EXTRAORDINARY

GOVERNMENT OF FIJI GAZETTE

PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol. 17 FRIDAY, 19th FEBRUARY 2016 No. 15

[224]

STANDING ORDERS OF THE PARLIAMENT OF THE REPUBLIC OF FIJI
(Standing Order 15(3)(l))

AMENDED STANDING ORDERS—2016

PURSUANT to Standing Order 15(3)(l) and as directed by the Speaker, I hereby publish the amended Standing Orders of the Parliament of the Republic of Fiji in the Schedule.

Dated this 18th day of February 2016.

V. NAMOSIMALUA
Secretary-General to Parliament

SCHEDULE



STANDING ORDERS

OF

THE PARLIAMENT

OF

THE REPUBLIC OF FIJI

ADOPTED BY THE PARLIAMENT THIS 11TH DAY OF FEBRUARY 2016

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Chapter 1
General Provisions

1 Purpose

(1) These Standing Orders are made by Parliament for the purposes of sections 47(2), 70, and 71(1) of the Constitution and contain rules for the conduct of proceedings in Parliament and for the exercise and upholding of the powers, privileges, and immunities possessed by Parliament.

(2) To avoid doubt, they are not intended to diminish or restrict Parliament's rights, privileges, immunities and powers.

2 Interpreting the Standing Orders

(1) The Speaker or other person presiding is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for.

(2) In doing so, the Speaker or other person presiding must be guided by—

(a) the Constitution;

(b) previous Speakers' rulings; and

(c) established practices of legislative bodies in other jurisdictions that are similar in nature to Parliament.

3 Definitions

(1) In these Standing Orders, unless the context requires another meaning,—

"Act" means an Act, Decree, or Promulgation;

"Attorney-General" includes a person appointed to act as theAttorney-General under section 96(6) of the Constitution;

"Bill" means a proposal to adopt a new law or amend a current law;

"chairperson" means the chairperson of a standing committee, a select committee, or a special committee, as the case may be;

"chamber" means—

(a) the self-contained physical space in which the proceedings of Parliament, the Committee of the Whole Parliament on Bills and the Committee of Supply are conducted; and

(b) any space defined by the Speaker as such;

"Constitution" means the Constitution of the Republic of Fiji promulgated on 6 September 2013;

"*de facto* partner" has the meaning given to a party to a *de facto* relationship as defined by the Family Law Act 2003;

"financial interest", in relation to a member, has the meaning given by Standing Order 5;

"Gazette" means the *Government of the Republic of Fiji Gazette* published by order or under the authority of the Government; and includes a supplement to the Gazette;

"Government department" means a "department" or "public office" as defined in section 163(1) of the Constitution;

"in committee" means in Committee of the Whole Parliament;

"Leader of the Government in Parliament" means a Minister who, for purposes of these Standing Orders, is nominated by the Prime Minister to manage the affairs of Parliament on behalf of the Government;

"leave" or "leave of Parliament" or "leave of the committee" means permission to do something that is granted by means of a motion adopted by Parliament;

"member" except in Standing Order 14—

(a) means an elected member of Parliament;

(b) includes a person appointed as the Attorney-General under section 96(3) of the Constitution; and

(c) includes a person appointed to act as the Attorney-General under section 96(6) of the Constitution, if that person is not an elected member;

"Minister" means a member holding the office of Minister or Acting Minister in accordance with section 95 of the Constitution;

"Money Bill" means a Bill that does one or more of the following—

(a) imposes, increases, alters, remits, grants exemptions from, reduces or abolishes taxes;

(b) imposes charges on a public fund or varies or repeals any of those charges;

(c) appropriates public money or otherwise relates to public moneys;

(d) raises or guarantees a loan or its repayment;

(e) deals with the receipt, custody, investment, issue, or audit of money; and

(f) deals with anything incidental to the matters specified in paragraphs *(a)* to *(e)*;

"ordinary member" means a member not holding the office of Minister, Leader of the Opposition, Leader of the Government in Parliament or Whip;

"paper"—

(a) means any paper, report, account, return, statement or other document—

(i) that any person or government organisation is required, by or under any enactment, Decree, or Promulgation, to provide to Parliament; or

(ii) that Parliament has itself ordered be presented to it; and

(b) includes the reports required from Ministers under section 91(4) of the Constitution;

"Parliament" means the Parliament of the Republic of Fiji;

"parliamentary precincts" means the parliamentary premises under the control and administration of the Speaker;

"political party" has the meaning given by section 163(1) of the Constitution;

"party" has the meaning given in Standing Order 4;

"person" includes a corporation, a body corporate, and an unincorporated body;

"President" means the Head of State holding office in accordance with Part A of Chapter 4 of the Constitution;

"Private Bill" means a Bill that is introduced by a member, other than a Minister;

"Secretary-General" means the Secretary-General to Parliament appointed in accordance with section 79 and Part D of Chapter 6 of the Constitution; and includes a person carrying out the Secretary-General's duties in the Chamber under the authority of the Secretary-General;

"select committee" means a committee established under Standing Order 123;

"session" means the period of time beginning on the day that Parliament first meets after a prorogation or dissolution and ending on the day that Parliament is next prorogued or dissolved, which, in either case, shall not be more than 12 months after the start of the session;

"sitting" or "sitting day" means a period during which Parliament is sitting continuously without adjournment; and includes any period during which it is in committee;

"sitting period" means a series of sitting days;

"Speaker" means the Speaker of Parliament appointed in accordance with section 77(1) of Part C of Chapter 3 of the Constitution and includes a member carrying out the Speaker's duties in accordance with the Standing Orders;

"standing committee" means a committee established under Standing Order 109;

"Standing Order" means the Standing Orders of the Parliament of the Republic of Fiji;

"Whip" means the member in each party that, for the purposes of these Standing Orders, is nominated by the party as the person to receive, on behalf of the party, notifications, instructions, or other messages from the Secretary-General, the Speaker, or any other person; and includes an independent member, if he or she is not a member of a party within the definition set out in Standing Order 4.

(2) In calculating time for the purposes of any Standing Order, the rules set out in section 163(15), (16), and (17) of the Constitution apply as if a reference in those provisions to the Constitution were a reference to the Standing Order.

(3) To avoid doubt, the use of the phrase "all members" in these Standing Orders means all current members of Parliament, not merely those members present in Parliament at any point in time.

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 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.

5 Definition of financial interest

(1) A financial interest is a direct financial benefit that might accrue to a member personally, or to any trust, company, or other business entity in which the member holds an appreciable interest, as a result of the outcome of Parliament's consideration of a particular item of business.

(2) A financial interest—

(a) includes a financial interest held by a member's spouse or *de facto* partner or by any child of the member who is wholly or mainly dependent on the member for support; but

(b) does not include any interest held by a member or any other person as one of a class of persons who belong to a profession, vocation, or other calling, or who hold public offices or an interest held in common with the public.

6 Suspension of Standing Orders

(1) A Standing Order may be suspended in whole or in part only by leave of Parliament.

(2) A motion to do so or a motion the effect of which will result in the suspending of a Standing Order in whole or in part, must not be moved except with the Speaker's permission. The Speaker may allow such a motion without notice if he or she considers that it may be necessary to do so for the proper conduct of the business of Parliament or urgent necessity requires.

(3) No amendment to a suspension motion may be moved and no debate is allowed on it.

(4) If Parliament grants leave on a suspension motion, the Standing Order concerned is suspended but only so far as is necessary to carry out the objective for which the motion was moved.

(5) To avoid doubt, the suspension of any Standing Order does not permit the transaction of any business in breach of the Constitution or any other law.

7 Swearing-in of members

No member may sit or vote until he or she has taken the Oath for Members of Parliament and the Oath of Allegiance, or made the Affirmation for Members of Parliament and the Affirmation of Allegiance, before Parliament and as set out in the Schedule.

8 Parliament may act despite vacancy in membership

(1) Parliament may act despite a vacancy in its membership and these Standing Orders continue to apply subject to the modifications set out in the rest of this Standing Order.

(2) The term "member" must be interpreted as those members able to sit in Parliament. Accordingly,—

(a) if a Standing Order requires the permission, vote, or otherwise of a majority of members (whether all members or those present), any vacancies must not be included when determining the threshold number of members; and

(b) for the purposes of any quorum, any vacancies must not be included when determining the threshold number of members.

9 Proceedings not invalidated for defects in membership

The presence at or participation in proceedings of Parliament by a person not entitled to be a member does not invalidate those proceedings.

Chapter 2
Opening of Parliament and Officers of Parliament

Opening of Parliament

10 First meeting of new Parliament

(1) On the first meeting of Parliament after a general election the business for the day is as follows—

(a) the Secretary-General reads the prayer set out in Standing Order 30;

(b) the Secretary-General reads the President's proclamation summoning Parliament to meet;

(c) the Secretary-General lays on the Table a list of the names of the members elected to serve;

(d) the members are called in alphabetical order to take the oath or make the affirmation (set out in the Schedule) before the Secretary-General;

(e) Parliament elects a Speaker in accordance with Standing Order 17;

(f) the Speaker assumes office by taking the Oath or making the Affirmation of Allegiance and the Oath or Affirmation for Speaker of Parliament (set out in the Schedule) before the Secretary-General;

(g) the Speaker takes the Chair;

(h) Parliament elects a Deputy Speaker in accordance with Standing Order 19;

(i) the Deputy Speaker assumes office by taking the Oath or making the Affirmation of Allegiance and the Oath or Affirmation for Deputy Speaker of Parliament (set out in the Schedule) before the Speaker;

(j) if necessary, Parliament elects the Prime Minister in accordance with Standing Order 13;

(k) Parliament elects the Leader of the Opposition in accordance with Standing Order 14; and

(l) the adoption of these Standing Orders.

(2) If both the Prime Minister and the Leader of the Opposition take office, Parliament then adjourns until a time appointed by the President to hear the President's speech. Otherwise Parliament adjourns until the next day at the time specified by the Speaker and Standing Order 12 applies.

(3) The Speaker meanwhile reports to the President that he or she has been elected as Speaker.

11 Second and third days of new Parliament (and first and second days of any subsequent sessions)

(1) On the second meeting of Parliament after a general election, or the first sitting day of any subsequent session of Parliament, the business for the day is as follows—

(a) the Speaker reads the prayer;

(b) the President arrives and delivers the President's speech, which must outline the policies and programmes of the Government for the following 12-month period;

(c) the President leaves; and

(d) Parliament is adjourned until such sitting day as the Speaker decides.

(2) On the sitting day following the adjournment, a motion may be moved without notice for an Address of thanks to His or Her Excellency the President for speech.

(3) The motion must be in the following form and amendments to it may be moved only by way of adding words at the end of the motion—

"That this Parliament thanks [*His or Her*] Excellency the President for [*His or Her*] most gracious speech."

12 Second and third days of new Parliament if Prime Minister or Leader of the Opposition does not assume office on first day

(1) On the second meeting of Parliament after a general election the business for the day is as follows, if, at the first meeting of Parliament, no member has assumed office as the Prime Minister or no member has assumed office as the Leader of the Opposition, or both—

(a) the Speaker reads the prayer;

(b) if necessary, Parliament elects the Prime Minister in accordance with Standing Order 13; and

(c) if necessary, Parliament elects the Leader of the Opposition in accordance with Standing Order 14.

(2) If the Prime Minister takes office and whether or not the Leader of the Opposition also takes office, Parliament then adjourns until a time appointed by the President to hear the President's speech and Standing Order 11 applies as if this second meeting of Parliament were its first meeting. Otherwise, Parliament adjourns until the next day at the time specified by the Speaker and the business for the day is as follows—

(a) the Speaker reads the prayer; and

(b) Parliament appoints the Prime Minister in accordance with Standing Order 13.

(3) If the Prime Minister takes office, Parliament then adjourns until a time appointed by the President to hear the President's speech and Standing Order 11 applies as if this third meeting of Parliament were its first meeting. Otherwise the Speaker must notify the President in writing of the inability of Parliament to appoint a Prime Minister and the President must, within 24 hours of being notified, dissolve Parliament and issue a writ for a general election to take place in accordance with the Constitution.

13 Election of Prime Minister (if necessary) for new Parliament

(1) This Standing Order applies if it is necessary to elect a Prime Minister after a general election in accordance with section 93(3) of the Constitution.

(2) The Speaker must call for nominations for appointment. If only one person is nominated, and seconded, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer). Otherwise the rest of this Standing Order applies.

