Pitcairn Island

Standing Orders

of the

Island Council

made by the Council

Approved by Resolution of the Council
on the
21st December 2011

PITCAIRN ISLAND COUNCIL

STANDING ORDERS

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ORDER 1 - Preliminary

1. Commencement and Transitional Arrangements

1.1 These Orders take effect immediately upon being approved by resolution of the Council.

2. Interpretation

2.1. Words and expressions which are defined in the Constitution have the same meanings when used in these Orders.

The two principal definitions are reproduced in the Appendix to these Orders.

2.2. In these Orders, unless the context requires otherwise—

"Island Secretary" means the person from time to time appointed to hold the public office of Island Secretary

"Constitution" means the Constitution set out in the Schedule to Pitcairn Constitution Order 2010

"Council" means the Island Council and includes a Committee of the whole Council;

"Government business" means draft Ordinance, Policies and Procedures and motions sponsored by a Member of the Island Council.

"Member" means a Member of the Council (including, for the avoidance of doubt, ex *officio* Members and the Councillor appointed by the Governor. and "**Elected Member**" refers to any of the Members elected pursuant to section 6 of the Local Government Ordinance,

"President" means the person lawfully presiding at a sitting of the Council in accordance with the section 6.5 and 10.1 of the Local Government Ordinance and includes the Deputy Mayor (or acting Mayor) whenever the President is absent or unable to act, or has a conflict of interest, or specifically delegates a function to the Deputy Mayor.

2.3. In interpreting references to "clear days", all Saturdays, Sundays, Public Holidays, shall be left out of account.

3. Meetings, Order Paper, and allocation of seats

3.1. The meetings of the Council shall commence as provided for in section 6 of the Local Government Ordinance

3.2. Unless the President shall otherwise direct, the Council shall not meet except between the hours of 8:30am and 6:00 pm.

3.3. The President may at any time, for the convenience of Members, suspend a sitting for a stated period.

3.4. The President shall allocate a seat for each Member of the Council.

3.5. Before the opening of each sitting of the Council, the Island Secretary shall distribute to Members a paper (to be known as the Agenda) approved by the President and setting forth the order of the day.

4. Presiding in Council

4.1. The person presiding at a sitting of the Council shall act as the Chairman of a Committee of the whole Council.

4.2. The President shall have power to regulate the conduct of business in all matters not provided for in these Orders.

5. Responsibility for Order

5.1. The President shall be responsible for the observance of the rules of Order in the Council and his decision on any point of order shall be final.

5.2. Whenever the President speaks during a debate, any Member then speaking or offering to speak will cease speaking or cease offering to speak and the Council is to be silent so that the President may be heard without interruption.

5.3. During a sitting Members shall enter or leave the Council Chamber with decorum.

5.4. Members shall not read books, newspapers, letters or other papers in their place, except such books and papers as may be connected with the business under debate.

5.5. Members shall not make unseemly interruptions while any Member is speaking.

6. President's powers to enforce Order
6.1. If a Member shows disregard for the authority of the President, or abuses the rules of the Council by persistently and wilfully obstructing the business of the Council, or otherwise, the President shall direct the attention of the Council to the incident, mentioning by name the Member concerned. A motion may then be made upon which the President shall forthwith put the question, no amendment, or adjournment, or debate being allowed, "That such Member be suspended from the service of the Council". If such an offence has been committed in a Committee of the Whole Council, the President shall forthwith suspend the proceedings of the Committee and resume in Council; and the President shall, on a motion being made thereupon, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the Council itself.
6.2. If a Member be suspended under the provisions of this Order, his suspension shall last until determined by the Council.
6.3. The President, after having called the attention of the Council or Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.
6.4. The President may order a Member whose conduct is grossly disorderly, to withdraw immediately from the Council Chamber for the remainder of the sitting.
6.5. If a direction to withdraw under Rule 6.4 be not complied with at once, or if on any occasion the President deems that his powers under that Rule are inadequate, he may name such Member or Members in pursuance of Rule 6.1.
6.6. A Member who is suspended under Rule 6.1, or is directed to withdraw under Rule 6.4, shall withdraw forthwith from the precincts of the Council Chamber.
6.7. The President acting under Rule 6.1 or 6.4 of this Order, may direct such steps to be taken as are required to enforce his order.
6.8. In the case of grave disorder arising in the Council or Committee, the President, may, if he thinks it necessary to do so, adjourn the Council or Committee without question put, or suspend any meeting for a time to be named by him

