

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

In exercise of the power conferred by clause 62 of the Constitution, the Legislative Assembly of Tonga makes the following rules of procedure for the conduct of its meetings:

### PART 1 PRELIMINARY

- Title and interpretation by Speaker
1. (1) These Rules may be cited as the Rules of Procedure of the Legislative Assembly which has been brought into force on the date specified in the introduction.
- (2) The Speaker is responsible for ruling whenever any question arises as to the interpretation and application of these Rules and deciding cases not otherwise provided for. In all cases he shall be guided by previous rulings and established practices of the Legislative Assembly and his decision shall be final.
- Interpretation
2. In these Rules unless the context otherwise requires -
- “**Bill**” means a proposed draft legislation submitted to the Legislative Assembly to be passed as an Act;
- “**Chairman**” means the Chairman of the Whole House Committee or of a Standing Committee or Select Committee;
- “**Clerk**” means the Clerk of the Legislative Assembly;
- “**Committee of the Whole House**” is when the Legislative Assembly resolves itself into a Committee;

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“**Government Motion**” means a motion authorized by Cabinet and signed by the Prime Minister on behalf of Government;

“**Interim Speaker**” means the Interim Speaker as appointed pursuant to Clause 61(2) of the Constitution;

“**Journals of the Proceedings**” means all daily record of proceedings and debates in the Legislative Assembly and Committee of the Whole House published daily by the Legislative Assembly;

“**Meeting**” means a meeting of the Legislative Assembly, Committee of the Whole House, a Standing Committee or a Select Committee;

“**Meeting of all the elected representatives of the people and of the nobles**” means the meeting of all the elected members of the Legislative Assembly provided for in the Schedule for the Constitution, for the appointment of the Prime Minister;

“**Member**” means a member of the Legislative Assembly;

“**Motion**” means a written or verbal proposal made by a member to the Legislative Assembly to actor express an opinion on a particular matter;

“**Motion for an Order**” means a written motion made by a member to the Legislative Assembly ordering or instructing the Government to perform a designated task;

“**Officer**” means any employee of the Legislative

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Assembly;

“**Petition**” means a formal written request signed by three or more people in exercise of their right under clause 8 of the Constitution;

“**Records**” means all records, reports and papers of the Legislative Assembly, including the Journals of the Proceedings;

“**Resolution**” means any motion passed by the Legislative Assembly;

“**Select Committee**” means an *ad hoc* committee established under these Rules by a motion of the Legislative Assembly to consider specific issues directed by the Legislative Assembly;

“**Sergeant at Arms**” means the Chief Security Officer of the Legislative Assembly;

“**Session**” means a meeting of the Legislative Assembly at Nuku’alofa at least once in every 12 calendar months;

“**Speaker**” means the Speaker of the Legislative Assembly appointed by His Majesty on the recommendation of the Legislative Assembly; and

“**Standing Committee**” means a committee established under these Rules by the Legislative Assembly to serve continuously for a particular purpose.

Suspension of Rules 3. Any of these Rules may be suspended in whole or in part by the Legislative Assembly.

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## PART 2 PRELIMINARY PROCEDURES

### Division 1 Election of the Prime Minister and the Speaker

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| Election of Prime Minister and the Speaker                   | 4   | (1) A meeting of all elected representatives of the people and of the nobles shall be called pursuant to clause 50A of the Constitution or whenever there is a vacancy in the position of the Prime Minister, Speaker or Deputy Speaker.<br><br>Provided that where there is a vacancy under clause 50B of the Constitution, the procedure specified by that clause shall be adopted.  |
|  | (2) | The secret ballot used for electing the Prime Minister under Clause 50A of the Constitution and for electing the Speaker and Deputy Speaker under these Rules shall be counted by the Clerk under the general supervision of the Auditor General or his representative.  |
| Procedure for election of the Speaker and the Deputy Speaker | 5   | (1) The procedure exercised by the Interim Speaker for the appointment of the Speaker under clause 61 of the Constitution shall be as follows:<br><br>(i) Immediately after the nomination of the Prime Minister pursuant to clause 50A of the Constitution during the “meeting of all elected representatives of the people and of the nobles”, a member shall propose one elected representative from the nobles to the House as Speaker and the motion shall be seconded without debate or remarks. |

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- (ii) If only one noble representative is proposed, he shall be declared elected and recommended to the King without any question being put.
- (iii) Where more than one noble is proposed the House shall proceed to elect a Speaker by secret ballot in accordance with the provisions of this Order.
- (iv) When nominations have been received, the Clerk shall announce that the ballot will now be taken, and unless a Member rises to speak, no fresh nominations shall be taken.
- (v) The Clerk shall give to each Member present a ballot paper on which the Member may record his vote by writing the name of the noble for whom he wishes to vote.
- (vi) Each ballot paper shall be folded so that the name written on it may not be seen. The ballot papers shall then be collected by an officer and counted at the Table by the Clerk who shall then declare the result.
- (vii) Where two nobles are proposed and seconded for Speaker, the person who receives the greater number of votes shall be declared recommended as Speaker.
- (viii) Where at any ballot between two noble candidates the votes are equal, another ballot shall be held.
- (ix) At any ballot between more than two persons who have been proposed and seconded the noble who receives the greatest number of votes shall be declared recommended as Speaker, provided he has received a majority of the votes of Members present; but if no noble has received such majority the name of the noble who has received the smallest number of

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votes shall be withdrawn, the noble obtaining the smallest number of votes at each ballot being excluded until one noble obtains a majority.

Where there is equality of votes between nobles who receive the smallest number of votes and one of them has to be excluded from the election under paragraph (viii) of this Order, there shall be a ballot to determine which of them shall be excluded.

- (2) The noble that receives the second highest number of votes shall be elected as Deputy Speaker, and in the absence of this, the procedure in sub-rule (1) shall be adopted.

Vacancy in the position of the Speaker

- 6 Where the position of Speaker becomes vacant pursuant to Clause 61(2) (b) and (c) of the Constitution, the Deputy Speaker shall ordinarily assume the position of Speaker.

Official Appointment

- 7 (1) The Interim Speaker immediately following an election shall request an audience with His Majesty for the purposes to disclosing the Houses nominations to the positions of Prime Minister, Speaker and Deputy Speaker.

- (2) In the event of any vacancy other than that occurring after a general election, the
- (i) Prime Minister, if the recommendations are for the positions of Speaker designate or Deputy Speaker designate; or
  - (ii) Speaker, if the nomination is for Prime Minister designate,
- shall request an audience with His Majesty for the purposes

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of disclosing the House's recommendation.