(3) An officer of Parliament must give to each member a ballot paper on which the member may write the name of the person nominated and seconded for whom the member wishes to vote and then fold the paper so that the name written on it cannot be seen by any other person.

(4) An officer of Parliament must collect the ballot papers for counting at the Table by the Secretary-General. A member on behalf of each person nominated may act as a scrutineer and those scrutineers may observe the count at the Table.

(5) If a nominee receives the votes of more than half of all members, the person assumes office as the Prime Minister by taking before the President the Oath or Affirmation of Allegiance and the Oath or Affirmation for Prime Minister set out in the Schedule, which the President must administer.

(6) If no nominee receives the votes of more than half of all members, the Speaker must conduct a second ballot within 24 hours of the first vote and in the same manner as that vote. If a nominee receives the votes of more than half of all members in this ballot, the person assumes office as the Prime Minister by taking before the President the Oath or Affirmation of Allegiance and Oath or Affirmation for Prime Minister set out in the Schedule, which the President must administer.

(7) If no nominee receives the votes of more than half of all members, the Speaker must conduct a third ballot within 24 hours of the second vote in the same manner as the first vote. If a nominee receives the votes of more than half of all members in this ballot, the person assumes office as the Prime Minister by taking before the President the Oath or Affirmation of Allegiance and the Oath or Affirmation for Prime Minister set out in the Schedule, which the President must administer.

(8) If, after the third ballot, no nominee receives the votes of more than half of all the members in this ballot, the Speaker must notify the President in writing of the inability of Parliament to appoint a Prime Minister and the President must, within 24 hours of being notified, dissolve Parliament and issue a writ for a general election to take place in accordance with the Constitution.

(9) At the conclusion of each ballot, the Secretary-General, in the presence of any scrutineers, must destroy the ballot papers.

14 Election of Leader of the Opposition for new Parliament

(1) In this Standing Order, "members", means—

(a) the members who do not belong to the Prime Minister's political party;

(b) the members who do not belong to any party that is in coalition with, or that supports, the Prime Minister's political party; and

(c) the independent members who do not support the Prime Minister or the Prime Minister's political party.

(2) The members must elect, after a general election, and from amongst themselves, a person to be the Leader of the Opposition.

(3) The election must be conducted in accordance with the rest of this Standing Order.

(4) At the first day of the meeting of a new Parliament, the Speaker calls for nominations from the members.

(5) If only one person is nominated and that nomination is seconded, the Speaker declares that person elected as the Leader of the Opposition.

(6) If more than one person is nominated and two or more of those nominations are seconded, the Speaker must conduct a vote for those persons whose nominations have been seconded.

(7) An officer of Parliament must give to each member present a ballot paper on which the member may write the name of the person proposed for whom the member wishes to vote and then fold the paper so that the name written on it cannot be seen by any other person.

(8) An officer of Parliament must collect the ballot papers for counting at the Table by the Secretary-General. Each nominee may appoint another member to act as a scrutineer for that nominee and such scrutineers may observe the count at the Table.

(9) The Speaker announces the name of the person elected as Leader of the Opposition, being the person receiving the majority of votes.

(10) If no nominee receives the majority of votes, the Speaker must conduct another ballot 24 hours later in the same manner. The Speaker announces the name of the person elected as Leader of the Opposition, being the person receiving the majority of votes.

(11) If no nominee receives the majority of votes in this second vote, the position of Leader of the Opposition remains vacant until such time as a majority of the members write to the Speaker requesting the Speaker to call for nominations for the election of the Leader of the Opposition, in which case, the Speaker must conduct another election, on the next sitting day, in accordance with the procedures set out in clauses (4) to (10) and, if applicable, this clause.

(12) At the conclusion of each ballot, the Secretary-General, in the presence of any scrutineers, must destroy the ballot papers.

(13) The Speaker presides over any election carried out for the purposes of this Standing Order.

Officers of Parliament

15 Functions, duties, and powers of Secretary-General

(1) The Secretary-General is responsible to the Speaker for the efficient, effective, and economical management of Parliament.

(2) The Secretary-General is the principal procedural advisor to the Speaker, the members, and the committees of Parliament.

(3) Without limiting clauses (1) and (2), the Secretary-General's responsibilities include the following—

(a) keeping the Minutes of Proceedings and circulating copies to members for confirmation in accordance with Standing Order 31;

(b) maintaining an Order Book showing all future business for which notice has been given;

(c) preparing the Order Paper in accordance with Standing Order 33;

(d) keeping custody of the Order Book and all documents, including Bills, laid before Parliament;

(e) providing members access to the Order Book;

(f) providing members with access to other documents in the custody of the Speaker that the Speaker is required to provide, or has consented to provide, to members;

(g) making available to the public tabled documents, including papers and Bills;

(h) producing *Hansard* in accordance with Standing Order 32;

(i) providing each standing and select committee with a secretary and means of recording oral evidence when required;

(j) presenting Bills to the President for assent;

(k) any other duties set out in these Standing Orders; and

(l) any other duties to service Parliament as ordered by Parliament or directed by the Speaker.

(4) When performing his or her duties and functions, and exercising his or her powers under this Standing Order, the Secretary-General is not subject to the direction or control of any person except as provided by these Standing Orders, the Constitution, or any other law.

16 Speaker to ensure order in the Chamber and galleries

The Speaker must ensure that the provisions of these Standing Orders relating to proper conduct and behaviour are observed. For this purpose, Parliamentary staff may be given duties as the Speaker decides.

17 Election of Speaker

(1) This Standing Order applies for the purpose of electing a Speaker—

(a) on the first day of the meeting of a new Parliament after a general election; and

(b) whenever otherwise required to fill a vacancy in the office.

(2) Parliament must elect, by simple majority, a Speaker who is not a member but who is qualified to be a candidate for election as a member under section 56(2) of the Constitution.

(3) The Secretary-General presides over Parliament for the election of a Speaker and, for this purpose, has all the powers of the Speaker.

(4) Any member may propose a person as Speaker (with the person's prior consent) and move "That [*name of person*] do take the Chair of Parliament as Speaker".

(5) The motion must be seconded but no debate is allowed except that the proposer may give a brief account of the proposed person's credentials.

(6) If only one person is proposed, that person is declared by the Secretary-General to have been elected.

(7) If more than one person is proposed, Parliament must elect a Speaker by ballot following the procedure set out in the rest of this Standing Order.

(8) An officer of Parliament must give to each member a ballot paper on which the member may write the name of the person proposed for whom the member wishes to vote and then fold the paper so that the name written on it cannot be seen by any other person. An officer of Parliament must collect the ballot papers for counting at the Table by the Secretary-General. Any member who has proposed a person as Speaker may act as a scrutineer and observe the count at the Table.

(9) If the votes are equal or, if there are more than two candidates of which the votes for the highest polling candidates are equal, another vote must be held. If the votes are still equal, or the votes for the highest polling candidates are still equal, the election is determined by the candidates, or equal highest polling candidates, drawing lots in the manner that the Secretary-General determines.

(10) The Secretary-General announces the result and declares the person receiving the greatest number of votes to be elected.

(11) At the conclusion of the ballot, the Secretary-General, in the presence of any scrutineers, must destroy the ballot papers.

18 Speaker's functions, duties, and powers

(1) The control and administration of the Parliamentary precinct is vested in the Speaker, on behalf of Parliament, whether or not Parliament is in session, and the Speaker has authority to maintain order and decorum in Parliament, in accordance with these Standing Orders and parliamentary tradition.

(2) Without limiting clause (1), the Speaker is responsible—

(a) for ensuring the rights and privileges of all members;

(b) for ensuring public access to the proceedings of Parliament and its standing and special committees; and

(c) for carrying out any other functions and duties and exercising any other powers set out in these Standing Orders.

(3) The Speaker, in performing the functions and duties and exercising the powers of the Speaker—

(a) is independent and subject only to the Constitution (including the code of conduct established under section 149 of the Constitution) and any other law;

(b) serves to secure the honour and dignity of Parliament; and

(c) must act impartially, and without fear, favour, or prejudice.

(4) For the purposes of requiring a Minister to appear before Parliament or a committee of Parliament, the Speaker must give the Minister—

(a) written notice that he or she is required to appear before Parliament or the standing, special or select committee, as the case may be;

(b) written notice of the date and time at which the Minister must appear, (which must be no less than 24 hours before the giving of the notice); and

(c) a written summary of the matter to be raised.

(5) The Deputy Speaker must perform the functions and duties and exercise the powers of the Speaker if the Speaker is absent from duty or absent from Fiji or is, for any other reason, unable to perform those functions, duties, and powers.

19 Election of Deputy Speaker

(1) This Standing Order applies for the purpose of electing a Deputy Speaker—

(a) on the first day of the meeting of a new Parliament after a general election; and

(b) whenever otherwise required to fill a vacancy in the office.

(2) Parliament must elect, by simple majority, a Deputy Speaker.

(3) Any member may propose an ordinary member as Deputy Speaker (with the person's prior consent)

and move "That [*name of person*] do take the position of Deputy Speaker of Parliament".

(4) The motion must be seconded but no debate is allowed.

(5) If only one person is proposed, that person is declared by the Speaker to have been elected.

(6) If more than one person is proposed, the members must elect a Deputy Speaker by ballot following the procedure set out in the rest of this Standing Order.

(7) An officer of Parliament must give to each member eligible to vote a ballot paper on which the member may write the name of the person proposed for whom the member wishes to vote and then fold the paper so that the name written on it cannot be seen by any other person. An officer of Parliament must collect the ballot papers for counting at the Table by the Secretary-General. Any member who has proposed a person as Deputy Speaker may act as a scrutineer and observe the count at the Table.

(8) If the votes are equal or, if there are more than two candidates of which the votes for the highest polling candidates are equal, another vote must be held. If the votes are still equal, or the votes for the highest polling candidates are still equal, the election is determined by the candidates, or equal highest polling candidates, drawing lots in the manner that the Secretary-General determines.

(9) The Speaker announces the result and declares the person receiving the greatest number of votes to be elected.

(10) At the conclusion of the ballot, the Secretary-General, in the presence of any scrutineers, must destroy the ballot papers.

20 Additional powers of Speaker and Secretary-General

The Speaker and the Secretary-General have the power to do everything necessary or convenient to be done for, or in connection with, the performance of their functions under these Standing Orders.

Chapter 3
Sittings of Parliament

Sessions, sitting periods, and sitting days

21 Sessions of Parliament

(1) After a general election, the President must summon Parliament to meet no later than 14 days after the announcement of the results of the general election.

(2) Other sessions of Parliament must commence on a date appointed by the President on the advice of the Prime Minister. However, no longer than six months must elapse between the end of one session and the start of another.

(3) Despite clause (2), the President must summon Parliament to meet if it is not in session and he or she receives a request in writing from not less than one-third of all members requesting that Parliament be summoned to meet to consider without delay a matter of public importance.

(4) Despite clause (2), the Speaker must call a sitting of Parliament within 1 week of a request being made if Parliament is in session but more than two months have elapsed since the last sitting and the Speaker receives a request in writing from the Prime Minister or from not less than one-third of all members requesting that a sitting be held to consider without delay a matter of public importance.

22 Sitting programme to determine sitting periods

(1) The Business Committee must recommend to Parliament a programme of sitting periods for each session of Parliament or each 12-month sitting period of Parliament, whichever is the shorter.

(2) The recommended programme must be presented to Parliament no later than the third sitting day of the session of 12-month period.

(3) On being adopted by Parliament, the sitting programme operates subject to any decision of Parliament to the contrary.

23 Sittings days

(1) During a sitting period Parliament sits Monday to Thursday, 9.30am to 12.30pm and 2.30pm to 4.30pm and Friday from 9.30am to 12.30pm, unless—

(a) a public holiday falls on one of those days; or

(b) a motion moved under clause (2) decides otherwise; or

(c) one or more standing committees are convened for that sitting day, in which case Parliament sits from 1.30pm to 4.30pm on that day.

(2) A member, acting on behalf of the Business Committee, may, without notice, at the time appointed under Standing Order 34, or at any other time between two items of business, move that Parliament sit on a Saturday, a Sunday, or a public holiday or not sit on any day or days named in the motion. No debate on the motion or amendment to the motion is permitted.

(3) At 4.30pm or, if all the business on the Order Paper for the sitting day is completed earlier, at that earlier time, the Speaker adjourns Parliament without putting a question to Parliament.

