2) If an amendment proposes to omit the entire substance of a clause, the amendment is out of order. The proper course is to vote against the clause or use the procedure available under Standing Order 87(24)(a).

#### **110 Functions of standing committee**

- (1) Subject to the mandates in Standing Order 109(2) a standing committee must—
- (a) examine each Bill referred to the committee by Parliament, and make amendments to the Bills, to the extent agreed by the committee;
  - (b) examine any subordinate legislation tabled in Parliament within its category of affairs;
  - (c) scrutinise the government departments with responsibility within the committee's subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department's administration, legislation or proposed legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure and policy formulation;
  - (d) consider petitions and papers referred to the committee in accordance with Standing Orders 37 and 38;
  - (e) review international treaties and conventions ratified by the Government and monitor their implementation; and
  - (f) perform any other functions and duties as are conferred on the committee by these Standing Orders or by resolution of Parliament.

#### **115 Appointment of members of standing committees**

- (1) The members of a standing committee are appointed by the Speaker for the duration of the Parliament.
- (2) Where there is a vacancy in the membership of a standing committee, the Speaker shall fill that vacancy as soon as possible.
- (3) Prior to determining the membership of a standing committee in clauses (1) and (2), the Speaker shall consult the whip of each party.

- (4) The names of members that have been appointed to a standing committee shall be published in the Minutes of Proceedings as soon as possible.
- (5) **Where a member of a standing committee or the whip of a party satisfies the chairperson of the committee that the member will be unable to attend a meeting or meetings of the committee as a result of circumstances beyond the control of the member, the chairperson may agree to allow an alternative member from the same party to serve on the committee during the absence of the member.**

## **119 Evidence and procedure**

- (1) Each standing committee must keep its own minutes, including details of any voting that takes place on any item of business.
- (2) If the committee is required to report to Parliament on any item of business, the minutes of the committee in relation to that item ~~may not be included~~~~must be included~~ with the report of the committee to Parliament unless the committee so decides.
- (3) Oral evidence before a standing committee must be recorded verbatim.
- (4) All persons whose individual rights or interest are affected by a matter before a standing committee must have the right to provide a representation before the committee either in person or by way of counsel, in a manner that is determined by the committee.
- (5) Where the standing committee determines, payments may be provided to professionals or other witnesses that the committee deems necessary to employ in the furtherance of its inquiry.
- (6) A standing committee to which a Bill has been referred must consider the Bill in the same manner as the Committee of the Whole Parliament on Bills under Standing Order 87 and that the Standing Order applies accordingly with any necessary modifications.
- (7) For greater clarity—
  - (a) a standing committee to which a Bill has been referred may amend the Bill and, where amendments have been made, its report to Parliament shall include an amended version of the Bill that will be tabled in Parliament for further deliberation; and
  - (b) where a standing committee is considering its report to Parliament, the committee must—
    - (i) make strong effort to achieve a consensus on all the content of the report; and
    - (ii) where a consensus cannot be achieved, ensure there is a vote with regard to each paragraph of the report or clause of the Bill and such votes must be recorded in the minutes of the committee.

# **Annexure 2**



## PARLIAMENT OF THE REPUBLIC OF FIJI

### MINUTES OF THE 2<sup>nd</sup> STANDING ORDERS COMMITTEE MEETING HELD IN THE PARLIAMENT COMPLEX BIG COMMITTEE ROOM 2, EAST WING, ON THURSDAY, 2 FEBRUARY 2017 AT 3.00 p.m.

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#### MEMBERS PRESENT

Hon. Dr Jiko Luveni, Speaker (Chairperson)  
Hon. Aiyaz Sayed-Khaiyum, Attorney-General and Minister for Economy, Public Enterprises, Civil Service and Communications [substitution]  
Hon. Ashneel Sudhakar, Government Whip  
Hon. Mosese Bulitavu [substitution]  
Hon. Prem Singh, NFP Whip

#### IN ATTENDANCE

Mrs Jeanette Emberson, Deputy Secretary-General to Parliament  
Mr Joeli Ditoka, Director Legislature  
Mr Sakiusa Rakai, Manager Tables  
Ms Wati Sovea, Hansard Reporter

#### 1.0 Welcome

1.1 Hon. Speaker welcomed all Members of the Standing Orders Committee to its meeting and she advised that the meeting was a follow-up to the meeting of the Committee in June 2016 and thanked them for their attendance.