## **Division 2      Opening and Closing of Legislative Assembly**

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| Opening and closing of the Legislative Assembly | 8  | (1) The date of the first meeting of the session shall be decided by the Prime Minister and the Speaker, and after the date has been agreed, the Speaker shall inform His Majesty of the opening date. |
|   |    | (2) His Majesty shall appoint three Nobles to perform His duty under sub-rule (1), where he is unable to attend at such opening or closing.  |
| His Majesty's address                           | 9  | (1) The Speaker of the Legislative Assembly shall appoint a Select Committee to prepare the address-in-reply to His Majesty's address after it has been presented to the Legislative Assembly.         |
|   |    | (2) All business of the Legislative Assembly shall be postponed until the address-in-reply to His Majesty has been completed and approved by the Legislative Assembly.                                 |
| Address-in-reply                                | 10 | The Speaker shall appoint one nobles' representative and one peoples' representative in the Legislative Assembly to convey the address-in-reply to His Majesty.  |
| His Majesty's messages                          | 11 | The Speaker shall read a message from His Majesty to the Legislative Assembly immediately upon receipt.  |



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- Implementation of His Majesty's message 12 (1) The business before the Legislative Assembly shall be suspended immediately, when a message from His Majesty is read out.
- (2) The Legislative Assembly shall carry out its work on that message in the best possible manner.
- Addresses to His Majesty 13 The Legislative Assembly shall present an address in reply to any message and decision of the Legislative Assembly under Rule 7 and Rule 8 hereof and appoint some of its members to present the same to His Majesty.
- His Majesty's answer to addresses 14 The Speaker shall report to the Legislative Assembly an answer by His Majesty to an address presented in accordance with Rule 13.

## **PART 3 SPEAKER AND NEW MEMBERS OF LEGISLATIVE ASSEMBLY**

- Role of Speaker 15 The Speaker shall preside over the meetings of the Legislative Assembly and be responsible for regulating, controlling and operating the business and affairs of the Legislative Assembly.
- Powers of the Speaker 16 (1) The Speaker shall perform such duties and exercise such authority in relation to all proceedings of the House during a sitting and an adjournment of the House and during any recess of Parliament.
- (2) Without limiting the generality of the powers of the Speaker, the Speaker under these Rules possesses the

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powers summarised in *Schedule 5*.

- Swearing in of new members and new Ministers
- 17 (1) At the first sitting of the Legislative Assembly, the Prime Minister shall introduce any new members or new Ministers to the Speaker.
- (2) The Speaker shall instruct the new members to take the oath.
- Oath
- 18 Ministers, Nobles and the People's representatives shall take the Oath in Schedule 1 by reading it out and signing their names thereto in the presence of the Legislative Assembly.

## PART 4 BUSINESS OF THE LEGISLATIVE ASSEMBLY AND RELATED MATTERS

### Division 1 Conduct of Business

- Order of business of the Legislative Assembly
- 19 (1) After the address-in-reply has been delivered to His Majesty, the business of the Legislative Assembly shall proceed as follows –
- (a) any legislation concerning Revenue, Estimates of Expenditures and all related petitions;
  - (b) consideration of Regulations passed since the last session of the Legislative Assembly;
  - (c) new legislations;
  - (d) petitions;
  - (e) motions for an order;
  - (f) reports of Ministers, report on resolutions and motions passed in the previous session

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of the Legislative Assembly and other Government business; and

(g) motions.

- (2) Notwithstanding sub-rule (1), the Speaker may allow discussion of any matter before the Legislative Assembly.
- (3) Motions of no confidence (provided that it meets the criteria in Clause 50B (2) of the Constitution) and invitations for meeting overseas and reports of official visits within the Kingdom shall be lodged and discussed at any time.
- (4) The Speaker shall direct that –
  - (a) the agenda for each day be printed and distributed to each member, but the Legislative Assembly may amend the agenda at any time; and
  - (b) each member to be given a copy of each matter to be dealt with by the Legislative Assembly.
- (5)
  - (1) Members shall give notice to the Clerk of matters they wish to be included in the Agenda.
  - (2) The Clerk shall then inform the Speaker who shall decide whether the matter will be included in the agenda and unless otherwise directed in these Rules, a member shall not raise the matter in the House.

Date of official visits 20 The Speaker shall recommend to the Legislative Assembly

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the date when it shall proceed with official visits within Tonga.

- Official language 21 The official language to be used in the Legislative Assembly is the Tongan language.
- Meetings 22 The Legislative Assembly shall –
- (a) meet at least once every 12 calendar months; and
  - (b) always meet at Nuku'alofa and at no other place except in time of war.
- Date and time of meetings 23 (1) Unless ordered otherwise, the Legislative Assembly shall meet each Monday, Tuesday, Wednesday, Thursday or Friday if required in the times specified in Schedule 2.
- (2) Notwithstanding sub-rule (1), the Legislative Assembly shall not meet when Cabinet meets.
- Adjournment by resolution 24 The Legislative Assembly shall be adjourned only by resolution, unless it adjourns in accordance with Rule 23.
- Adjournment if half of members absent 25 The Speaker shall –
- (a) count those present in the Legislative Assembly immediately after prayers and roll-call; and
  - (b) ensure no business shall be proceeded with for 15 minutes, if one half of the members including himself are not present,
- and if at the end of 15 minutes the number of members is still less than one half, he shall adjourn the Legislative Assembly to the next day.

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- Prayer 26 The Speaker shall –
- (a) nominate a member to conduct a prayer on the first day of each week; and
  - (b) conduct the Lord’s Prayer on other days.
- Leave of absence 27 Every member shall attend meetings of the Legislative Assembly unless the Speaker has granted leave of absence to that member.
- Roll call 28
- (1) The Speaker shall order the Clerk to call the names of the members, after the prayer is said.
  - (2) The Clerk shall record the names of members who do not answer and call these names a second time.
  - (3) Members who answer their names on the second call or attend in their places before 12:00 noon on the same day shall be excused.
- Loss of basic salary due to absence 29 A member shall not receive his basic salary for the days he is absent from the Legislative Assembly, unless his absence is caused by illness certified by a qualified medical practitioner, or excused by the Speaker.
- Obeisance 30
- (1) Every person shall make obeisance to the Speaker or the Chairman before taking up or leaving his seat.
  - (2) No one shall pass between the Speaker or Chairman and any member who may be speaking.
- Journal of the Proceedings 31 The Clerk shall keep the Journals of the Proceedings in accordance with clause 72 of the Constitution.

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- Records 32 The Clerk shall –
- (a) have custody of all records; and
  - (b) not take or permit the taking of such records without prior permission from the Speaker.

## Division 2 Urgency

- Urgency 33 For the purposes of this Part, the House shall consider the following as ‘matters of urgency’ –
- (a) Bills certified by the Prime Minister in a written letter to the Speaker as urgent;
  - (b) Any other matter proposed by a member that the House has approved as urgent.

- Effect of urgency 34 (1) If a matter is afforded ‘urgency’ that business maybe proceeded with to a completion at that sitting of the House and the sitting is extended accordingly.
- (2) Whenever urgency has been accorded, the House shall adjourn proceedings at the time specific in rule 23 but shall recommence at a different time or date from that specified in rule 23, and such a sitting shall be considered a different sitting.