(4) Whenever Parliament is adjourned, it stands adjourned to the next sitting day as determined under clauses (1) and (2), except at the adjournment of Parliament on the day determined for the conclusion of a sitting period, in which case Parliament stands adjourned until the first sitting day of the next sitting period.

(5) The Speaker may, at any time, suspend a sitting or adjourn Parliament, except if a vote is in progress, in which case the Speaker may suspend or adjourn only after the result of the vote has been declared and any further questions contingent upon the main question for which the vote was taken have been decided.

(6) This Standing Order is subject to any other Standing Order that expressly provides otherwise.

24 Sittings must be in public

(1) Parliament and its committees of the whole (including a Committee of Supply), must conduct their business in an open manner and may not exclude the public, including any media, from a sitting unless, in exceptional circumstances, the Speaker has ordered, on grounds that are reasonable and justifiable, that a sitting of Parliament or any of its committees is a closed sitting and that members of the public, including any media, are to withdraw from the Chamber or any gallery before the proceedings of such sitting.

(2) For the purposes of clause (1)—

(a) the Speaker may make orders regulating the admission of members of the public, including any media, and the Secretary-General must ensure that those orders are complied with; and

(b) "member of the public" means any person other than the Speaker, a member in good standing and any required parliamentary staff.

(3) A person who is authorised to remain in the Chamber or any gallery during a closed sitting, including any member, must not—

(a) record, by electronic means, the proceedings of the sitting or any part thereof; and

(b) provide any information or document relating to the proceedings of the sitting, or any part thereof, to a member of the public, including any media.

(4) Any member who contravenes clause (3) is liable to disciplinary action under the Standing Orders.

Sittings of Parliament

25 Speaker, Deputy Speaker, or Acting Speaker presides

(1) The Speaker or, if he or she is absent or unable to preside, the Deputy Speaker, presides at each sitting of Parliament or Committee of the Whole Parliament.

(2) If both the Speaker and the Deputy are absent from a sitting or unable to preside, the Secretary-General must inform Parliament and the members present must elect from amongst themselves, by simple majority, a person to preside at that sitting (an Acting Speaker) and, for this purpose, the Secretary-General must conduct a vote if more than one person is nominated and seconded.

(3) If the votes are equal or, if there are more than two candidates of which the votes for the highest polling candidates are equal, another vote must be held. If the votes are still equal, or the votes for the highest polling candidates are still equal, the election is determined by the candidates, or equal highest polling candidates, drawing lots in the manner that the Secretary-General determines.

(4) The election of the member as an Acting Speaker is valid only for that sitting or, as the case may be, while the Speaker or Deputy Speaker is absent from or unable to preside at that sitting. If the Speaker and Deputy Speaker are absent on or unable to preside at the next or subsequent sitting days, a new election must be held for each sitting day.

(5) When presiding at a sitting, the Deputy Speaker or an Acting Speaker has all the relevant functions, duties, and powers of the Speaker.

26 Quorums

(1) A sitting of Parliament may not begin or continue unless at least one-third of all members are present.

(2) If it appears to the Speaker that a quorum is not present, he or she must order the Secretary-General to sound a bell for a period of 60 seconds. If, ten minutes from the ending of the bell sounding, there is no quorum, the Speaker must adjourn the sitting.

(3) A vote on a Bill may not be held unless a majority of all members are present.

(4) If it appears to the Speaker that a majority of all members are not present, he or she must order the Secretary-General to sound a bell for a period of 60 seconds. If, ten minutes from the ending of the bell sounding, there is not a majority of members present, the Speaker must adjourn the vote until the day that the Business Committee requests that the Bill again be called for vote.

(5) If a member objects to the transaction of business at a sitting on the ground that a quorum is not present, and the objection appears valid to the Speaker, the Speaker must act in accordance with clause (2) or (4) as the case may be.

(6) If a member is presiding he or she must not be counted for the purposes of determining whether a quorum is present.

27 Seating

(1) The Prime Minister and parties in Government occupy the seats to the right of the Speaker. The Leader of the Opposition and parties in opposition occupy the seats to the left of the Speaker.

(2) Members of each party occupy adjacent seats. Within each block of seats, the Prime Minister, the Leader of the Opposition, or other party leader, as the case may be, determines where members of their parties sit.

(3) In any dispute as to the seats to be occupied, the Speaker decides after consulting the Business Committee.

28 Speeches must be in English

A member must address the Speaker in the English language.

29 Documents must be in English

Documents in relation to all business before Parliament, including Bills, motions, questions, and proceedings must be in English.

30 Prayer and laying of the Mace

(1) On taking the Chair at the start of each sitting, the Speaker must read the following prayer to Parliament—

"Oh God, we come together in your name in this Parliament to debate our nation's affairs and pass laws for the betterment and welfare of all Fijians. Guide us in our deliberations and grant us the wisdom to do what is just and fair.

We ask you to bless our beloved nation and grant every Fijian peace, prosperity and equal opportunity. Help us to serve our citizens with honesty, integrity and without fear or favour, to keep the trust of those who have sent us here.

We seek your divine guidance to continue to build a better nation for all Fijians. In your name, AMEN."

(2) After the prayer, the Mace is placed upon the Table.

(3) The Mace is the symbol of the authority of Parliament entrusted by it to the Speaker.

(4) The Mace remains upon the Table during sittings except when Parliament is in committee, in which case it must be removed from the Table and placed under it.

31 Minutes of Proceedings

(1) The Secretary-General must keep a record of all proceedings of each sitting of Parliament, including when Parliament is sitting in committee. The record must include, in respect of each sitting, the members attending, all decisions taken, and details of any votes taken. The Minutes of Proceedings are a summary of the record for each sitting.

(2) At each sitting, at the time appointed under Standing Order 34, Parliament must confirm, or amend and confirm, as the case may be, the Minutes of Proceedings of the immediately previous sitting. For this purpose, the Secretary-General must circulate the draft minutes to members before the sitting.

(3) The minutes of the final sitting in a series of sittings may, unless Parliament decides otherwise, be confirmed, or amended and confirmed, on the first sitting day of the next series of sittings.

(4) The Minutes of Proceedings of the final sitting day before a general election may, unless Parliament decides otherwise, be confirmed before Parliament adjourns *sine die*.

(5) Any debate on the confirmation of the Minutes of Proceedings is limited to suggesting amendments or raising questions as to their accuracy.

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.

33 Order Paper

(1) The Secretary-General must prepare an Order Paper for each sitting day showing the business of Parliament for that day in the order in which it is to be transacted.

(2) The Secretary-General must prepare the Order Paper in accordance with Standing Order 34(1), having taken into account any change required under Standing Order 34(2).

(3) The Secretary-General must circulate the Order Paper at least two hours before Parliament sits for the day.

34 Order of Parliament business

(1) The business of Parliament each day, and the order of its transaction, is as follows—

(a) Prayer;

(b) administration of oath or affirmation;

(c) confirmation of minutes of previous sitting;

(d) communications from the Speaker;

(e) presentation of petitions;

(f) presentation of papers and certain documents;

(g) presentation of reports of committees;

(h) questions;

(i) Ministerial statements;

(j) adjournment motions on matters for urgent consideration under Standing Order 36;

(k) raising of matters of privilege;

(l) personal explanations;

(m) consideration of Bills;

(n) motions moved by members of the Business Committee that relate to sittings and Parliament business;

(o) motions for which notice has been given; and

(p) any other business in the order set down on the Order Paper.

(2) Clause (1) applies unless—

(a) the Business Committee determines otherwise;

(b) another Standing Order requires business to be transacted in a different order; or

(c) leave of Parliament is given for business to be transacted in a different order.

(3) Government business is set down on the Order Paper in the order determined by the Government.

(4) Members' business is set down on the Order Paper in the order determined by the Business Committee.

(5) Government business takes precedence over any other public business item except on a Friday sitting day, in which case Opposition business takes precedence over any other public business item.

(6) In this Standing Order,—

"Government business" means—

(a) proceedings on motions for which notice has been given by Ministers; and

(b) proceedings on Bills in the charge of Ministers.

"Members' business" means—

(a) proceedings on motions for which notice has been given by members other than Ministers; and

(b) proceedings on Bills in the charge of members other than Ministers.

35 End of Week Statements

(1) A motion for the adjournment of Parliament must be moved by the Leader of the Government in Parliament at the conclusion of business on every Friday on which Parliament sits or, if the final sitting day of a sitting period is not a Friday, at the conclusion of business for that day.

(2) One hour is allowed for which three members may each speak for ten minutes with a ten minute right of reply to each of these speeches by the Minister or Ministers responsible for the subject-matter of the members' speeches or another member who is delegated to speak on behalf of a Minister.

(3) The right to speak is allocated to the first three members to give notice—

(a) not more than 48 hours before the expected time of adjournment; and

(b) not less than 24 hours before the expected time of adjournment,

and the Secretary-General must notify the successful three members that they will be speaking.

(4) In delivering the statement, the following rules apply—

(a) a member may not revive discussion of a matter which has been discussed and disposed of by Parliament in the previous 6 months;

(b) a member may not anticipate a matter that has already been set down for Parliament to consider or for which a notice of motion has already been given;

(c) a member may not raise a matter of privilege; and

(d) a member may not raise any matter unless no less that 24 hours' written notice has been given to the Secretary-General of the matter.

(5) After the allocated hour has concluded, only the motion for the adjournment moved by the Leader of the Government in Parliament is voted on.

36 Adjournment motions to discuss matters for urgent consideration

(1) At the time appointed under Standing Order 34, a member may request leave of Parliament to move that Parliament adjourn its normal business for the purpose of debating a matter that should have urgent consideration. However, the member may request leave only if he or she has provided a written summary of the matter to the Secretary-General and the whips no less than 1 hour before the start of the sitting.

(2) The motion stands over, without debate, until the end of business for that sitting day, but only if—

(a) in the Speaker's opinion, the matter is a particular case of recent occurrence that involves the administrative or ministerial responsibility of the Government which requires the immediate attention of Parliament and the Government; and

(b) leave of Parliament is given or, if leave is not given, no less than ten members rise in their places to support the adjournment motion.

(3) When the end of business for the day arrives, the debate on the matter for urgent consideration is held, being no more than two hours' duration.

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.

(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.

38 Presentation of papers and documents quoted from by Minister

(1) A paper must be presented to Parliament by the Minister with responsibility for that aspect of Government business laying the paper on the Table at the time appointed under Standing Order 34.

(2) The Speaker must refer the paper to the standing committee under which the subject matter of the paper falls and the committee may investigate its contents and provide a report to Parliament on the paper.

(3) Once presented to Parliament, a paper must be made available to the public.

(4) A document relating to public affairs quoted from by a Minister, unless stated to be confidential, must, if required by any member, be presented to Parliament at the time appointed under Standing Order 34.

39 Presentation of reports of committees

A report of a committee must be presented to Parliament by the committee chairperson, or a member designated by the committee chairperson, laying the paper on the Table at the time appointed under Standing Order 34.

40 Ministerial statements

(1) A Minister who wishes to make a statement on a public matter of national importance must inform the Speaker and each party represented in Parliament, no less than 1 hour before the beginning of the sitting day at which the Minister wishes to make the statement, of his or her wish to do so and provide the topic of the statement to the Speaker.

(2) The Speaker must, as soon as practicable give a copy of the topic of the statement in clause (1) to the Whips of each party represented in Parliament.

(3) A statement is made at the time appointed under Standing Order 34.

(4) There is no debate on a statement but the leader of each opposition party represented in Parliament, or his or her designate, may comment, for no more than five minutes each, on the statement.

Chapter 4
Questions

41 Members may ask questions on public matters

(1) Members who are not Ministers may address questions to the Government that relate to public matters for which the Government is officially responsible seeking information on the matters or asking for official action on the matters. Members must do so in accordance with the rest of this Standing Order.

(2) A member must give notice of a question by delivering a written copy of the question to the Secretary-General no less than four days before the day on which the question is to be asked. Questions may also be submitted through electronic mail.

(3) If the member wishes to ask the question orally, the member must mark the notice with the word “oral” and state in the notice the day on which the member wishes to ask the question. However, if the Speaker considers that the question deals with matters of a statistical nature, the Speaker may direct that the question instead be treated as a question for written answer.

(4) A member may not give notice for more than one question for oral answer, or two questions for written answer, to be answered on the same day.