ORDER 2 – Record of Proceedings
1. A Record of the Proceedings, known as the Minutes of the proceedings of Council shall be prepared under the supervision of the Island Secretary, acting under such instructions as the President may give; the draft Minutes shall be sent to each Member as soon as practicable after each sitting.
2. On receipt of the draft Minutes of any sitting the Council, any person to whom a copy of it has been sent pursuant to Rule 1, may draw the Island Secretary's attention to any apparent error in the draft record. The Island Secretary, if satisfied that it is necessary to correct the draft Record, and that any such correction will in no way alter the sense of anything actually said, or record anything not actually said, shall amend the draft accordingly. The Island Secretary may, in any case, amend the draft Minutes so as to correct any error of punctuation or spelling.
3. The draft Record as corrected, if at all, shall be laid upon the Table at the next sitting which commences at least 10 clear days after it was distributed to Members; and:
(a) upon the order being made that the Record do lie upon the table, unless any Member immediately moves (on a Point of Order) that the draft be amended, the President shall forthwith put the question "That the draft Record be confirmed" and such question shall be voted upon without amendment or debate;

(b) after the Record of the Proceedings of any sitting has been so confirmed no alteration may be made to it; confirmation shall be recorded by the Record being signed by the President.
4. The Island Secretary shall be responsible for the custody of the votes, records, draft Ordinance, Policies and Procedures, and other documents laid before the Council, which shall be open to inspection at any reasonable time by any person.

ORDER 3 - Quorum
1. A quorum consists of five voting Members of which no lower than four Elected Members (including the Member presiding), as provided in section 6.6 of the Local Government Ordinance. If

any Member draws the attention of the President to the fact that a quorum is not present, or if, the number of Members taking part in a division, including those Members who declined to vote, it appears that a quorum is not present, the President shall adjourn the Council ***sine die***, without question put.

ORDER 4 - Order of business

1. Unless the President otherwise directs the business of each sitting shall be transacted in the following order:-

a) Welcome - President
b) Prayer
c) Confirmation of the Minutes
d) Matters arising from the Minutes
e) Messages from Her Majesty the Queen
f) Messages from the Governor
g) Messages or report from the President
h) Messages or reports from the Portfolio Holders
- Messages or reports from the four Division Portfolio Holders rotate from Council to Council

i) Government business
j) Private Members business

Messages from Her Majesty or from the Governor shall be read by either the Governors Representative or the Mayor (President)

ORDER 5 - Petitions

1. A petition may be presented to the Council only through or by a Member.
2. Every petition shall be signed at the beginning thereof by the Member in charge of it and shall be deposited (at least 72 hours before the sitting at which the Petition is to be presented) with the Island Secretary;
3. The Council shall not receive any petition which:—

(a) is not addressed to the Council;
(b) is not properly or respectfully worded;
(c) has not at least one signature.
(d) in the opinion of the President does not conform to these Standing Orders.

4. No speech shall be made by a Member presenting a petition, beyond a summary statement and description of the petitioners and the substance of the petition.

ORDER 6 - Papers

1. A Member who wishes to present a paper shall deliver it to the Island Secretary at least 3 clear days before the date on which it is to be presented, and the Island Secretary shall forthwith cause a copy thereof to be delivered to every Member;

ORDER 7- Matters for debate, Draft Ordinances, Policies and Procedures

A.1. Subject to the provisions of the Constitution, and of these Orders, any Member may introduce any draft Ordinance, Policies and Procedures or propose any motion for debate in, or present a petition or a paper to, the Council, and the same shall be disposed of according to these Standing Orders.
2. When a question for debate has been proposed, debated and disposed of it shall not be competent to any Member, without special leave of the President and the assent of the Council, again to propose such question during the ensuing six months.
4. The Governor may submit a draft Ordinance, Policies and Procedures or motion for consideration by the Council. The question on any such draft Ordinance, Policies and Procedures or motion shall be proposed from the chair and shall not require to be seconded.