- No other business to be discussed 35 Whenever urgency has been entered upon, no business, other than the business for which urgency was accorded maybe transacted by the House, except with leave.

## Division 3 Rules of Debate

- Member to rise when 36 Every member who wishes to speak shall –

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- speaking (a) rise in his place; and  
(b) address himself to the Speaker or the Chairman.
- Exemption for sickly members 37 The Speaker or the Chairman may permit a member who is unable to stand due to infirmity or illness or for any other reason to speak while seated.
- Time limit 38 (1) (a) A member may speak for no more than 20 minutes during a debate.  
(b) The Speaker or the Chairman may, on the expiration of 20 minutes, allow a member a further two minutes to complete his statement.  
(c) The Speaker or the Chairman of the Whole House shall warn the member speaking when he has one minute left of the time allowed.  
(2) Notwithstanding sub-rule (1), the Speaker or the Chairman may allow unlimited time to –  
(a) the Minister of Finance to explain the Budget and Estimates; or  
(b) a member to introduce and explain a Bill.
- No debate on questions already debated 39 No member may speak to any question –  
(a) after it has been put by the Speaker or the Chairman; and  
(b) the voices have been given in the affirmative or negative thereon.
- Interruption 40 A member shall not be interrupted while speaking except –

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- (a) by the Speaker or the Chairman; or
- (b) on a point of order.

Point of order    41    (1)    A member called to order shall resume his seat, when a point of order has been stated.

(2)    The Speaker or the Chairman shall –

- (a) decide on the question of order after it has been stated to him by the member raising it;
- (b) that decision shall be final; and
- (c) time spent on a point of order shall not be added to the time limit specified in Rule 38(1).

Interruption with leave of member    42    (1)    A member who is addressing the Legislative Assembly may be interrupted by another member –

- (a) with leave from the member making the address; and
- (b) for the purpose of making a personal explanation.

(2)    Time spent in an interruption with leave of a member shall not be added to the time limit specified in Rule 32(1).

Explanation of personal matters    43    A member may explain personal matters -

- (a) although there is no question before the Legislative Assembly; and
- (b) such matters may not be debated.



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|---------------------------------|----|---|
| Priority when two members speak | 44 | The Speaker or the Chairman shall reasonably choose whom to speak when two or more members at the same time rise to speak.  |
| Ground for speaking             | 45 | A member may speak on –<br><br>(a) any question before the Legislative Assembly;<br>(b) a proposed amendment; or<br>(c) a question of order arising out of a debate.  |
| Member speaks once              | 46 | A member may speak once in the Legislative Assembly in respect of a motion unless he is offering an explanation or reply.   |
| Speaking twice on same motion   | 47 | A member who has spoken on a motion may speak again on the same matter if it is –<br><br>(a) to clarify some material part of what he had said; and<br>(b) not introducing a new matter.  |
| Right of reply                  | 48 | (1) A member who has made a substantive motion shall have a right of reply.<br><br>(2) The Speaker or Chairman shall put the question after a member has exercised his right of reply.  |
| Non-compliance with Rules       | 49 | (1) A member who, in the Legislative Assembly or Committee of the Whole House, –<br><br>(a) fails to comply with these Rules;<br>(b) behaves in a disorderly manner; or<br>(c) has been warned twice but persists or continues to obstruct a meeting, |

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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and has been named by the Speaker or Chairman, is in breach of these Rules.

- (2) If the breach was committed in –
  - (a) the Legislative Assembly, the Speaker may –
    - (i) order the member to vacate the Legislative Assembly for a period not exceeding five days; or
    - (ii) refer the matter to the Legislative Assembly to be dealt with according to sub-rule (3) hereof; or
  - (b) the Committee of the Whole House, the Chairman may -
    - (i) order that member to vacate the Legislative Assembly for a period not exceeding one day; or
    - (ii) refer the matter to the Legislative Assembly to be dealt with according to sub-rule (3).
- (3) Notwithstanding the provisions in sub-rule (2), the Legislative Assembly may order a member who has breached these Rules to be suspended from the Legislative Assembly for a period not exceeding 14 days.
- (4) A member who, has been suspended in accordance with sub-rule (2) or (3) and continues to disobey such order, shall be –

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- (a) subjected to the use of force to carry out such order; and
- (b) suspended for the remainder of that session.

Effect of suspension of member      50    A member who is suspended from Legislative Assembly shall –

- (a) be excluded from the Legislative Assembly and all rooms set apart for the use of members; and
- (b) not be entitled to the portion of his basic salary during his period of suspension.

Speaking on adjourned question      51    A member who, has spoken on the debate of a question which has been adjourned, may not speak on the same question when the debate is resumed, unless approved by the Legislative Assembly.

Speaker or Chairman speaks uninterrupted      52    Where the Speaker or the Chairman speaks during a debate –

- (a) any member speaking or offering to speak shall sit down; and
- (b) the Legislative Assembly shall be silent so that he may be heard without interruption.

Objectionable words      53    (1)    A member who –

- (a) refuses to retract;
- (b) explain; or
- (c) apologize,

for any objectionable words at the demand of the Speaker or the Chairman may be suspended in

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accordance with Rule 49.

- (2) The Speaker or the Chairman shall instruct that the objectionable words be omitted from the record.

Adjournment of debate 54 A debate may be adjourned to a later hour of the same day or any other day.

Question of adjournment 55 (1) A member who has spoken to a question may –

(a) speak again to the question of adjournment; or

(b) to any new question, which may arise.

(2) A member who has spoken only on the question of adjournment may speak subsequently on the main question.

Moving an amendment 56 A member who has spoken may not move –

(a) an amendment; or

(b) the adjournment of the debate,

but he may speak on any such motion made by another member.

Speaking on resumption of debate 57 (1) A member who moved an adjournment shall speak first on the resumption of the debate.

(2) Where a substantive motion is in the negative, the mover may speak later.

(3) A member moving a motion for adjournment of the debate on any question being in the negative, may address the Legislative Assembly at a later time

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during such debate.

Denied motion for adjournment 58 Where a motion to adjourn debate has been in the negative, it shall not be proposed again without the leave of a majority of the Legislative Assembly, to be decided without debate, until some other question had intervened.

Reference to Committee proceedings 59 Reference shall not be made to any proceedings of the –  
(a) Committee of the Whole House;  
(b) a Standing Committee; or  
(c) a Select Committee,

until it has been reported to the Legislative Assembly.

Irrelevant or repetitive speaking 60 The Speaker or the Chairman, may –  
(a) call the attention of the Legislative Assembly or the Committee of the Whole House, as the case may be, to continued irrelevance or tedious repetitions on the part of a member, either –

- (i) of his own arguments; or
- (ii) the arguments used by other members; and

(b) direct the member to discontinue his speech.