(5) Any notice not marked as "oral" will be treated as a notice of a question for written answer.

(6) Questions must comply with the rules set out in Standing Order 44.

(7) If the Speaker considers that a question does not comply with those rules, the Speaker may rule the question out of order and, if he or she does so, inform the member and provide a brief statement of the reasons for the ruling.

42 Allocation of questions for oral answer in Parliament

(1) Up to eight members' questions for oral answer may be included on the Order Paper for answer each sitting day at the time appointed under Standing Order 34 with no more than two being questions to a particular Minister in respect of any one Government department.

(2) The allocation of questions, both as amongst parties and the order in which they are to be asked, is determined by the Business Committee, and the Secretary-General must—

(a) inform all members as soon as possible of the Business Committee's determination; and

(b) inform any member whose notice of an oral question requested for that day has not been allocated a place that the notice is rejected.

43 Urgent oral questions

(1) Despite Standing Order 41(2), a member who is not a Minister, may, at the start of the time appointed for questions under Standing Order 34, give notice of an urgent oral question by delivering a written copy of the question to the Secretary-General one hour before the sitting in which the question will be asked and the question must be of an urgent character and relates to a matter of public importance.

(2) The Secretary-General must, as soon as practicable give a copy of the urgent oral question in clause (1) to the Speaker and the Minister to whom the question is addressed.

(3) The Speaker may permit the question to be asked if the Speaker is satisfied that the question satisfies the requirements of clause (1), in which case the order of oral questions set down for the day is adjusted so that the urgent question becomes the first question for the day and an oral question previously set down for the party asking the urgent oral question is omitted from the Order Paper.

(4) Standing Order 42(1) will not apply to urgent oral questions.

44 Questions to comply with rules in this Standing Order

(1) Questions, whether written or oral, must comply with the rules set out in this Standing Order.

(2) A question must refer to no more than one subject.

(3) A question must not be excessive in length.

(4) A question must not contain the names of persons or include statements not strictly necessary to make the question intelligible.

(5) If a statement is included in a question, the member asking the question is responsible for the accuracy of the statement.

(6) A question must not contain any argument, inference, imputation, or epithet, or tendentious, ironical, or offensive expression.

(7) A question must not be asked about proceedings in a committee before the committee has made its report to Parliament.

(8) A question must not be asked for the purpose of obtaining an expression of opinion, the solution to an abstract case, or the answer to a hypothetical proposition.

(9) A question must not be asked about the character or conduct of any person except in that person's official or public capacity.

(10) A question must not be asked that reflects on the character or conduct of any person.

(11) A question may not refer to a debate that has occurred or answer that has been given within the previous six months.

(12) A question may not seek information about a matter that, in the opinion of the Speaker, is confidential.

(13) A question must not refer to any matter in relation to which a judicial decision is pending or is otherwise before a court of law.

(14) A question must not reflect on any decision of a court of law.

(15) A question must not be asked on whether statements in the press, or statements of private individuals or private concerns, are accurate.

(16) A question must not be asked seeking information that is readily accessible in public forums.

45 Asking and answering questions (including supplementary oral questions)

(1) At the time appointed under Standing Order 34, the Speaker calls upon the member in whose name a question appears on the Order Paper.

(2) If the question is an oral question, the member rises and asks the question and the Minister to whom the question is addressed answers it. At the discretion of the Speaker, a member may ask a supplementary question or questions for the purpose of further elucidating any matter arising from the Minister's original answer. However, the Speaker may disallow any supplementary question if he or she considers that the question infringes any of the rules against admissibility of questions in Standing Order 44 or the supplementary question raises a new matter.

(3) If the question is a written question, the member rises and asks the question by referring only to its number on the Order Paper and the Minister to whom the question is addressed lays the answer on the Table. If the Minister does not do so, and does not provide an answer to the question within 7 sitting days of the day on which the question was set down on the Order Paper for written answer, the Secretary-General must place the question on the Order Paper for oral answer, if the member in whose name the question stands and so requests.

(4) The Minister must reply to a question, unless it would be inconsistent with the public interest to do so. A reply must be relevant, concise and confined to the subject-matter of the question asked. It must not contain—

(a) statements of facts and the names of any persons unless they are strictly necessary to answer the question;

(b) arguments, inferences, imputations, epithets, or ironical expressions;

(c) discreditable references to Parliament or any member or any offensive or unparliamentary expression;

(d) references to proceedings in committee at meetings closed to the public that have not yet been reported to Parliament; or

(e) references to a case pending adjudication by a court.

(5) A copy of the answer to a question, whether oral or written, must be supplied to the member by the Minister.

(6) If a member is not present to ask a question at the allotted time, the question lapses.

(7) A member may postpone a question by giving three clear days' notice to the Secretary-General and indicating the new date on which the member wishes the question to be asked, but, if he or she does so, the question again becomes subject to allocation by the Business Committee under Standing Order 42.

Chapter 5
Motions and Voting

Motions

46 Notices of motion required

(1) A member wishing to move a motion must give notice of it before it may be moved, unless the requirement for notice is dispensed with by leave of Parliament or another Standing Order expressly provides that no notice is required.

(2) Notice is given by delivering to the Secretary-General, no less than two days before the day on which the member intends to move the motion, a written copy of the motion that is signed by the member. However, if the motion is put by a member otherwise than on behalf of the Government, the copy must also be signed by at least one other member.

(3) The Secretary-General must include a motion on the Order Paper unless the Speaker determines it is inadmissible under Standing Order 48.

(4) A member in whose name a motion stands may withdraw the notice of motion from the Order Paper, at any time before the motion is moved, by giving instructions to that effect to the Secretary-General.

47 How motions moved

(1) A member is called upon by the Secretary-General to move a motion and rises to move the motion by stating its terms.

(2) A member may only move a motion in his or her name, but a Minister may move a motion that stands in the name of any other Minister.

(3) Every motion is required to be seconded, unless another Standing Order expressly provides that a seconder is not required.

(4) When a motion has been moved and, if necessary, seconded, the Speaker proposes a question on the motion to Parliament in the same terms as the motion and a debate then takes place. The mover is entitled to open the debate and reply to it.

(5) A motion being debated may be withdrawn only with the leave of Parliament and before the question has been put on it. The motion may be moved again at a future sitting but must be treated for the purposes of these Standing Orders as a new motion and must satisfy any notice or other requirements of the Standing Orders.

48 Inadmissible motions

A motion is inadmissible if, in the opinion of the Speaker,—

(a) the debate on the motion would be likely to promote or provoke feelings of ill-will or hostility between different communities in Fiji;

(b) the motion would, if passed and put into effect, be inconsistent with the rights and freedoms recognised in Chapter 2 of the Constitution;

(c) the motion contains unbecoming or offensive expressions, or expressions or words that would not be permitted in debate; or

(d) the motion contains statements of fact or the names of persons that are not strictly necessary to render the notice intelligible or, if necessary, are unable to be authenticated.

49 Motions of no confidence in Prime Minister

(1) A motion of no confidence in the Prime Minister must be called for vote within 24 hours of the notice of the motion being given.

(2) The motion must propose the name of another member to be the Prime Minister.

(3) The motion passes if it is supported by a majority of all members.

(4) If the motion fails, no further motion of no confidence may be introduced against the Prime Minister until at least 6 months have elapsed (calculated from the date on which the original notice of motion is given to the Secretary-General).

(5) A motion of no confidence in the Prime Minister takes precedence over any other business.

(6) If the motion passes, the incumbent Prime Minister ceases to hold office and every other Minister is deemed to have resigned and the proposed Prime Minister immediately assumes office pursuant to section 94 of the Constitution.

50 Motions for early dissolution of Parliament

(1) A motion for the early dissolution of Parliament may be moved only if the following matters are satisfied—

(a) the Leader of the Opposition moves the motion;

(b) the motion is moved only on the grounds that the Government lacks the confidence of Parliament;

(c) a motion of no confidence in the Prime Minister made in accordance with Standing Order 49 has first been rejected;

(d) not less than 18 months of the Parliamentary term has elapsed calculated from the date of its first sitting after a general election; and

(e) the end of the Parliamentary term is more than 6 months in the future calculated as the date that is 4 years from the date of its first sitting after a general election.

(2) The motion is passed only if no less than two-thirds of all members vote in favour of the motion.

(3) A motion for early dissolution of Parliament takes precedence over any other business except a motion of no confidence in the Prime Minister.

51 Motion for Bill to proceed without delay

(1) A motion requesting that Parliament consider a Bill without delay —

(a) may be moved without notice; and

(b) shall be moved by the member moving the Bill.

(2) The motion must set out how and when Parliament will deal with each stage of the Bill's passage through Parliament, including—

(a) whether the Bill will pass through 1 or more stages at a single sitting and, if so, which stages;

(b) what if any time limits will apply to any debates on the Bill during its passage; and

(c) whether the Bill will be referred to a standing committee or other committee of Parliament.

(3) The motion to proceed without delay in relation to a Bill may be moved at any stage of the progression of the Bill through Parliament.

Voting

52 Decisions determined by members present and voting

(1) A question proposed for decision by Parliament is determined by those members present in Parliament.

(2) The question is determined by a majority of votes for or against.

(3) Each member is entitled to one vote or to abstain.

(4) If a member is presiding, he or she does not have an additional casting vote and must not be counted for the purposes of determining whether or not a majority of members are present.

(5) If there is an equality of votes on a question, the question is deemed to be lost.

(6) The Attorney-General, or anyone acting in that capacity, is not eligible to vote on any question proposed for decision by Parliament unless he or she is an elected member of Parliament.

(7) This Standing Order applies subject to any express requirement in any other Standing Order.

53 Putting the question

(1) When debate on a motion, including any right of reply exercised by the mover, has concluded, the Speaker puts the question to Parliament. If no member objects, the question is deemed agreed by Parliament.

(2) A question having been put is resolved in the affirmative or negative, by the majority voting "Yes", "No" or abstaining.

(3) Subject to Standing Order 53(1), a vote shall be taken using an electronic voting system.

(4) A member shall not be permitted to vote using the electronic voting system unless seated in his or her designated seat.

(5) Before a vote is taken, when at least three members so request, the bell must be rung. If votes are to be taken immediately after one another, the bell need not be rung more than once. Five minutes after the bell began ringing, the vote or votes must be taken.

(6) A member shall push the appropriate button—

(a) to vote "yes" or "no"; or

(b) "abstain" if he or she so wishes, to record his or her abstention.

(7) The Speaker, when satisfied that members have been provided sufficient time to vote or record their abstention, shall close the vote.

(8) Where the electronic vote has been closed, the Secretary-General shall—

(a) announce the number of members voting "Yes" and "No" respectively and the number of members whose abstention has been recorded; and

(b) declare the result of the vote.

54 Vote procedure

(1) Where—

(a) the electronic voting system is unavailable; or

(b) the Speaker determines that the vote cast by the electronic voting system is not reliable,

the question shall be decided by means of a vote that must be conducted by a roll call.

(2) A roll call vote is conducted by the Secretary-General, who asks each member separately how the member wishes to vote. Each member, upon being called, gives his or her vote by saying "Aye" or "No" or, if the member wishes to abstain from voting, by saying "I abstain". On completion of the vote, the Secretary-General declares the result and records in the minutes the vote or abstention of each member.

55 Special voting requirements

(1) A resolution to remove the Speaker or Deputy Speaker must be supported by not less than two-thirds of all members. If the resolution relates to the Speaker, the Deputy Speaker must preside over the debate and conduct the vote on the motion. If the resolution relates to the Deputy Speaker, the Speaker must preside over the debate and conduct the vote on the motion.

(2) A motion under Standing Order 51 for a Bill to proceed without delay must be supported by a majority of all members.

56 Member with financial interest may vote only with Speaker's permission

(1) A member may not vote on a question in relation to which the member has a financial interest. If the member does vote, the vote may be disallowed by a motion moved, without notice, either immediately after the vote is completed or, if the Speaker sees fit, at a later sitting day.

(2) A member whose vote is impugned by a motion under this Standing Order may make a statement on the motion but may not vote on it.

(3) For the purposes of this Standing Order, the Speaker determines whether or not a member has a financial interest in the question.

Chapter 6
Rules of Debate

General matters

57 Speaker calls members to speak

(1) If two or more members rise to speak at the same time, the member called on by the Speaker is entitled to speak.