#### 2.0 Apologies

2.1 Apologies from the Leader of the Government in Parliament, Hon. Inia Seruiratu and SODELPA Whip, Hon. Salote Radrodoro; substituted by the Hon. Aiyaz Sayed-Khaiyum and the Hon. Mosese Bulitavu respectively.

#### 3.0 Confirmation and Adoption of Minutes

3.1 The Hon. Aiyaz Sayed-Khaiyum moved that the minutes were a true record of the meeting and was seconded by the Hon. Prem Singh and endorsed unanimously.

#### 4.0 Matters Arising

4.1 There were no matters arising from the Minutes.

## **5.0 Endorsement of Committee Report**

- 5.1 The Hon. Speaker advised that at the meeting of the Standing Orders Committee in June 2016, the Secretariat had made some submissions to be considered by the Committee. All parties requested that they be afforded time to review the proposed amendments and each party could make its views known through emails to the Secretariat.
- 5.2 The Hon. Speaker further informed that the Secretariat had collated the submissions and to refresh the memories of the Committee Members due to the amount of time that had lapsed since the previous meeting, copies of these submissions were in their files.
- 5.3 The Hon. Speaker further advised that from what the Secretariat collated, the proposed amendments to Standing Order 32 and Standing Order 65 were not acceptable to the majority of Members, so these would now be dropped.
- 5.4 The Hon. Speaker further informed that the Secretariat also had some difficulty since some of the comments, although agreeing in principle went beyond agreeing or disagreeing to the amendments. There would therefore be a need to re-look at the remaining proposed amendments.
- 5.5 The Hon. Speaker then asked the Secretariat to bring up the proposed amendments on the screen and to record the outcome in relation to each proposed amendment.

### **Standing Order 74**

Amendments agreed to by all Members.

### **Standing Order 89**

Amendments agreed to by all Members.

### **Standing Order 110**

Amendments agreed to by all Members.

### **Standing Order 119**

Amendments agreed to by all Members.

### **Standing Order 121**

This amendment was dropped after some deliberation.

- 5.6 The Hon. Attorney-General then highlighted a few minor amendments which he presented to the Committee for endorsement.

### **Standing Order 4(1) and 92(1)(a)**

Amendments agreed to by all Members.

### **Standing Order 32**

Amendments agreed to by all Members.

### **Standing Order 101**

Amendments agreed to by all Members.

**Standing Order 107**

Amendments agreed to by all Members.

**Standing Order 115**

Formatting Amendment (font size) agreed to by all Members.

**6.0 Finalisation of Report**

6.1 The Hon. Attorney-General requested if the soft copy of the report be emailed to all Members. The Hon. Speaker agreed that the report and annexures would be circulated. She requested that the Members endorse the Report in principle as it was a functional document and the substantive matters would be the amendments agreed to and the result of any voting which would be contained in the Minutes and this was agreed to.

**7.0 Other Business**

7.1 There being no other business, Hon. Speaker thanked the Committee for their discussions and closed the meeting at 3.32 p.m.

Signed,



.....  
**Hon. Dr Jiko Luveni**  
**Speaker/Chairperson**



.....  
**Jeanette Emberson (Mrs)**  
**Deputy Secretary-General to Parliament**

Date: 2 February 2017



## PARLIAMENT OF THE REPUBLIC OF FIJI

### MINUTES OF THE 1<sup>st</sup> STANDING ORDERS COMMITTEE MEETING HELD IN THE PARLIAMENT COMPLEX COMMITTEE ROOM, EAST WING, ON TUESDAY, 7 JUNE 2016 AT 2.30 p.m.

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#### MEMBERS PRESENT

Hon. Dr. Jiko Luveni, Speaker (Chairperson)  
Hon. Aiyaz Sayed-Khaiyum, Attorney-General and Minister for Finance, Public Enterprises, Civil Service and Communications [substitution]  
Hon. Netani Rika, Government Deputy Whip [substitution]  
Hon. Mosese Bulitavu [substitution]  
Hon. Prem Singh, NFP whip

#### IN ATTENDANCE

Mrs Viniana Namosimalua, Secretary-General to Parliament  
Mrs Jeanette Emberson, Deputy Secretary-General to Parliament  
Mr Joeli Ditoka, Director Legislature  
Mr Sakiusa Rakai, Manager Tables  
Mrs Salesni Prasad, SAO Tables Office  
Ms Maraia Voka, Hansard

#### 1.0 Welcome

1.1 Hon. Speaker welcomed all Members of the Standing Orders Committee to its meeting and thanked them for their attendance.