Provided that the member may require the Speaker or the Chairman, as the case may be, to put the question that he be further heard, and such question, if so required to be put, shall be put without debate.

Pecuniary Interests 61 (1) Subject to section 18 of the Legislative Assembly Act (CAP. 4), a member shall not

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... speak or vote on any question on which he has a direct pecuniary interest, personal or other benefits.

- (2) The Speaker or Chairman shall have the power to –
  - (a) stop the member from speaking on the issue; and
  - (b) disallow a vote passed by the member concerned.
- (3) Notwithstanding sub-rule 2, the Speaker may refer a complaint to the Standing Committee on Privileges to carry out further inquiry before making his decision.

## Division 4 Voting on a Question

Putting a question to vote

- 62 (1) A member may move “That the question be now put” any time during a debate in the Legislative Assembly or proceedings of the Committee of the Whole House, whether or not that member is speaking.
- (2) A motion shall be put forthwith without debate –
  - (a) if the Speaker or the Chairman is of the opinion that a question has been sufficiently debated; and
  - (b) if the motion is carried, the question shall be put to the vote.

Voting

- 63 Every member present in the Legislative Assembly when the question is put –

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- (a) is free to vote; or
- (b) abstain from voting.

Mode of voting            64    The mode of voting on all Bills in the Legislative Assembly shall be in accordance with clause 56 of the Constitution.

Casting vote            65    The Speaker or the Chairman shall have a casting vote where there is an equality of votes.

## **Division 5    Divisions**

Division                66    The Sergeant-at-Arms shall –

- (a) ring a bell where a division is demanded; and
- (b) close the doors when two minutes has lapsed and as directed by the Speaker.

Reporting of division    67    No member shall enter or leave the Legislative Assembly when the doors are closed until the division is reported.

Voting on division        68    Every member present in the Legislative Assembly after the doors are closed when the question in a division is put shall vote.

Resolving a division    69    (1)    The Speaker shall –

- (a) put the question again, after the doors are closed; and
- (b) after the voices have been given –
  - (i) declare whether the “Ayes” or the

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“Noes” have it; or

- (ii) if his opinion is disputed, direct the “Ayes” to take their place at the right side of and the “Noes” on the left side of the Legislative Assembly.

- (2) A member shall not move from his place after the Legislative Assembly has divided until the Clerk has reported the result to the Speaker.

Declaration of division	70	The Speaker shall declare the numbers on the division to the Legislative Assembly.
Record of voting on division	71	The names of members who have voted on divisions in the Legislative Assembly and the Committee of the Whole House shall be entered in the Journals of the Proceedings.
Error of reporting	72	The Legislative Assembly shall proceed to another division where there is confusion or error in the numbers reported, unless it can be corrected.
Correction of error	73	The Legislative Assembly shall order the votes and the proceedings to be corrected – <p>(a) if the numbers have been reported incorrectly; and</p> <p>(b) on being informed thereof.</p>
Calling a division	74	A division shall be called for only by a member who has given his voice against the majority as declared by the Speaker.



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Vote consistent with voice

- 75 (1) A member who gave his voice with the “Ayes” or “Noes”, shall not, vote with the opposite party where a division is taken.
- (2) The Speaker shall, order the division list be corrected –
- (a) where a member voted with the opposite party; and
  - (b) on being informed thereof.

Divisions in Committee of the Whole House

- 76 A division in the Committee of the Whole House shall –
- (a) be taken and recorded in the same manner as; and
  - (b) adopt the same rules as those applicable to,

a division in the Legislative Assembly.

## PART 5 MATTERS FOR DISCUSSION IN THE LEGISLATIVE ASSEMBLY

### Division 1 Motions

Submission of new motions

- 77 A member shall not submit a new motion after the 31<sup>st</sup> day of August, except motions allowed by the Legislative Assembly or motions of impeachment.

Government motions

- 78 Notwithstanding Rule 77, Government motions may be submitted at any time.

Notice of

- 79 (1) A member giving notice of a motion shall –

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motion

- (a) ensure it is clearly written;
- (b) sign his name; and
- (c) deliver a copy to the Clerk.

(2) The Speaker, in receiving a notice containing unbecoming expressions, shall –

- (a) return it to the member who submitted it; and
- (b) notify that member of the unbecoming expressions.

Unwritten notice      80      A motion may be made without the submission of any previous written notice. Provided that a member may not rise to speak immediately after roll-call on any matter without the prior consent of the Speaker.

Seconded motion      81      (1)      The Speaker shall propose the discussion of a motion by the Legislative Assembly where –

- (a) a motion has been made; and
- (b) that motion was seconded.

(2)      A motion shall not be discussed further if it was not seconded.

Withdrawal of motion      82      A member who made a motion may withdraw it.

Amendment of motion      83      An amendment to a motion shall be voted upon starting with the last amendment made to that motion before the actual motion itself is voted upon including the amendments that were passed.

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Reporting on motions 84 (1) The Prime Minister shall report to the Legislative Assembly before the 31<sup>st</sup> of July the action that Government has taken on motions carried in the previous session of the Legislative Assembly.

(2) The report shall –

(a) disclose details and reasons for such Government action; and

(b) be presented to the Legislative Assembly before any new motion can be deliberated upon.

## Division 2 Motion for an Order

Application to motion for an Order and Numbering 85 (1) Rules 77 to 83 shall apply to a motion for an order.

(2) The Clerk shall number a motion for an order separately from the regular motions.

Non-compliance with motion for an order 86 The Speaker may –

(a) suspend a member for a period that would not exceed into the next session; or

(b) refer the matter to the Legislative Assembly to be dealt with in accordance with Rule 111,

if the member fails to comply with any motion for an order that was passed by the Legislative Assembly.

## Division 3 Impeachment

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- Impeachment 87 (1) It shall be lawful for a member of the Legislative Assembly, of his own volition or as the result of a written complaint made to him by any Tongan subject, to move the Assembly, in accordance with the clause 75 of the Constitution to impeach another member of the Legislative Assembly.
- (2) A member who seeks to impeach any of the persons referred to in sub-rule (1) shall file a motion seeking leave to impeach and the grounds thereof together with an affidavit setting out the prima facie evidence in support.
- (3) The House shall first refer the motion of impeachment and supporting affidavits to the Standing Committee on Privileges for consideration and recommendations. Upon receipt the House shall debate and put the recommendations to a vote.
- Commencement of proceedings 88 The proceeding for impeachment shall commence if the Legislative Assembly –
- (a) has received the result of the inquiry;
- (b) has approved it; and
- (c) concludes there is a case to answer based on written recommendations of the Standing Committee on Privileges.
- Prosecution and defence 89 (1) The Legislative Assembly may appoint the member who made the motion to –

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- (a) prosecute; and
- (b) prepare the articles of impeachment.