(2) In deciding whom to call, the Speaker must take account of the following factors—

(a) if possible, a member of each party should be able to speak in each debate;

(b) overall participation in a debate should be approximately proportional to party membership in Parliament;

(c) priority should be given to party spokespersons in order of size of party membership in Parliament; and

(d) the seniority of members and the interests and expertise of individual members who wish to speak.

58 Protocols while speaking

(1) Members must stand while speaking. However, a member unable conveniently to stand because of illness or infirmity may, with the Speaker's permission, speak from a sitting position.

(2) Members must address all their speeches and observations to the Speaker.

(3) A member must not be interrupted, except by the Speaker, or another member who is—

(a) raising a point of order; or

(b) trying to clarify some matter raised by the member in his or her speech, but only if the member speaking is willing to give way and resume his or her seat and the member wishing to interrupt is called by the Speaker.

(4) When a member has finished speaking, the member resumes his or her seat, and any other members wishing to speak may rise.

59 Member must declare financial interest

A member must, before participating in the consideration of any item of business, such as speaking in Parliament or sitting on a committee, declare any financial interest that the member has in that business, if the interest is not already contained in any register of pecuniary or other specified interests of members of Parliament.

60 Speech must be relevant

(1) When speaking, members must confine their observations to the subject under consideration.

(2) If more than one question has been proposed, by way of amendment, the debate must be relevant to the last question proposed until that question has been disposed of.

(3) If an amendment is moved and seconded, a member who has not spoken previously may speak to the substantive motion as well as to all the amendments proposed by the time the member speaks.

61 Member must not refer to judicial proceedings

When speaking, a member must not refer to any matter in relation to which a judicial decision is pending.

62 Prohibited references

(1) When speaking a member must not impute improper motives to any other member.

(2) The President's name may not be introduced to influence Parliament or any committee.

(3) The conduct of members, the President, the Chief Justice (performing the functions of the office of President under section 88 of the Constitution), members of the judiciary, or other persons acting in a judicial capacity must not be raised, except on a motion with notice introduced with the Speaker's permission. In any other situation, reference to the conduct of any of these individuals is out of order.

(4) It is out of order for a member, when speaking, to use—

(a) offensive words against Parliament or another member;

(b) treasonable words;

(c) seditious words; or

(d) words that are likely to promote or provoke feelings of ill-will or hostility between communities or ethnic groups within Fiji.

63 Speech must not reflect upon votes taken

A member must not reflect upon any vote of Parliament, except on a motion that a vote be rescinded.

64 Number of speeches

(1) Except as otherwise provided in the rest of this Standing Order, a member may speak only once to a question before Parliament.

(2) A member may speak more than once—

(a) to a point of order;

(b) when Parliament is in committee; or

(c) when another Standing Order expressly allows.

(3) The mover of a substantive motion, other than a motion for an amendment, may, at the end of the debate on the motion, speak in reply to any matter raised in the debate. Once the mover has exercised the right of reply, no other member may speak on the motion and the question must be put pursuant to Standing Order 53.

(4) A member who has spoken on a substantive motion may, when a motion to amend that motion has been moved and seconded, speak again, but only on the amendment.

(5) A member may second a motion by rising and stating that the member seconds the motion, without losing his or her right to speak during the debate on the motion.

65 Reading of speeches prohibited

(1) Members must not read their speeches. However, a member may—

(a) read extracts from documents in support of his or her arguments; or

(b) refresh his or her memory by reference to notes.

(2) The Speaker may direct a member to refrain from reading a speech if—

(a) a point of order is raised by a member; or

(b) the Speaker observes the activity.

66 References to other motions and debates

(1) A member may not, without the Speaker's permission, propose a motion that has previously been proposed, debated, and disposed of unless 6 months have elapsed since its disposal.

(2) A member may not, without the Speaker's permission, revive in any debate a matter upon which Parliament has come to a conclusion unless 6 months have elapsed since that conclusion.

(3) It is out of order to anticipate any question by discussion of a motion or by debate before the day appointed for the consideration of that question.

67 Speaker may terminate member's speech

(1) The Speaker may terminate a member's speech if, having first been warned by the Speaker, the member persists in speaking on irrelevant matters or with tedious repetition either of the member's own arguments or of those of other members used in the debate.

(2) The Speaker may terminate a member's speech for breach of any other rule of debate in these Standing Orders.

68 Speaking times and the putting of questions

(1) The time limit for all speeches and debates is 20 minutes unless otherwise agreed by the Business Committee or permitted by another Standing Order.

(2) During the course of a debate, any member may move, without notice or a seconder, "That the question be now put". The Speaker may refuse to propose "That the question be now put" if—

(a) the prescribed time limit for the debate has not been reached; or

(b) in the Speaker's opinion, to put the question—

(i) would curtail reasonable debate;

(ii) would be contrary to ensuring all parties represented in Parliament have a fair proportion of the debating time; or

(iii) would be an abuse of these Standing Orders or otherwise be unreasonable.

(3) If the Speaker accepts the motion, the question on it is proposed without amendment or debate.

(4) When a debate ceases, whether or not upon the expiry of any time limit or on the carrying of a motion "That the question be now put", the Speaker must immediately call upon the mover of the motion that was the subject of the debate to exercise the right of reply and then propose the question to Parliament.

69 Adjournment of debate

(1) After a question has been proposed, any member, on being called to speak to that question, may move "That this debate be now adjourned" either to a later hour on the same day or to any other day. There is no amendment or debate on this question.

(2) On the adjournment of Parliament, any debate in progress is adjourned and set down for resumption on the next sitting day.

Maintenance of Order

70 Powers of the Speaker to enforce order

(1) The Speaker maintains order and decorum in Parliament.

(2) Whenever the Speaker rises during a sitting, members must sit down and be silent so that the Speaker can be heard without interruption.

71 Members to acknowledge Speaker

Members must acknowledge the Speaker or other person presiding by bowing when entering and leaving the Chamber.

72 Members must be seated

Members must be seated when they are in the Chamber except when speaking in debate or voting.

73 Members to stand as Speaker leaves Chamber

When the Speaker or other person presiding is about to leave the Chamber at the conclusion of a sitting, members rise in their places and remain standing until the Speaker or other person presiding has left the Chamber.

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.

75 Disorderly conduct

(1) The Speaker may order any member whose conduct is highly disorderly or repeatedly violates the Standing Orders to withdraw immediately from Parliament for a period of time that the Speaker decides, being no more than the remainder of that sitting day.

(2) A member ordered to withdraw before or during questions for oral answer may not return to the Chamber to ask or answer a question and no other member may ask a question on that member's behalf.

(3) Any member ordered to withdraw from Parliament may not enter the Chamber and may not vote on any question put during the period of his or her withdrawal.

76 Naming of member and suspension for grossly disorderly conduct

(1) The Speaker may name any member whose conduct is grossly disorderly and call on Parliament to judge the conduct of the member by immediately putting the question "That [*member*] be suspended from the service of Parliament". There is no amendment or debate on the question.

(2) If the naming occurs while Parliament is in committee, the committee must first resolve itself into Parliament before the question is put.

(3) If the majority of all members vote in favour, the member is suspended,—

(a) on the first occasion, for three days (excluding the day of suspension);

(b) on the second occasion during the same session, for seven days (excluding the day of suspension); or

(c) on the third or any subsequent occasion during the same session, for 28 days (excluding the day of suspension).

(4) A member who is suspended who refuses to obey a direction of the Speaker to leave the Chamber is, without any further question being put, suspended from the service of Parliament for the remainder of the calendar year.

(5) The fact that a member has been suspended under clause (3) or (4) does not prevent Parliament from also holding the member's conduct to be in contempt.

77 Suspension from Parliament during disputed vacancy

A member who makes an application to the Court of Disputed Returns under section 63(5) of the Constitution in relation to the validity of his or her seat becoming vacant must be treated as being suspended from the service of Parliament until the Court of Disputed Returns makes its determination on the application.

78 Rights forfeited by suspended member

(1) A member who is suspended from the service of Parliament under Standing Order 76 or 77 must not do any of the following—

(a) enter the Chamber;

(b) vote;

(c) serve on a committee; or

(d) lodge a question or notice of motion.

(2) For the purposes of these Standing Orders, Parliament must be treated as if there were a vacancy in its membership for the duration of the member's suspension and Standing Order 8 applies.

79 Grave disorder in Parliament

If there is grave disorder in Parliament, the Speaker may, if he or she thinks it necessary to do so,—

(a) suspend the sitting to a time named by him or her; or

(b) adjourn Parliament without any question being put, to a time named by him or her.

80 Personal explanation

A member may explain matters of a personal nature with the permission of the Speaker. A personal explanation is not debatable.

81 Response to misrepresentation

(1) A member who has spoken to a question may speak again, at the discretion of the Speaker, to offer an explanation of some material part of his or her speech that has been misrepresented, misquoted, or misunderstood. The member must do so immediately at the end of the speech of the member who is alleged to have misrepresented, misquoted, or misunderstood the speech.

(2) An explanation must be succinct, strictly relevant to the reference, and not introduce any new matter.

82 Publishing of Speakers' Rulings

Rulings from the Speaker showing how the Standing Orders have been applied and interpreted may be published and made available as an addendum to the Standing Orders.

Chapter 7
Legislative Procedures

Passage of Bills through Parliament

83 Who may introduce Bill

(1) A Minister may introduce a Bill but only the Minister responsible for Finance, or another Minister authorised by Cabinet, may introduce a Money Bill.

(2) A member may only introduce a Private Bill provided that Standing Order 94 is complied with by the member.

(3) No less than two days before the sitting day at which the Bill is intended to be read, the Minister or a member as the case may be must—

(a) give notice to the Secretary-General of his or her intention to introduce a Bill; and

(b) publish a notice of the Bill together with a copy of the Bill in the Gazette.

(4) Clause (3) does not apply if the Bill is a Money Bill.

(5) A Bill is introduced by being read a first time under Standing Order 84.

84 First reading

(1) Where a motion is moved "That [*name of Bill*] be now read a first time", it shall be passed without debate and without the question being put. The Secretary-General shall then read the title of the Bill and the Bill is then set down for second reading on a future sitting day.

(2) At the time of moving First reading of a Bill, the member must table four copies of the Bill in Parliament.

(3) Copies of the Bill shall be made available to each member as soon as is practicable.

85 Second reading

(1) On a motion being moved and seconded "That [*name of Bill*] be now read a second time", a debate may take place on the principles and merits of the Bill.

(2) To the question "That [*name of Bill*] be read a second time", an amendment may be moved and seconded to leave out all the words after the word "that" and the words "the second reading of [*name of Bill*] be deferred until [*date*]" be inserted. If the amendment is seconded, the question "That the amendment be made" must be proposed and a debate may take place on the amendment until the question is put.

(3) The amendment described in clause (2) is the only amendment permitted to be moved at a second reading.

(4) If the question that the Bill be read a second time is carried, the Secretary-General then reads the title of the Bill and the Speaker refers the Bill to—

(a) the standing committee with jurisdiction over the subject-matter of the Bill; or

(b) if Parliament resolves, a special committee (whether existing or established for the purpose of considering the Bill).

86 Standing or special committee report back

Once a standing committee or special committee has reported a Bill to Parliament in accordance with Standing Order 121 or 129(5), the Bill is set down for consideration by the Committee of the Whole Parliament on a future sitting day.

87 Committee of the Whole Parliament

(1) At the time set down for Parliament to consider a Bill in committee, Parliament must resolve itself into a Committee of the Whole Parliament for the consideration of the Bill.

(2) Once in committee the Secretary-General must call the clauses of the Bill in order, by reading the number of each clause. Subject to the rest of this Standing Order, the Speaker then puts the question on each clause. Voting shall be conducted in accordance with Standing Order 53.

(3) Despite (2), where—

(a) the Business Committee has decided or leave of the Parliament has been granted; and

(b) there are no amendments proposed,

two or more clauses can be grouped together for the purposes of efficiency and be voted upon in a group.

(4) During the course of consideration of the clauses,—

(a) a clause may be replaced, in which case the Speaker calls on the member in whose name the proposed replacement clause stands and the member moves "That clause [*number*] be replaced by the following clause". After any debate, the Speaker puts the question and, if carried, the Bill is amended accordingly without any further question;

(b) a new clause may be inserted at its proper and logical place, in which case the Speaker calls on the member in whose name the proposed clause stands and the member moves "That the following clause be inserted immediately after clause [*number*]". After any debate, the Speaker puts the question "That clause [*number*] as amended stand part of the Bill," and, if carried, the Bill is amended accordingly without any further question; and

(c) a clause may be amended, in which case the member proposing the amendment is called on by the Speaker at the relevant point in the clause. After any debate on the amendments, the Speaker puts the question "That the proposed amendment to clause [*number*] be made". If any of the amendments are carried, the Speaker puts the question "That clause [*number*] as amended stand part of the Bill" and, if carried, the Bill is amended accordingly without any further question.