B. 1. Subject to the provisions of this Order, any Council Member may put questions to:—
(a) the Island Council, relating to public affairs; or
(b) an *Ex-0fficio* Member, concerning matters of government business for which he is officially responsible;
2. Questions must comply with the following rules:—
(a) a question shall not contain arguments, inferences, opinions, imputations, epithets, or controversial, ironical or offensive expressions;
(b) a question shall not refer to debates or answers to questions in the current meeting, nor may a question be asked which is in substance a repetition of a question already answered or to which an answer has been refused during the preceding six months;
(c) not more than one subject shall be referred to in anyone question, and questions shall not be of excessive length;
(d) a question shall not contain the names of persons or statements not strictly necessary to render the question intelligible nor contain charges which the Member who asks them is not prepared to substantiate;
(e) a question may not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case or the answer to a hypothetical proposition;
(f) a question may not be asked which makes or implies charges of a personal character or which reflects upon character or conduct except of persons in their official or public capacity;
(g) references may not be made to any matter on which a judicial decision is pending in such way as to prejudice the interests of the parties thereto;
3. Every question shall be put in writing and delivered to the Island Secretary. The Island Secretary shall forthwith refer the question to the President's his decision whether the question does or does not comply with Rule 2. If the President rejects the question, the Island Secretary shall inform the Member who lodged the question and no further action may be taken thereon.
4. The Island Secretary shall keep a record of the questions lodged by each Member.
5. a) The Island Secretary shall 3 clear days before the start of the next Regular Council distribute the foresaid question to Council members.
b) Under exceptional circumstances the President may accept questions prior to Council sitting with less than 3 days notice.
6. When an answer has been given to a question, any Member may ask supplementary questions for the purpose of elucidating any matters of fact regarding which an answer has been given; a supplementary question shall not be used to introduce matters not related to the original question.

ORDER 9 - Notice of motions
1. Subject to the provisions of these Orders, notice shall be given of any motion which it is proposed to make, with the exception of the following:—
(a) a motion for the amendment of any motion;
(b) a motion for the adjournment of the Council or of a debate;
(c) a motion for the suspension of Standing Orders put with the leave of the President;
(d) a motion for the withdrawal of the Public;
(e) a motion that the Council resolve itself into Committee;
(g) a motion before the previous item has been dealt with.
(i) a motion to amend a draft record, moved in accordance with Order 2, Rule 3*(a)*;
3. Any person can make a motion during the debate on the subject under debate.
A motion will need to be seconded after which a vote will then be taken.
4. The Island Secretary shall record the motion and the outcome of the vote in the minutes.

ORDER 10 - Motions and amendments
1. A motion shall be moved by its mover reading it exactly as it is printed in the Order Paper; if the motion is seconded, the mover may give an exposition of its provisions and thereafter the motion may be debated and the mover may reply after other Members if any have spoken thereon; the reply by the mover must be confined to matters arising from the debate and must not introduce any new matter.

2. When any motion is under consideration in the Council an amendment may be proposed to such motion if it be relevant to the matter then under discussion; if the amendment is seconded, debate on the original motion stands suspended until the amendment has been debated and voted upon.
3. If an amendment is negatived, debate on the original motion then resumes; if an amendment is passed, debate on the amended motion proceeds as if the motion (as amended) had been originally moved by the mover of the amendment..
4. A motion may be withdrawn at the request of the mover at any time before the question on it has been fully put, provided there is no dissentient voice;
Provided that, if an amendment has been proposed, the original motion may not be withdrawn until the amendment has been disposed of.
5. Rules 2 to 4 apply when an amendment is under debate as if that amendment was an original motion.
6. If a Member does not move a motion or amendment which stands in his name when he is called on, it shall be removed from the Order Paper, unless some other Member duly authorised by him in writing move it in his stead:
Provided that Government business may be moved by any Member of the Island Council.
7.No question shall be proposed upon any motion or amendment, which under these Standing Orders is required to be seconded, if it is not so seconded, and no record of proceedings upon the motion or amendment shall be entered in the Minutes of the proceedings of the Council.

ORDER 13 - Rules of debate
1. In speaking to any proposition under consideration of the Council the following rules shall be observed:—
(a) a Member desiring to speak shall so indicate in a manner approved by the President;
(b) if two or more Members so indicate at the same time, the President shall call on the Member who first catches his eye;
(d) a Member shall confine his observations to the subject under discussion;
(e) reference shall not be made to any matter on which a judicial decision is pending in such a way as might in the President's opinion prejudice the parties thereto;
(f) it shall be out of order to attempt to reconsider any specific question upon which the Council has come to a conclusion during the current session;
(g) no Member shall impute improper motives or dishonesty on the part of any Member, except so far as may be necessary in the context of a motion of no confidence in the person concerned;
(i) a Member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he may not introduce new matter;
(j) a Member who has spoken may speak when a new question has been proposed from the President, such as a proposed amendment or a motion for adjournment of the debate;
(l) the conduct of Her Majesty, Members of the Royal Family, the Governor, Members of the Council and judges or other persons engaged in the administration' of justice shall not be raised except upon a substantive motion; and in any amendment, question or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of the persons aforesaid shall be out of order;
(m) it shall be out of order to use offensive or insulting language. *(n)* it shall be out of order to use expressions which are blasphemous or insulting to the religious beliefs of other Members;
(o) subject to the following paragraphs, no Member shall refer to any other Member except by his preferred name.
2. A Member may speak:
(a) to raise a point of Order, in accordance with Order 17, Rule 1; or
(b) on a point of information, in accordance with Order 17, Rule 3; or
(c) to second a motion or amendment.
3. No Member shall, while another Member is speaking, speak or seek to be called to speak except for the purpose of raising a point of order or a point of information, in which case he shall say only the words “point of order” or “point of information” (as the case may be) and shall not speak further unless called upon to do so by the President.