- (2) The articles of impeachment shall be in the form set out in Schedule 3.
- (3) Subject to approval by the Legislative Assembly, the member may engage legal counsel to assist him.

- Trial date            90
- (1) The Legislative Assembly shall fix a date for the trial when the articles of impeachment are ready.
  - (2) The Clerk shall serve on the impeached person –
    - (a) a written notice of the date of trial; and
    - (b) a copy of the articles of impeachment,at least seven days before the date of the trial.
  - (3) The Legislative Assembly –
    - (a) may change the date of trial before or on the date of trial; and
    - (b) shall convey the change to the impeached person.

- Legal representation            91
- The impeached person –
    - (a) may be represented by legal counsel; and
    - (b) shall attend his trial.

- Chairing proceedings            92
- The Chief Justice shall –
    - (a) preside and Chair the trial of the impeached person;

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and

- (b) conduct the proceedings in accordance with clause 11 of the Constitution.

- Speaking on proceedings 93 A member may not speak during the proceedings, unless to ask for clarification through the Chief Justice.
- Functions of Chair 94 (1) The Chief Justice  
(a) shall direct the Legislative Assembly on questions of law; and  
(b) may comment on the facts to the extent necessary for clarification and the application thereto of the law.  
(2) The Legislative Assembly shall be solely responsible for deciding questions of fact.
- Decision 95 (1) The Legislative Assembly shall consider its decision while the impeached person, legal counsels, prosecutors and the Chief Justice retire.  
(2) The impeached person, legal counsels, prosecutors and the Chief Justice are recalled when the Legislative Assembly reaches a decision.  
(3) The Clerk shall announce the decision by the Legislative Assembly to the Chief Justice and the impeached person.
- Penalty 96 If the Legislative Assembly decides that the grounds for impeachment has –  
(a) not been proved –

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- (i) the impeachment is dismissed; and
- (ii) the impeached person is discharged; or

(b) been proved, together with the Chief Justice, it shall -

- (i) pass judgement in accordance with the Constitution; and
- (ii) rule on costs.

## Division 4 Questions

Questions to Ministers

97 Questions may be put to Ministers concerning –

- (a) public affairs;
- (b) Government business;
- (c) ministerial duties; or
- (d) matters connected with the business of the Legislative Assembly.

Answers

98 (1) A question may require an oral or written answer.

(2) Questions requiring an oral answer shall be –

- (a) concise; and
- (b) not seek information –

(i) of a statistical nature; or

(ii) on a matter too large to be dealt with in an oral answer.

Notice of questions

99 A notice of a question shall be –

- (a) be in writing;
- (b) indicate whether the question is for an oral or

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written answer;

- (b) be addressed to the Minister concerned; and
- (c) be lodged with the Clerk.

- Substance of questions      100      Questions shall not –
- (a) seek a legal opinion from a Minister;
  - (b) contain any arguments, unparliamentary language or other discreditable reference to the Legislative Assembly or a member;
  - (c) contain any statements except where necessary to make the question intelligible;
  - (d) relate to the private affairs of any member or other person; or
  - (e) seek the personal opinion of a Minister.
- Examination of notices      101      The Clerk shall examine all notices of questions and –
- (a) if satisfied that they are in order –
    - (i) endorse it; and
    - (ii) forward a copy to the Minister concerned; or
  - (b) if it is not in order –
    - (i) amend it to comply with these Rules with the prior approval of the member concerned; or
    - (ii) return it to the member.
- Oral answer      102      (1) (a) Notices of questions for oral answer shall be set down for reply in the order of receipt.
- (b) Oral answers shall be given within three days



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after receipt of the notice.

- (2) (a) The Legislative Assembly may spend a maximum of two hours in asking and replying to questions
- (b) A question and reply may spend a maximum of four minutes, unless extended by the Speaker.

Clarification	103	<ol style="list-style-type: none"><li>(1) Ministers shall fully reply to questions put to them.</li><li>(2) The member asking the question may request clarification if the reply is unclear.</li><li>(3) The Speaker may permit supplementary questions from members to clarify a reply.</li></ol>
Presentation of oral answers	104	The Minister concerned shall reply to notices of questions for oral answers between 1:30pm and 4:30pm on Thursdays after the approval of the Estimate.
Written answers	105	The Minister concerned shall reply to notices of questions for written answers by – <ol style="list-style-type: none"><li>(a) sending a written reply to the Clerk; and</li><li>(b) Within 14 days of receiving the notice.</li></ol>
Question without notice	106	<ol style="list-style-type: none"><li>(1) The Speaker shall, on the Thursday afternoon, during the hours referred to in Rule 104, of the third week of every month permit oral questions to be asked by a member without prior notice.</li><li>(2) Answers to questions asked in accordance with sub-rule (1) shall be provided immediately.</li></ol>

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## Division 5 Contempt

Contempt to other members	107	A member may not refer to another member by name.
Offensive words	108	(1) For the purposes of this Rule “offensive or unbecoming language” includes words that –  (a) are swear words; (b) are rude, degrading, insulting or defamatory; (c) would provoke disgust and outrage; (d) are false; or (e) is indecent to the public.  (2) A member shall not use offensive or unbecoming language in or against the Legislative Assembly or any member.  (3) Imputations of improper motives or offensive references to a member’s private affairs and personal reflections shall be deemed highly disorderly.
Timing of objection	109	A member objecting to words used by another member shall object at the time such words are used.
Interference	110	The Legislative Assembly may interfere to prevent a quarrel between members arising out of debates or its proceedings.
Penalty for contempt	111	A person may be punished for contempt according to Clause 70 of the Constitution, or any other punishment that the House may impose according to these Rules.

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- Complaint 112 A member may lodge a complaint with the Legislative Assembly that –
- (a) a privilege has been breached; or
  - (b) a contempt was committed against –
    - (i) the Legislative Assembly; or
    - (ii) a member.
- Referral 113 The Speaker may refer a complaint to the Standing Committee on Privileges.
- Recommendations 114 The Standing Committee on Privileges shall –
- (a) investigate and hear evidence;
  - (b) consider whether a breach of privilege or a contempt of the Legislative Assembly has been committed; and
  - (c) report its findings to the Legislative Assembly together with recommendations.
- Deciding complaint 115 The Legislative Assembly may act on recommendations from the Standing Committee on Privileges.
- Warrant for breach 116 (1) The Legislative Assembly may issue a warrant in the form in Schedule 4 against a person where it decides that he has –
- (a) breached the privileges; or
  - (b) committed contempt,
- of the Legislative Assembly.

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(2) A person who is charged with contempt or breach of privilege may –

- (a) engage legal counsel;
- (b) call witnesses; or
- (c) produce evidence,

to defend the case against him.

Decision by  
resolution

117 (1) The Legislative Assembly shall –

- (a) hear the proceedings;
- (b) consider answers given by the alleged person;  
and
- (c) reach a decision by resolution.