(5) Any schedules to a Bill are considered following the consideration of its clauses. Schedules are called and may be replaced, inserted, or amended in the same manner as the clauses.

(6) Notice of a proposed replacement or new clause or schedule must be given not less than 24 hours before the committee sits unless leave of Parliament is given. Otherwise, no notice of amendments to clauses is required, however, the proposed amendments must comply with the requirements of Standing Orders 105 and 107.

(7) Replacements, insertions and amendments to a clause or schedule proposed by a Minister must be considered before proposals of any other members to the clause or schedule.

(8) The Secretary-General may, as the result of any replacement, insertion, or amendment to a clause or schedule, renumber or make any minor consequential amendment to the Bill.

(9) Consideration of a clause may be postponed. However, a motion for postponement may not be moved in relation to any clause after the clause has been amended.

(10) If consideration of the Bill is not completed in one sitting, the proceedings on the Bill may, on motion without notice, be adjourned until a subsequent sitting of Parliament as specified in the motion. If no such motion is made, consideration of the Bill continues at the next sitting. On resuming consideration of the Bill, Parliament resolves itself into committee without the Speaker putting the question to Parliament.

(11) Once consideration of a Bill in committee has been completed, Parliament resumes its sitting without the Speaker putting any question to Parliament. The Secretary-General then reports the consideration of the Bill, with or without amendment.

88 Third reading

(1) Once consideration of a Bill by the Committee of the Whole Parliament has been reported to Parliament, it may, on motion, be read a third time, either immediately or at some subsequent sitting. If the motion is carried, the Secretary-General reads the title of the Bill and the enacting clause.

(2) A motion for this purpose must state "That the [*name of Bill*] be read a third time and do pass" and any debate is confined to the question of whether the Bill should pass and any amendments to that question are limited to the following—

(a) that the third reading be postponed to some specific date in the future; or

(b) that the Bill be recommitted, either generally or for a limited and specified purpose.

(3) Despite clause (2), no amendments to the question of whether an appropriation Bill should pass may be made.

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) 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.

90 Withdrawal of Bills

The member in charge of a Bill may withdraw the Bill at any time before the Bill has been read a third time by leave of Parliament.

Special provisions relating to Bills

91 Bill to proceed without delay

A Bill may proceed more quickly than permitted by Standing Orders 83 to 88 if—

(a) the member in charge of the Bill requests, by motion under Standing Order 51, that Parliament approve consideration of the Bill without delay; and

(b) a majority of all members vote in support of the request.

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 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.

93 Bills amending the Constitution

(1) Standing Orders 83 to 89 apply to a Bill to amend the Constitution with the following modifications—

(a) the Bill, on introduction, must be expressed as a Bill for an Act to amend the Constitution;

(b) no less than three-quarters of all members vote in favour of the Bill being read a second time;

(c) the Bill must be sent to and reported on by a standing or special committee;

(d) the third reading of the Bill takes place no earlier than 30 days after the second reading;

(e) no less than three-quarters of all members vote in favour of the Bill being read a third time; and

(f) the Speaker notifies the President that the Bill has been passed.

(2) In this Standing Order, "amend" means repeal, replace, revise, or alter.

94 Private Bill

(1) Before a Private Bill is introduced, the member intending to introduce the Bill must—

(a) give notice of his or her intention to introduce the Bill by publishing, in the Gazette, the general nature and objectives of the Bill; and

(b) publish the Bill in three successive editions of the Gazette.

(2) When giving notice to the Secretary-General of the member's intention to introduce the Bill, the member must also provide to the Secretary-General—

(a) a letter endorsing the Bill's introduction from the person or persons that will be affected by, or benefit from, the Bill; and

(b) evidence that the member has satisfied the requirements of clause (1).

95 Money Bill

In Standing Order 96, "Bill" means a Bill that—

(a) appropriates revenue or moneys or increases such an appropriation;

(b) imposes a tax or increases an existing tax; or

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

96 Cabinet consent to enactment of certain Bills

For the purposes of section 143 of the Constitution, the consent of Cabinet to enact a Bill is signified by the Minister responsible for Finance—

(a) introducing the Bill; or

(b) moving or seconding an amendment to the Bill during its passage.

97 Reinstatement of Bills to Order Paper

(1) A Bill that lapses due to prorogation before it has been passed may proceed in the next session at the stage it had reached in the previous session by resolution of Parliament restoring the Bill to the Order Paper.

(2) A Bill that lapses before it has been passed because of the dissolution of Parliament cannot be restored to the Order Paper in the next Parliament.

Chapter 8
Financial Procedures

98 Committee of Supply

(1) There is established a Committee of the Whole Parliament called the Committee of Supply.

(2) The public is entitled to observe the committee during its deliberations.

99 Annual budget

(1) In November or December of each year, the Minister responsible for Finance must present to Parliament a Bill for the next calendar year (or other 12-month period as Parliament may prescribe) that contains the information required under section 144(1) of the Constitution.

(2) The Bill, to be known as the Appropriation Bill, must be accompanied by a document, to be known as the Estimates. The Estimates outline the details of the appropriation amounts contained in the Bill and must be circulated to all members immediately after the Bill is introduced. The Bill may also be accompanied by any other supplementary or ancillary document that the Minister responsible for Finance wishes to include.

(3) Parliament is then adjourned until a date and time fixed by the Speaker at which time the Bill is read a second time and, without any question being put, the Bill and the Estimates stand referred to the Committee of Supply. The date and time as fixed must be at least six days after the adjournment and notice of the second reading must be given at least two days before that date.

100 Procedure on Estimates during Committee of Supply

(1) Once Parliament is in the Committee of Supply, the Speaker orders the Secretary-General to call each head of the Estimates in turn, at which time debate may take place on any matter related to the head.

(2) An amendment to the head, or subhead or item under the head, may be moved without notice during the course of the debate but only the following forms of amendment are in order—

(a) "That head [*name of head*] be increased by $[*amount*] in respect of [*name of subhead or item*]";

(b) "That head [*name of head*] be decreased by $[*amount*] in respect of [*name of subhead or item*]"; or

(c) "That [*name of subhead or item*] be left out of head [*name of head*]".

(3) If more than one amendment is moved to the same head, subhead, or item, an amendment for an increase of any sum takes precedence over an amendment for its reduction, and an amendment for a greater reduction takes precedence over an amendment for a lesser reduction.

(4) Debate on an amendment is confined to the head, subhead or item to which the amendment refers.

(5) When no further members wish to speak on a head, subhead, or item, the Speaker puts the question upon any amendment that may have been proposed.

(6) At the conclusion of all proceedings in relation to a head, the Speaker puts the question—

(a) if no amendments, "That the amount of head [*name of head*] be approved";

(b) if one or more amendments have been made, "That the amount of head [*name of head*] as amended, be approved".

(7) After all questions with regard to a head have been decided, the Secretary-General calls the next head.

(8) During this debate, the Committee of Supply considers the appropriations as set out in the Estimates sought by the Government for each Vote in the Appropriation Bill. As each Vote is reached, the question is proposed that the Vote stand part. A motion may be moved to change a Vote. Such a motion must specify the appropriation or appropriations within the Vote that it proposes to alter.

101 Procedure on Appropiration 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.

102 Supplementary Estimates

(1) This Standing Order applies if the Minister responsible for Finance introduces to Parliament a Bill to provide for expenditure not already provided for by the Appropriation Bill for that 12-month period.

(2) The Bill, to be known as the Supplementary Appropriation Bill, must be accompanied by a document, to be known as the Supplementary Estimates, being the details of the appropriation amounts contained in the Bill. The Supplementary Estimates must be circulated to all members immediately after the Bill is introduced.

(3) Parliament is then adjourned until a date and time fixed by the Speaker at which the Bill is read a second time and, without any question being put, the Bill and the supplementary estimates stand referred to the Committee of Supply. The date and time as fixed must be at least six days after the adjournment and notice of the second reading must be given at least two days before that date.

(4) Once Parliament is in the Committee of Supply, the Supplementary Estimates must be considered in accordance with the procedure set out in Standing Order 100.

(5) At the end of the procedure for the debate, the Supplementary Appropriation Bill must be dealt with in accordance with the procedure set out in Standing Order 101.

103 Auditor-General's Report

The Minister responsible for Finance must lay the Auditor-General's report before Parliament in accordance with section 152(14) of the Constitution.

Chapter 9
Amendments to Motions and Bills

104 Amendments generally

(1) A member who has risen to speak to a question proposed by the Speaker may, without notice, move an amendment to the motion if the amendment is relevant and not substantially the same as an amendment moved by another member. The relevance of an amendment or its correspondence to another is decided by the Speaker.

(2) Every amendment must be seconded other than an amendment to a clause or schedule of a Bill proposed in a Committee of the Whole Parliament.

(3) An amendment to a question is put before the original question is put and an amendment to a proposed amendment is considered as if the proposed amendment were an original motion.

(4) The Speaker may refuse to propose an amendment that, in the Speaker's opinion, is unintelligible, irrelevant, frivolous, or scandalous, or is otherwise out of order or not in accordance with these Standing Orders.

105 Amendments to motions

(1) An amendment to a motion must take one of the following forms—

(a) to leave out one or more of the words of the motion;

(b) to insert one or more words in the motion;

(c) to add one or more words at the end of the motion;

(d) to leave out one or more words of the motion and insert one or more words instead; or

(e) to leave out one or more words at the end of the motion and to add one or more words instead.

(2) If directed by the Speaker, the mover of an amendment to a motion must put it in writing and pass it to the Speaker.

(3) The question the Speaker proposes on an amendment to a motion is "That the amendment be made".

(4) If two or more amendments are proposed to be moved to the same motion, the Speaker calls on the movers in the order in which their amendments relate to the text of the motion or, in case of doubt or overlap, in the order decided by the Speaker.

106 Amendments to amendments to motions

(1) An amendment to an amendment that any member wishes to move may be moved at any time after the question on the original amendment has been proposed and before the question has been put on that original amendment.

(2) An amendment to an amendment must take one of the forms set out in Standing Order 105 and be disposed of in the same way as an amendment to a motion.

(3) Once every amendment to an amendment has been disposed of, the Speaker again proposes the original amendment, or proposes the original amendment as amended, as the case may be.

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(2)(a).

108 Withdrawal of amendments

(1) An amendment may be withdrawn at the request of the mover by leave of Parliament.

(2) If an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been disposed of whether by being agreed to, defeated, or withdrawn.

(3) If an amendment to an amendment has been proposed, the original amendment cannot be withdrawn until the amendment to the amendment has been disposed of whether by being agreed to, defeated, or withdrawn.

Chapter 10
Committees

Standing Committees

109 Standing Committees

(1) There shall be six standing committees of Parliament established after a general election pursuant to section 70 of the Constitution.

(2) The six standing committees and their respective mandates are as follows—

(a) Standing Committee on Economic Affairs – including matters related to economic development, finance, banking and taxation;

(b) Standing Committee on Social Affairs – including matters related to health, education, social services, labour, culture and media;

(c) Standing Committee on Natural Resources – including matters related to forestry, agriculture, mining, environment, fisheries, water and marine services;

(d) Standing Committee on Public Accounts – including examining the accounts of the Government of the Republic of Fiji in respect of each financial year and reports of the Auditor-General, and for any other matter relating to the expenditures of the Government of the Republic of Fiji or any related body or activity (whether directly or indirectly) that the committee sees fit to review. The committee must only examine how public money has been dealt with and accounted for in accordance with the written law and must not examine the merits of the underlying policy that informs public spending;

(e) Standing Committee on Foreign Affairs and Defence – including matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisations; and

(f) Standing Committee on Justice, Law and Human Rights – including matters related to crime, civil rights, courts and their administration, the Constitution, policing and human rights.

(3) Where there is a dispute with regard to which standing committee shall have jurisdiction over a matter before Parliament, the Speaker, in consultation with the Business Committee, shall determine to which committee to assign the matter.

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 program, 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.