#### 2.0 Apologies

2.1 Apologies from the Leader of the Government in Parliament Hon. Inia Seruiratu, Government Whip Hon. Ashneel Sudhakar and SODELPA Whip Hon. Ratu Isoa Tikoca; substituted by Hon. Aiyaz Sayed-Khaiyum, Hon. Mosese Bulitavu and Hon. Netani Rika respectively.

#### 3.0 Vote on Proposed Amendments to the Standing Orders

3.1 The Hon. Speaker noted that it was the second review of the Standing Orders for the year.

3.2 The Hon. Speaker further informed that at the February sitting, the Hon. Attorney-General moved a motion to amend Standing Orders 37 and 99 in which she permitted a suspension motion without notice by the Hon. Leader of the Government in Parliament to allow the motion to amend Standing Order 99 as it was urgent and made necessary by the successful amendment of the Financial Management Act 2004 earlier in that sitting period. She however, referred the proposed amendment to Standing Order 37 to be deliberated by the Standing Orders Committee and in the meantime she requested the Business Committee to exercise its powers under the Standing Orders to reduce debate on petition motions to be limited to 30 minutes until such time as this Committee could complete its work and report back to Parliament.

- 3.3 The Hon. Speaker had also requested that the Secretariat bring forward proposed amendments based on the experience over the last 5 months and she suggested that the Members formally vote on each proposed amendments to finalise the body of amendments that will be included in the final draft that will be annexed to the Standing Orders Committee Report, which will be tabled in Parliament during a future sitting – it will be incumbent on the Hon. Leader of the Government in Parliament to move a motion for the adoption of the approved amendments.
- 3.4 Finally, in the previous review, the Hon. Speaker received multiple requests from the Opposition to resolve into Committee of the Whole Parliament to debate the proposed amendments. The Secretariat solicited some expert advice and we note that there is nothing in the Standing Orders prohibiting this. The process of Committee of the Whole is generally for the clause-by-clause debate of Bills. We were advised by the Solicitor-General in one of our previous meetings that the Standing Orders are a constitutional instrument promulgated under the Constitution to give effect to the Constitutional provisions that indicate that only Parliament was competent to regulate its own procedures.
- 3.5 The Hon. Speaker then explained briefly the voting procedure.
- 3.6 The Hon. Attorney-General clarified that his understanding of the meeting of the Standing Orders Committee was to only discuss the amendments to SO 37(5) only.
- 3.4 Deliberation ensued as recorded in the Verbatim Notes.
- 3.6 The Hon. Prem Singh moved an amendment to the proposed amendment which was voted upon before the vote on the Government's proposed Amendment.

Item	Standing Order	Those in Favour	Those Against	Abstentions	Speakers Vote	Comments
1.	Amendment to the Amendment of Standing Order 37	2	2		1 (Voted Against)	Defeated
2.	Amendment to Standing Order 37 (5)	2	2		1 (Voted For)	Agreed to

- 3.7 All the Committee Members requested to have a further look at the amendments proposed by the Secretariat and would provide a feedback electronically by Monday, 13 June 2016.

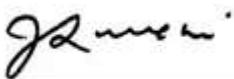
#### 4.0 **Endorsement of Report**

- 4.1 The Hon. Prem Singh sought clarification on the draft report which the Secretariat explained.

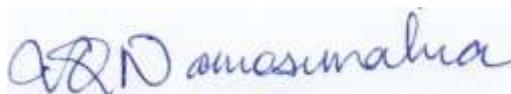
#### 5.0 **Other Business**

- 5.1 There being no other business, Hon. Speaker thanked the Committee for their discussions and closed the meeting at 3.49 p.m.

Signed,



.....  
**Hon. Dr. Jiko Luveni**  
**Speaker/Chairperson**



.....  
**Viniana Namosimalua (Mrs)**  
**Secretary-General to Parliament**

Date: 4 February 2017