(2) A decision in sub-rule (1) shall be implemented immediately.

Failure to  
attend

118 The Legislative Assembly may pass judgment on a person, upon whom a warrant is served to attend before the Legislative Assembly but fails without reasonable cause to attend, in his absence, and -

- (a) issue a warrant for his arrest; or
- (b) require him to appear before the Legislative Assembly to continue with proceedings.

Privilege  
and  
contempt  
proceedings  
prioritised

119 Proceedings for breach of privilege or contempt shall take precedence over other matters before the Legislative Assembly.

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## Division 6 Petitions

- Petitions 120 Petitions shall be lodged for registration with the Clerk.
- Signature on petition 121 A petition shall be –
- (a) clearly written;
  - (b) typed; or
  - (c) printed,
- and signed by three or more persons.
- Returned petitions 122 The Clerk shall, if directed by the Speaker, return a petition together with an indication of reasons for such return to the relevant person, if it does not comply with these Rules.
- Presentation of petitions 123 (1) A petition shall be presented by a member who shall –
- (a) sign his name at the beginning thereof;
  - (b) ensure that it –
    - (i) conforms with these Rules and Orders of the Legislative Assembly;
    - (ii) respectful;
    - (iii) decorous; and
    - (iv) temperate in its language.
- (2) The Speaker shall decide whether a petition –

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- (a) is related to the business of the Legislative Assembly;
- (b) is submitted for discussion by the Select Committee on Privileges; and
- (c) report to the Legislative Assembly for final deliberations.

Member petitions

124. A member shall not present a petition for himself.

## **Division 7 Submission and reading of Bills in the Legislative Assembly**

Bills

125 (1) A member may prepare and submit Bills to the Legislative Assembly.

(2) Government Bills shall be submitted by the Minister responsible for the Bill , who shall record his name and sign the explanatory note of the Bill.

(3) Private Bills shall be submitted by the member responsible for the Bill, who shall record his name and sign the explanatory note of the Bill.

Official submission

126 The Clerk shall record, date and number all Bills submitted by Members.

Scrutinizing drafting of Private Bills

127 (1) The Speaker shall refer Private Bill to the Standing Committee on Legislation who shall ensure that it complies with rule 175(2) before it is submitted into the House for first reading.

(2) The Standing Committee on Legislation shall not have the power to quash the Bill but can provide a written report to the House regarding its findings.

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- Opening statement 128. A member presenting the Bill may make a statement without any interventions for a period not exceeding five minutes before the first reading..
- Procedure for Reading of Bills 129 The Clerk shall, on each reading of a Bill, read the –
- (a) long Title;
  - (b) preamble; and
  - (c) short Title,
- of the Bill and it shall be deemed to have been read in full.
- First reading of Bill 130 (1) The Speaker shall order that the Bill is read by the Clerk for the First Time.
- (2) The Speaker shall put the First Reading to the vote of the Legislative Assembly without amendment or debate.
- (3) If the First Reading is not approved by the Legislative Assembly, the Bill is deemed rejected and shall not proceed further.
- Public Submissions 131 (1) The Legislative Assembly shall not proceed upon a Bill after its first reading for a period of two weeks or such longer time that the Assembly decides is needed to allow members to scrutinise the Bill, and for the public to make submissions, but this shall not apply to –
- (a) Appropriation Bills; and
  - (b) Bills certified by the Prime Minister to be urgent.

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- (2) The Speaker shall refer the Bill to the relevant Committee tasked with scrutinizing policy and gathering public submissions to the Bill.
- (3) The relevant Committee after carrying out its inquiry shall prepare and submit a report of its findings and recommendations to the Legislative Assembly.

Reporting on public submissions

132

- (1) The Report of the Committee shall be discussed and voted upon before the second reading of the Bill.
- (2) If on approval of the report requires that the Bill has to be amended, the Speaker may refer the Bill to the Standing Committee on Legislation.

Second reading of Bill

133

- (1) The Speaker shall order that the Bill be read a Second Time.
- (2) A member introducing a Bill may further explain its object after it is read a Second Time.
- (3) A Bill that has been read a Second Time shall not be amended or debated at the end of that reading.
- (4) If a member requests the debating of a provision of a Bill after its Second Reading, it shall be committed to the Committee of the Whole House for debate.
- (5) If no member requests the debating of the Bill after its Second Reading, it shall be read a Third Time.



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## Division 8 Submission of Bill to Committee of the Whole House

- Discussion of Bill 134 (1) The Chairman shall put a motion that a Bill be discussed by section in numerical order, unless it agrees to discuss the Bill in its entirety.
- (2) The Chairman may require the member introducing the Bill to explain the purpose of each provision of the Bill before it is discussed in the Committee of the Whole House.
- Amendments to Bill 135 (1) The sections of the Bills may be amended to –
- (a) omit words, numbers, signs or punctuation marks;
  - (b) omit words, numbers, signs or punctuation marks in order to add or insert other words in its place; and
  - (c) add or insert words, numbers, signs or punctuation marks.
- (2) Amendments shall be discussed as in the Legislative Assembly.
- (3) The Committee may reject the Bill subject to the approval of the Legislative Assembly.
- Amendment by section 136 When a section or amendment is discussed, a member speaking shall confine himself to that section or amendment.

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- Question on amended section 137 When a section has been amended, a question shall be put “That the Section, as amended, stand part of the Bill”.
- Relevance 138 An amendment may be made to a section or other part of a Bill, if –
- (a) it is relevant to the subject matter of the Bill; or
  - (b) in accordance with an instruction; and
  - (c) it complies with these Rules.
- Postponing 139 Discussion of a section may be postponed whether or not it has been amended.
- Adding a section or Schedule 140 Adding a section or schedule to a Bill in the Committee of the Whole House shall be made when discussion reaches the part of the Bill where the addition is proposed.
- Reading added section or Schedule 141 The Chairman shall –
- (a) read the section or schedule to be added; and
  - (b) put the question “That the section or schedule do stand part of the Bill”,
- and make the addition if it is approved.

## **Division 9**

### **Re-submission of Bill to Legislative Assembly from Committee of the Whole House**

- Report on Bill 142 The Chairman shall report the Bill with any amendments made, to the Legislative Assembly when discussion is completed.
- Voting 143 (1) (a) If no amendments were made in the Committee

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where Bill was not amended

of the Whole House, the Speaker shall put the Second Reading of the Bill to the vote of the Legislative Assembly.

(b) If the Bill is approved, it shall be read a Third Time.

(2) (a) If amendments were made in the Committee of the Whole House, the Speaker shall ballot the Second Reading of the Bill, as amended.

(b) If the Bill is approved, as amended, it shall be read a Third Time.

Third reading

144 (1) On the Third Reading of a Bill, it shall be put “That the Bill be now read a Third Time”.