(2) Where a committee conducts an activity listed in clause (1), the committee shall ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

111 Access to standing committee meetings

(1) Standing committees must—

(a) ensure all meetings are open to the public and the media;

(b) in order to encourage public access to committee meetings, provide notification of its meetings through the media, websites accessible to the public, advertisements and other means of promotion; and

(c) unless otherwise directed by Parliament, provide sufficient time, notification and an adequate opportunity for public representations and input into its activities prior to finalising its report and recommendations.

(2) Despite clause (1)(a) and (b) and in accordance with section 72(2) of the Constitution, a committee may, after consultation with the Speaker, conduct a meeting that is closed to the public and media where the committee is considering a matter related to—

(a) National security;

(b) Third party confidential information;

(c) Personnel or human resources; or

(d) Deliberations and discussions conducted in the development and finalisation of committee recommendations and reports.

112 Powers of standing committees

(1) For the purposes of performing its functions and subject to section 74 of the Constitution and any other written law governing Parliament, a standing committee has the power to—

(a) summon any person to appear before it to give evidence or provide information;

(b) compel the production of documents or other materials or information as required for its proceedings and deliberations;

(c) determine if it will accept oral or written evidence;

(d) determine the extent, nature and form of its proceedings;

(e) conduct its proceedings or any aspect of its work at any venue it deems to be most suitable, including, where Parliament is not sitting, a venue beyond the precincts of Parliament;

(f) appoint sub-committees in accordance with Standing Order 122;

(g) consult and liaise with any government department falling within its category of affairs;

(h) in accordance with section 91(3) of the Constitution, compel the attendance of a Minister to testify or to produce documents or other materials; and

(i) exercise such other powers as may be prescribed or assigned to it by the Constitution, any law, these Standing Orders or a resolution of Parliament.

(2) For the purposes of clause (1)(a) and (b), a standing committee has the same powers as those of the High Court.

113 Duration of standing committees

A standing committee continues until the dissolution of Parliament and its business shall not end where Parliament is prorogued.

114 Composition of standing committees

(1) Unless Parliament directs otherwise, a standing committee consists of the number of members as agreed between the Speaker and the Business Committee, but in any event being no fewer than five and no more than seven members.

(2) A Minister shall not be a member of a standing committee.

(3) For purposes of (2), "Minister" does not include an Assistant Minister.

(4) Each party is, as far as possible, entitled to be represented on each standing committee in a way that fairly reflects that party's representation in 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.

116 First meeting of a standing committee

(1) The Secretary-General must convene the first meeting of each standing committee—

(a) not later than five sitting days from the date on which the names of the committee members are published in the Minutes of Proceedings, if Parliament is sitting or is in a sitting period; and

(b) not later than 30 days from the date on which the names of the committee members are published in the Minutes of Proceedings, if Parliament is not in session.

(2) The Secretary-General must notify members of the committee, and the whip of each party, of the first meeting at least—

(a) one day before the date convened for the meeting, if Parliament is in session; and

(b) 14 days before the date convened for the meeting, if Parliament is not in session.

117 Chairperson of a standing committee

(1) At the first meeting of each standing committee, the members must elect a chairperson and a deputy chairperson from amongst themselves.

(2) If the chairperson or deputy chairperson is for any reason no longer available to perform the functions of chairperson or deputy chairperson, the members must elect another member from amongst themselves as a chairperson or a deputy chairperson.

(3) The members may at any meeting of the standing committee by majority vote replace a chairperson or a deputy chairperson and elect another member from amongst themselves as a chairperson or a deputy chairperson, provided however that a chairperson or a deputy chairperson can only be replaced under this clause after he or she has served as chairperson or deputy chairperson for at least 12 months during the 4-year term of Parliament.

(4) Subject to any decisions and directions of the standing committee, the chairperson has the authority to—

(a) convene meetings of the committees;

(b) preside at meetings of the committee;

(c) exercise such powers or perform such functions, tasks and duties as may be conferred upon or assigned to the chairperson by resolution of the committee and in compliance with these Standing Orders and the Constitution; and

(d) exercise any powers and perform any functions or duties conferred by these Standing Orders or a resolution of Parliament, including ensuring that the committee complies with Standing Orders 110(2) and 111.

(5) If the Chairperson is absent or unable to perform the duties listed in clause (4), the Deputy Chairperson shall perform the functions, tasks and duties of the Chairperson until the Chairperson is no longer absent.

118 Quorum and voting at meetings

(1) A majority of the members of a standing committee shall constitute a quorum.

(2) Where a standing committee does not have a quorum—

(a) no vote shall be conducted or question determined; and

(b) the Chairperson shall—

(i) suspend business until a quorum is present; or

(ii) adjourn the meeting.

(3) A resolution of a standing committee shall enjoy the support of the majority of the members present and voting.

(4) The chairperson or, if presiding, the deputy chairperson has a deliberative vote but does not have an additional casting vote.

(5) If there is an equality of votes on a question, the question is deemed to be lost.

(6) Where a vote is necessary, the chairperson must invite the members to agree on the motion or amendment and, if—

(a) no member objects, the motion or amendment is deemed agreed by the committee; or

(b) any member objects, a vote must be taken by a show of hands and, when any member of the committee requests that the vote be recorded, the names of those voting (including those recording an abstention) must be recorded in the minutes of the committee's proceedings.

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 must be included with the report of the committee to Parliament.

(3) Oral evidence before a standing committee must be recorded verbatim.

(4) All persons whose individual rights or interests 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 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 a 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.

120 Charge against member

In accordance with any written law governing Parliament, where any information charging a member comes before a standing committee, the committee must—

(a) not proceed upon such information; and

(b) must report such information to Parliament.

121 Presentation of reports

(1) A standing committee must report—

(a) on a Bill referred to the committee not later than 30 days after the referral, unless Parliament, by resolution, directs otherwise or extends the 30-day period; and

(b) in relation to any other matter referred to or initiated by the committee, as soon as it has completed its considerations and deliberations.

(2) Where a standing committee deems it necessary, it may table one or more interim reports with Parliament.

(3) A standing committee shall not present a minority report.

(4) A report of a standing committee must—

(a) be tabled in Parliament by the Chairperson or some other member as delegated by the Chairperson;

(b) remain in the custody of the Secretary-General; and

(c) be made available for members to access in accordance with Standing Order 15(3)(f).

(5) Where a report of a standing committee—

(a) is not related to a Bill or an international treaty; and

(b) has been tabled in Parliament,

the member tabling the report must move a motion, without notice, to initiate a debate on the contents of the report at a future sitting.

(6) Where the motion noted in clause (5) is adopted,—

(a) the report of the standing committee shall be delivered to the relevant government department by the Secretary-General within 14 days; and

(b) the Minister responsible for the relevant government department must table a substantive response to the standing committee's report within 60 days of receiving the report.

122 Subcommittees

(1) A standing committee may, by resolution, appoint a subcommittee if the committee considers that a subcommittee will enable the committee to carry out one or more of the committee's functions, duties, and powers.

(2) The resolution appointing a subcommittee must—

(a) appoint the members of the subcommittee from the members of the committee;

(b) appoint a member of the subcommittee as the chairperson;

(c) state the extent, nature, and form of the subcommittee's assignment and the reporting requirements to the committee; and

(d) state the period within which the subcommittee must complete its assignment.

(3) The resolution appointing a subcommittee may assign—

(a) any power or function of the standing committee to the subcommittee; and

(b) any matter which falls within the standing committee's jurisdiction to the subcommittee.

(4) A subcommittee continues in existence until it has completed its assignment or has reached the deadline set in the resolution creating the subcommittee.

(5) Subject to the Constitution, these Standing Orders, a resolution of Parliament and the standing committee resolution that created the subcommittee, a subcommittee may determine its own procedures.

Select Committees

123 Select Committees

(1) The following select committees are automatically convened after each general election for the purposes of managing the business of Parliament—

(a) Business Committee;

(b) House Committee;

(c) Privileges Committee; and

(d) Standing Orders Committee.

(2) The select committees in clause (1) remain convened until the dissolution of Parliament.

(3) Standing Order 118 applies to all select committees.

(4) Standing Order 124 applies to the Business Committee.

(5) Standing Order 126 applies to the House Committee.

(6) Standing Order 127 applies to the Privileges Committee.

(7) Standing Order 128 applies to the Standing Orders Committee.

(8) Otherwise, a select committee may determine its own procedures.

124 Business Committee

(1) The Business Committee comprises the following members—

(a) the Speaker, who is the chairperson of the committee;

(b) the Prime Minister;

(c) the Leader of the Opposition;

(d) the Leader of any other party; and

(e) up to five other members jointly appointed by the Prime Minister and the Leader of the Opposition, provided that the total membership of the committee, excluding the chairperson, is at all times an equal number of government members and opposition members.

(2) If the Speaker is unable to act as the chairperson of the committee, the Deputy Speaker must act as the chairperson of the committee for so long as the chairperson is unable to do so.

(3) If a member of the Business Committee is unable to attend a meeting of the committee and 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.

(4) The Business Committee may—

(a) determine the business for each sitting day and the order in which that business will be called and, for this purpose, may determine—

(i) whether the normal order of business as set out in Standing Order 34(1) is to be amended for any particular sitting day;

(ii) the time to be spent on an item of business, including how that time is to be allocated among the parties represented in Parliament and the speaking times of individual members; and

(iii) that any two or more items of business may be taken together for the purposes of debate; and

(b) perform or exercise any other functions, duties, or powers conferred on the committee by these Standing Orders or by resolution of Parliament.

(5) The powers of the Business Committee do not limit or affect the powers of the Speaker and Parliament to determine which matters may properly be introduced, debated, and resolved in Parliament.

125 Decisions of Committee

(1) The Business Committee must make decisions on the basis of unanimity, or if not possible, near-unanimity, being agreement reached by those members who represent the overwhelming majority of members of Parliament.

(2) The Speaker is the judge of whether unanimity is not possible and, if this is the case, whether a sufficient degree of near-unanimity has been reached for there to be an effective determination by the committee. However, before doing so, the Speaker must be satisfied that, having regard to the party membership in Parliament, the proposed determination is fair to all parties and does not discriminate against or oppress a minority party or minority parties.

(3) A determination of the Business Committee takes effect when it is notified in writing to all members of Parliament. A determination must be published and circulated on the Order Paper before any sitting of Parliament at which it is to apply.

126 House Committee

(1) The House Committee shall consist of the following members—

(a) the Speaker, who shall be the Chairperson of the Committee;

(b) the Deputy Speaker;

(c) a Minister designated by the Prime Minister;

(d) a Member designated by the Leader of the Opposition; and

(e) not more than two other Members appointed by the Speaker.

(2) If the Speaker is unable to act as the Chairperson of the House Committee, for any reason, the Deputy Speaker shall act as Chairperson of the Committee.

(3) The mandate of the House Committee is to—

(a) consider the welfare and the provision of amenities for Members;

(b) provide oversight and management of the parliamentary service, in accordance with any laws established;

(c) report to Parliament at least once every calendar year; and

(d) perform any other related duties as may be assigned to it by Parliament.

127 Privileges Committee

(1) The Privileges Committee comprises the following members—

(a) the Deputy Speaker, who is the Chairperson of the committee; and

(b) five members appointed by the Speaker in consultation with the Prime Minister and the Leader of the Opposition.

(2) The mandate of the Committee is to—

(a) bring to the attention of Parliament any breach of the privileges of Parliament committed by any person;

(b) consider any questions of privilege as may be referred to it by Parliament or the Speaker whether under Standing Order 134 or otherwise;

(c) inquire into any complaint that may be referred to it by Parliament or Speaker concerning any breach of privilege on the part of any person or persons; and

(d) provide reports and recommendations to Parliament as a result of any matter referred to it.

(3) For the purposes of performing its functions and duties, the Privileges Committee may summon any person to appear before the committee to give evidence or provide information, and, for these purposes, the committee has the same powers as the High Court to—

(a) enforce the attendance of witnesses and examine them on oath, affirmation, or otherwise; and

(b) compel the production of documents or other material or information as required for performing the function or duty concerned.

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 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.

Special Committees

129 Special Committees

(1) A special committee may be established by resolution of Parliament to carry out the assignment specified in the resolution.

(2) A special committee continues in existence until—

(a) it completes its assignment; or

(b) Parliament resolves to discharge the committee.

(3) Members of a special committee must be appointed as part of the resolution of Parliament that establishes the committee.