4. On a motion for the adjournment of the Council, the question shall be put without amendment or debate if the period of the proposed adjournment is less than 5 clear days; if the adjournment is for a longer period (or to adjourn without setting a time/date), there may be a debate during which Members may speak generally upon the public affairs of Pitcairn Island.

ORDER 14 - Anticipation
1. It shall be out of order to make a motion or move an amendment dealing with the subject matter of a motion or draft Ordinance, Policies and Procedures already appointed for consideration, or if it deals with the subject matter of a motion of which a notice has been given.
2. A notice of motion, draft Ordinance, Policies and Procedures or amendment of which notice has been given shall not be anticipated in any debate.

ORDER 15 -Termination of debate
1. No Member may speak to any question after the same has been fully put by the President.
2. A question is fully put when the President has collected the voices both of the Ayes and the Noes.

ORDER 16 - Voting
1. Except as otherwise expressly provided;
(a) all motions proposed for decision in the Council shall be determined by the majority of the votes of the voting Members present; and
(b) if the votes are equally divided, the President shall have the casting vote (*insert reference to the Local Ordinance*). 2. At the conclusion of a debate the question shall be put by the President and the votes may be taken by the voices "Aye" or "No" and the result shall be declared by the President.

ORDER 17 - Points of order or information
1. Any Member deviating from the provisions of these Standing Orders may be immediately called to order by the President or by a Member raising a point of order. A Member raising a point of order shall simply direct attention to the point he desires to bring to notice and submit it to the President for decision.
2. When the question of order has been stated, all matters will cease until the President has decided the question, after which the Member who was addressing the Council at the time the question was raised shall be entitled to proceed with his speech giving effect to the ruling from the President.
3. Any Member may at any time state any fact which is relevant to the matter under debate and of which he believes the Member then speaking to be unaware;
Provided that the said Member shall confine themselves to stating the fact in question, without argument or opinion.
4. Any Member who appears to the President to be abusing the procedures provided by this Order, so as unreasonably to interfere with the freedom of speech of another Member shall be liable to be dealt with under Order 1 Rule 5.

ORDER 18 - Strangers (Members of the Public Gallery)
1. Strangers may be present at meetings of the Council in the place set apart for them, but must withdraw when called upon to do so by the President, either of his own motion or following a motion under Rule 2.
2. Any Member may move a motion that strangers be excluded from the Council; such a motion shall be made on a point of Order and the question shall be put forthwith, without amendment or debate.
3. A motion under Rule 2 may be expressed to apply to public servants (except the Island Secretary and the ***ex officio*** Members) as well as to strangers.
4. If any member of the public present during any sitting of the Council, shall behave themselves in a manner disruptive of the proceedings of the Council or otherwise in a disorderly manner, the President, may require that person to leave the Council Chamber or other place in which the Council is sitting and may be required to remain absent there from, and the precincts thereof, until after the

adjournment of the Council, but where the Council is to sit again that day the President may require that person to absent himself or herself until after the adjournment of the Council.

ORDER 19 - Suspension of Standing Orders

1. The Council may at any time suspend any of these Standing Orders, by motion made and carried under this Order.
2. A motion under Rule 1 may be proposed on a point of Order, shall specify the part of parts of these Orders which are to be suspended and the duration of the suspension; the mover may make a brief statement as to the purpose of the motion but otherwise the motion (if seconded) shall be decided without amendment or debate.

ORDER 20 – General Provisions as to Behaviour in the Council Chamber

1. No person shall use any camera, including any television or video camera, or any device for recording sound, during the proceedings of the Council, without the prior consent of the President.
2. No person shall smoke or eat in the Council Chamber during such time as the Council is sitting.

Appendix

"meeting", in relation to the Council, means the sitting or sittings of the Council commencing when the Council first meets at a time and place and terminating when the Council is adjourned *sine die* or to a time and place so determined or appointed for a subsequent meeting, or is dissolved.

"sitting", in relation to the Council, means a period during which the Council is sitting continuously without adjournment and includes any period during which the Council is in committee of the whole, and "sitting day" shall be construed accordingly.