(2) Questions or amendments may be moved, at the end of the Third Reading in the same manner as at the end of a Second Reading.

Verbal amendments

145 Verbal amendments may be made to a Bill on the Third Reading.

Vote after Third Reading

146 (1) (a) The Speaker shall, after the Third Reading of a Bill -

(i) read the title; and

(ii) put the question “That this be the Title of the Bill?”.

(b) The Legislative Assembly may –

(i) agree to the Bill; or

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(ii) agree to the Bill subject to amendments.

- (2) The Speaker shall put the Third Reading of the Bill to the vote of the Legislative Assembly.
- (3) If the Bill is approved, it shall be deemed to be an Act passed by the Legislative Assembly.

## **Division 10**

### **Signature and Certification of Acts Passed**

Signature and certification of passing

- 147 (1) The Speaker shall sign an Act passed by the Legislative Assembly in accordance with Rule 146.
- (2) The Clerk shall certify at the top of the first page of the Act the date it was passed.

Royal Assent

- 148 The Clerk shall, within one month of the date an Act was passed by the Legislative Assembly, submit it to the relevant office to be presented to His Majesty for His Royal Assent.

Regulations, Rules and Orders

- 149 The Legislative Assembly shall consider –
- (a) Regulations;
  - (b) Rules; or
  - (c) Orders,
- in the same manner as it considers a Bill.

## **PART 6 COMMITTEES**

### **Division 1 Committee of the Whole House**

Chairman Committee

- 150 (1) The Legislative Assembly shall elect one of its elected members as Chairman immediately after the

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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of the Whole House		opening of parliament after general elections.
	(2)	The Chairman shall serve for a term of four years.
Acting Chairman	151	The Speaker shall nominate, at the commencement of every meeting, a member to act as Chairman if the Chairman is absent.
Powers of Chairman	152	Without limiting the generality of the powers, the Chairman shall have the powers specified in Rule 49.
Appointment of Committee by resolution	153	(1) The Committee of the Whole House shall – (a) be appointed by a resolution “That this Legislative Assembly resolve itself into the Committee of the Whole House”; and (b) for the purpose specified in that resolution.  (2) The Speaker shall vacate his seat and be replaced by the Chairman when the Legislative Assembly resolves itself into a Committee.
Matters considered	154	The Committee of the Whole House shall only consider matters referred by the Speaker.
Casting vote in Committee	155	The Chairman shall have a casting vote.
Seconded motion	156	A motion or amendment made in the Committee of the Whole House shall be discussed if it is seconded.
Right to speak	157	A member may speak more than once to the same question in the Committee of the Whole House if approved by the Chairman.

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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Report by Chairman 158 After all the matters referred to the Committee have been considered, the Chairman shall report the same to the Legislative Assembly.

## Division 2 Select Committees

Ex-officio members 159 (1) The Speaker and Deputy Speaker shall be ex-officio members in every Select Committee.

(2) The Committee may by resolution invite qualified persons to assist it with its inquiries but such persons shall not have any voting rights.

Composition of Select Committees 160 A Select Committee shall consist of such number of members directed by the Legislative Assembly.

Notice of Motion for appointment 161 (1) The appointment of a Select Committee shall be initiated by a motion containing the purpose of the Committee.

(2) The Legislative Assembly shall order the members to be in the Committee including the mover of the motion.

Quorum of Select Committee 162 The quorum for a Select Committee shall be half the number of the members.

Chairman of Select Committee 163 (1) The Chairman shall be elected by its members, before it proceeds with any business.

(2) The members present shall elect a member to act as Chairman in the absence of the substantive Chairman.

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- Adjournment of Select Committee 164 The Chairman may adjourn the meeting of a Select Committee if –
- (a) the quorum of members is not present within 15 minutes after the time fixed for the meeting; or
  - (b) during the meeting, there is no quorum.
- Select Committee Votes 165 The Chairman shall –
- (a) vote in the first instance; and
  - (b) not have a casting vote.
- Date of meetings 166 (1) A Select Committee may meet to discuss business on any day except –
- (a) Sunday; and
  - (b) days on which the Legislative Assembly is appointed to meet.
- (2) The Legislative Assembly may order a Select Committee to continue or discontinue work at any time.
- Minutes 167 The responsible officer shall keep the minutes of the meetings and ensure that the names of the members present and absent at a meeting is entered on the minutes.
- Reports of Select Committees 168. (1) It shall be the duty of the Chairman to present the report of the Committee to the Legislative Assembly.
- (2) The report of Select Committee shall be signed by the Chairman on behalf of the Committee; and he

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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shall submit it to the Legislative Assembly for its consideration.

- Types of reports 169 A select committee may make –
- (a) an interim report informing the House of some of its conclusion on a matter or of the progress of its investigation into a matter;
  - (b) a special report to the House seeking authority to do something or seeking guidance on a particular issue or informing the House on some matter which it considers should be reported to the House.
  - (c) a final report to the House detailing the work that it has conducted and its findings.

- Findings 170
- As soon as reasonably possible after a select committee has determined any findings to be included in the report, prior to the presentation of the report, any person named in the report whose reputation may be seriously damaged must be acquainted with such findings and given a reasonable opportunity to respond to them.

## **Division 3 Standing Committees**

- Standing Committees of Legislative Assembly 171 (1) There shall be seven Standing Committees in the Legislative Assembly called the –
- (a) Standing Committee on Finance and Public Accounts;
  - (b) Standing Committee on Legislation;
  - (c) Standing Committee on Foreign Affairs, Defense and Trade;
  - (d) Standing Committee on Social Services;



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- (e) Standing Committee on Business;
- (f) Standing Committee on Environment and Climate Change; and
- (g) Standing Committee on Privileges.

(2) The Legislative Assembly may establish another Standing Committee if required.

Composition of Standing Committee

172. (1) A Standing Committee shall consist of members as nominated by the Speaker and approved by the Legislative Assembly.
- (2) A member of a Standing Committee shall serve for a term of four years.
- (3) With the approval of the Speaker, the Standing Committee may recite such other person to assist it in its work.

Chairman of Standing Committee

- 173 (1) The Speaker shall appoint the Chairman of each Standing Committee.
- (2) The members present shall elect a member to act as Chairman in the absence of the substantive Chairman.

Functions of Standing Committee on Finance and Public Accounts

- 174 (1) The Standing Committee on Finance and Public Accounts shall be responsible for all matters pertaining to the –
- (a) collection of all public income;
  - (b) proper expending of all public monies;
  - (c) annual Estimates;
  - (e) accounts of the receipts and expenditure of all

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Government ministries or bodies including the financial accounts;

- (f) all reports of the Auditor General (including reports of the result of efficiency or management audits);
- (g) all accounts and expenditure of the Legislative Assembly (including how village grants and constituency allowances are expended and accounted for); and
- (h) any other matter in connection with annual estimates and public accounts.