(4) A special committee has—

(a) the powers of a standing committee conferred by these Standing Orders; and

(b) any other powers specified in the resolution of Parliament that establishes the committee.

(5) Standing Orders 111 and 118 to 122 apply to a special committee subject to any necessary modifications and the resolution of Parliament that establishes the committee.

Chapter 11
Miscellaneous

130 Approval of international treaties

(1) This Standing Order provides the process by which Parliament approves an international treaty for the purposes of section 51 of the Constitution.

(2) The Attorney-General must give notice of a motion for the Standing Committee on Foreign Affairs and Defence to review a treaty. The notice must be accompanied by a—

(a) copy of the treaty; and

(b) written analysis that includes the following information—

(i) a summary of the treaty;

(ii) the requirements for its implementation within a signatory State; and

(iii) a statement of the impact of the treaty on Fiji.

(3) At the time appointed under Standing Order 34 for motions for which notice has been given, the Speaker must, without debate, refer the treaty and the analysis to the Standing Committee on Foreign Affairs and Defence for consideration and review, and the Standing Committee on Foreign Affairs and Defence may table a report in Parliament not later than 30 days after the treaty has been referred to it.

(4) The Attorney-General may move a motion that the treaty be approved by Parliament if the Standing Committee on Foreign Affairs and Defence—

(a) tables a report on the treaty; or

(b) does not table a report on the treaty within the required 30-day period referred to in clause (3).

(5) The motion passes if it is supported by a majority of all members, and, if so, the Speaker must provide notification in the Gazette that the treaty has been approved by Parliament.

(6) In this Standing Order, "treaty"—

(a) means a treaty, convention, or other bilateral or multi-lateral agreement signed by the Government of Fiji that binds the Government of Fiji to meet certain standards or to implement a particular legal or policy framework; and

(b) includes any schedules, appendices, or other attachments to the agreement.

131 Government guarantees and loans

(1) For the purposes of section 145(1) of the Constitution, the Parliament authorises the giving of a guarantee by the Government by a majority of all members, voting in favour of a motion that the Government act as guarantor to the person named in the motion.

(2) Where directed by resolution of Parliament, the Minister responsible for Finance must present to the Parliament information concerning any particular loan or guarantee given by the Government, including all information necessary to show—

(a) the extent of the total indebtedness of the Government by way of principal and accumulated interest (actual or potential);

(b) the use made or to be made of the proceeds of the loan or the purpose of the guarantee; and

(c) if a loan, the provisions made for servicing or repayment of the loan and the progress made in the repayment of it.

(3) A motion for the purposes of clause (2) is debatable and may be passed by a majority of members present and voting in favour, unless the conditions prescribed in accordance with section 145(1) of the Constitution provide otherwise.

132 Confirmation of declaration of emergency powers

(1) If an emergency declaration is made when Parliament is sitting, the Prime Minister must, within 24 hours of making the declaration, refer the declaration to Parliament for confirmation.

(2) If the declaration is made when Parliament is between sitting periods or is not in session, the Speaker must, within 48 hours of the Prime Minister making the declaration, seek confirmation of the declaration from the members through such measures of communication as necessary.

(3) If a majority of all members confirm the declaration then it continues for a period of one month from the date of its confirmation, and may be renewed by a further vote in Parliament.

(4) If a majority of all members do not confirm the declaration, then the declaration and any actions taken under it are deemed to be of no effect.

(5) In this Standing Order, "emergency declaration" or "declaration" means a declaration of a state of emergency in Fiji, or in part of Fiji, made by the Prime Minister in accordance with section 154(1) of the Constitution.

133 Privilege

(1) Every member, and any other person speaking in Parliament, has—

(a) freedom of speech and debate in Parliament, subject to these Standing Orders; and

(b) parliamentary privilege and immunity in respect of anything said in Parliament, to the extent provided by any written law governing Parliament.

(2) Parliament has the power to summon any person to appear before it for the purpose of giving evidence or providing information and, for this purpose, has the same powers as the High Court to—

(a) enforce the attendance of witnesses and examine them on oath, affirmation or otherwise; and

(b) compel the production of documents or other materials or information as required for its proceedings.

134 Raising matters of privilege

(1) At the time appointed under Standing Order 34, a member who wishes to raise a matter of privilege must do so as soon as possible after the matter has come to the member's attention and must inform the Speaker of the nature of the matter at least one hour before the beginning of the sitting at which the member proposes to raise the matter.

(2) A member called upon by the Speaker to raise a matter of privilege must state briefly the facts that the member wishes to draw to Parliament's attention and the resulting grounds on which the member believes there has been a breach of the privileges of Parliament or a member. The Speaker must then decide (either immediately or after deferring the decision to a sitting day as soon as practicable after that sitting day) whether—

(a) there has been a *prima facie* breach of privilege, in which case the matter must be referred to the Privileges Committee for consideration;

(b) there is a breach of privilege, in which case the member who raised the matter or any other member, may move a motion, without notice, based on the matter of privilege and the motion is debated immediately; or

(c) there has been no breach of privilege, in which case the member must resume his or her seat.

(3) The Speaker may interrupt the business of Parliament during a sitting, except during a vote, if a matter of privilege that requires immediate attention arises. Any member may then move, without notice or a seconder, a motion based on the matter of privilege, and the motion is debated immediately. If such a matter arises during a vote, the vote must be completed before the Speaker may interrupt and a motion is moved.

135 Election of Prime Minister when office vacant (otherwise than after general election)

(1) This Standing Order applies when a vacancy arises in the office of the Prime Minister under section 93(4) of the Constitution.

(2) The Speaker must immediately convene Parliament and call for nominations from members for the office of the Prime Minister. If only one person is nominated, and seconded, then that person assumes office as the Prime Minister by taking before the President the oath or affirmation of allegiance and office (which the President must administer). Otherwise Parliament must elect a Prime Minister in the same manner as set out in Standing Orders 13(2) to 13(9).

136 Conduct of ballot to appoint President when vacancy in office

(1) This Standing Order applies when a vacancy arises in the office of the President.

(2) The Prime Minister and the Leader of the Opposition must nominate one name each to the Speaker as a candidate for appointment. If the Prime Minister and the Leader of the Opposition nominate the same person, the Speaker must announce that person as being appointed as President. Otherwise the rest of this Standing Order applies.

(3) An officer of Parliament must give to each member a ballot paper on which the member may write the name of the person proposed for whom the member wishes to vote and then fold the paper so that the name written on it cannot be seen by any other person.

(4) An officer of Parliament must collect the ballot papers for counting at the Table by the Secretary-General. A member on behalf of the Prime Minister and a member on behalf of the Leader of the Opposition may act as scrutineers and observe the count at the Table.

(5) The Speaker announces the name of the person appointed as President, being the person receiving the votes of more than half of all members.

(6) If both nominees receive the same number of votes, or neither nominee receives more than half the votes of all members, the Speaker must conduct another ballot 24 hours later in the same manner. If a further tie results, or neither nominee again receives more than half the votes of all members, the Speaker must continue to conduct further ballots, at 24-hour intervals, until such time as one of the nominees receives a majority of all members' votes, provided however that if after 3 rounds of voting neither nominee receives a majority of all members' votes, then the person nominated by the Prime Minister must be announced by the Speaker as being appointed as the President of Fiji.

(7) At the conclusion of each ballot, the Secretary-General, in the presence of any scrutineers, must destroy the ballot papers.

(8) As soon as practicable after a President is announced under this Standing Order, the Speaker must notify the person's appointment by notice in the Gazette.

137 Replacement of Leader of the Opposition or vacancy in Leader of the Opposition office

(1) If a majority of members consider that the Leader of the Opposition should no longer hold that position, those members may give written notice to the Speaker of their view.

(2) If the Speaker is satisfied that a notice given under clause (1) is representative of the majority of members, or the office of the Leader of the Opposition is vacant, the Speaker must hold an election for the purposes of declaring a new Leader of the Opposition. The election must be held in accordance with the procedure set out in Standing Order 14(3) to 14(13).

138 Application of Standing Orders if no Leader of the Opposition

If there is no Leader of the Opposition, any provision of these Standing Orders in relation to which the Leader of the Opposition may exercise a power or is required to perform a function or duty must be read without reference to the Leader of the Opposition and the provision then applies with any necessary modifications.

139 Prime Minister must table President's notice of resignation

If the President resigns in accordance with section 87 of the Constitution, the Prime Minister must table in Parliament the President's notice of resignation.

140 Removal of President

(1) The Prime Minister must table any report referred to him or her by the Chief Justice under section 89(3) of the Constitution (being a report of a tribunal or medical board established to investigate whether the President should be removed from office for inability to perform the functions of the office). At the same time, the Prime Minister must move a motion without notice that Parliament resolve to adopt the recommendations in the report as to whether the President should be removed from office. No seconder is required for the motion.

(2) The motion, with debate, must take precedence over all other motions and, in accordance with section 89(4) of the Constitution, Parliament must resolve the motion in the affirmative.

141 Speaker's permission for absences

(1) A member obtains the permission of the Speaker to be absent from Parliament by making a written request to the Speaker. If the Speaker does not respond to the request, the member must be treated, for the purposes of section 63(1)(f) of the Constitution, as having obtained the permission of the Speaker.

(2) Where a member has been suspended pursuant to clause 76, the member is deemed to be absent from Parliament with the permission of the Speaker for purposes of section 63(1)(f) of the Constitution.

(3) For the purposes of this clause and the interpretation of section 63(1)(f) of the Constitution, "meeting" means a sitting period.

142 Notices to Speaker relating to member vacancies

A notice given to the Speaker for the purposes of section 63(2), 63(3), or 63(4) of the Constitution must not be treated as having been received by the Speaker until the Speaker has confirmed, to his or her satisfaction, that the contents of the notice is accurate.

Schedule
Oaths and Affirmations

1. Oath of Allegiance

I, [*name*], swear that I will be faithful and bear true allegiance to the Republic of Fiji according to law, and I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji. So help me, God!

2. Affirmation of Allegiance

I, [*name*], do solemnly, sincerely and truly declare that I will be faithful and bear true allegiance to the Republic of Fiji according to law, and I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji.

3. Oath for Members of Parliament

I, [*name*], swear that, as a member of Parliament of Fiji, I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise that I will defend the rule of law and the rights of the people, and will act with integrity and diligently carry out my responsibilities, in accordance with the Constitution of the Republic of Fiji and the law. So help me, God!

4. Affirmation for Members of Parliament

I, [*name*], do solemnly and sincerely and truly declare and affirm that, as a member of Parliament of Fiji, I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise that I will defend the rule of law and the rights of the people, and will act with integrity and diligently carry out my responsibilities, in accordance with the Constitution of the Republic of Fiji and the law.

5. Oath for Speaker/Deputy Speaker of Parliament

I, [*name*], swear that, as the [*Speaker/Deputy Speaker*] of Parliament, I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise that I will defend the rule of law and the rights of the people, maintain the dignity and honour of Parliament to the best of my ability, and act without fear, favour or prejudice, in accordance with the Constitution of the Republic of Fiji and the law. So help me, God!

6. Affirmation for Speaker/Deputy Speaker of Parliament

I, [*name*], do solemnly and sincerely and truly declare and affirm that, as the [*Speaker/Deputy Speaker*] of Parliament, I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise that I will defend the rule of law and the rights of the people, maintain the dignity and honour of Parliament to the best of my ability, and act without fear, favour or prejudice, in accordance with the Constitution of the Republic of Fiji and the law.

7. Oath for Prime Minister

I, [*name*], being appointed as Prime Minister, swear that I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise to hold my office with honour, dignity and integrity, to be a true and faithful counsellor, not to divulge any secret matter entrusted to me, and to perform the functions of my office conscientiously and to the best of my ability. So help me, God!

8. Affirmation for Prime Minister

I, [*name*], being appointed as Prime Minister, do solemnly and sincerely and truly declare and affirm that I will be faithful and bear true allegiance to the Republic of Fiji, and that I will obey, observe, uphold and maintain the Constitution of the Republic of Fiji and all other laws of Fiji; and I solemnly and sincerely promise to hold my office with honour, dignity and integrity, to be a true and faithful counsellor, not to divulge any secret matter entrusted to me, and to perform the functions of my office conscientiously and to the best of my ability.

Price: $6.10

S. NAVUNILAWA, Government Printer, Suva, Fiji—2016
Official Printer Since 1883

21/FGG/16—900