(2) Notwithstanding sub-rule (1), the Legislative Assembly may direct, by resolution, any other work of the Committee.

(3) The Auditor General shall be a member of the Committee but shall not have any voting rights.

Functions of  
Standing  
Committee  
on  
Legislation

175 (1) The Standing Committee on Legislation shall be responsible for –

(a) matters regarding these Rules;

and

(b) Bills referred to it by the Speaker or the Legislative Assembly or in accordance with Rule 127.

(2) The Standing Committee on Legislation shall, where Bills are referred to it, check–

(a) whether it conflicts with –

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- (i) the Constitution; or
- (ii) any existing Act or rights;

- (b) that terms used are consistent and conform with standard drafting practices;
- (c) for grammatical or spelling errors;
- (d) that the English and Tongan versions are consistent; and
- (e) that the format is consistent with the formatting standard.

Functions of Standing Committee on Privileges 176 The Standing Committee on Privileges shall be responsible for –

- (a) inquiries relating to any matters of privilege including the examination of prima facie impeachment cases; and
- (b) inquires relating to petitions.

Functions of Standing Committee on Foreign Affairs, Defence and Trade 177 The Standing Committee on Foreign Affairs, Defense and Trade shall be responsible for considering and reporting on all matters relating to –

- (a) foreign affairs, immigration and trade;
- (b) foreign economic policies, international treaties and conventions, human rights obligations
- (c) customs; and
- (d) defense, disarmament and arms control.

Functions of Standing Committee on Social Services 178 The Standing Committee on Social Services shall be responsible for considering and reporting on all matters relating to social services including the examination of issues relating to –

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- (a) employment;
- (b) health;
- (c) education;
- (d) welfare;
- (e) gender;
- (f) heritage; and
- (g) other social issues.

- |   |     |   |
|---|-----|---|
| Functions of Standing Committee on Business                       | 179 | (1) The Standing Committee on Business shall be responsible for considering and determining the business and work calendar of the Legislative Assembly and the order of which business is to be taken.<br><br>(2) The powers of the Committee are without prejudice to the power of the Speaker to determine which matters may properly be introduced into the Legislative Assembly on a daily basis. |
| Functions of Standing Committee on Environment and Climate Change | 180 | The Standing Committee on Environment and Climate Change shall be responsible for considering and reporting on matters relating to environment, climate change and sustainable development issues.  |
| Quorum of Standing Committees                                     | 181 | The quorum for a Standing Committee shall be half the number of the members.  |
| Application of other rules  | 182 | Rules 164 to 170 for Select Committees shall apply to Standing Committees.  |

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

## PART 7 ESTIMATES, REPORTS AND AUDIT

- Submission of the Budget 183 The Minister of Finance shall ensure that the Annual Estimate is submitted to the Legislative Assembly no later than 30 days before the end of the financial year.
- Referral to Standing Committee on Finance 184 The House may refer the Estimate to the Standing Committee on Finance and Public Accounts to scrutinize and report back on its findings.
- Voting on the Estimate 185 (1) A motion may be made to –
- (a) omit;
  - (b) reduce; or
  - (c) increase,
- any item of a vote in the Estimate.
- (2) A motion shall not be made to add any –
- (a) new item to a vote; or
  - (b) new vote to the Estimates.
- (3) Notwithstanding sub-rule (1) and (2), the Government may move a motion to add –
- (a) to any vote item of a vote; or
  - (b) a new vote to the Estimates.
- (4) A motion approved by the Committee of the Whole House to increase any item of the vote shall be referred to the Standing Committee on Finance to –

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- (a) confirm the availability of funds for such increase; or
- (b) suggest source of such funds.

National debt reporting

186 The Minister of Finance shall submit to the Legislative Assembly in July of every year a table reflecting –

- (a) the current national debt; and
- (b) a projection of future annual repayments of those debts,

with specific reference to the vote in the Estimates authorizing funds to pay for public debt.

Financial Statements of the Legislative Assembly

187 (1) The Speaker shall, at the end of each month during the each session of the Legislative Assembly –

- (a) publish; and
- (b) distribute to every member,

a statement showing the expenditures of the Legislative Assembly according to each item as shown in Vote-2 of the re-current Estimates.

(2) The statement in sub-rule (1) shall include the –

- (a) amount of money approved by the Legislative Assembly for each item; and
- (b) expenditures for that month per item as in (a);
- (c) accumulated total expenditures up to that month per item as in (a); and

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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(d) the balance per item at the end of that month.

- |               |     |  |
|---------------|-----|--|
| Audit         | 188 | The Speaker shall ensure that the accounts of the Legislative Assembly are audited annually.   |
| Annual report | 189 | (1) The Speaker shall prepare a report annually informing His Majesty on the affairs of the Legislative Assembly.<br><br>(2) The Speaker shall table a copy of the report to the Legislative Assembly. |

Made at Nuku'alofa this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

.....

Lord Fakafanua

**Speaker of the Legislative Assembly**

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **SCHEDULE 1 (Rule 18)**

### **Oath**

*“I solemnly swear before God, that I will be truly loyal to His Majesty Tupou VI, the rightful King of Tonga and that I will righteously and perfectly conform to and keep the Constitution of Tonga and zealously discharge my duties as a Member of the Legislative Assembly.”*



# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **SCHEDULE 2 (Rule 23)**

### **Daily Meeting Hours of the Legislative Assembly**

10: 00am – 11am
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11:15am – 12:00noon
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2pm – 3:00pm
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3:15pm – 4pm
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# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **SCHEDULE 3 (Rule 89(2))**

### **Articles of Impeachment**

In the Legislative Assembly of Tonga

**IMP No.**

\_\_\_\_\_/\_\_\_\_\_  
Nuku'alofa

**TO:            Name:**

**Address:**

**Position:**

[Name], a, Minister, Nobles Representative or Peoples Representative is charged with the following offence(s):

### **STATEMENT OF OFFENCE**

**(Count 1)**

### **PARTICULARS OF THE OFFENCE**

**(Count 1)**

\_\_\_\_\_,  
on or about [Date], at [Place],

.....  
Dated this

day of

20.....

\_\_\_\_\_  
**[A member of the Legislative Assembly of Tonga]**

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **SCHEDULE 4 (Rule 116)**

### **Writ of Warrant**

In Nuku'alofa the Legislative Assembly of Tonga,

No.: \_\_\_\_\_

To \_\_\_\_\_  
of \_\_\_\_\_

A complaint has been lodged with the Legislative Assembly of Tonga regarding.....

You are hereby summoned to attend the Legislative Assembly at Nuku'alofa.

Day \_\_\_\_ of \_\_\_\_ at 10 O'clock in the forenoon of 20.....

.....  
Speaker of the Legislative Assembly

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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## **SCHEDULE 5**

### **POWERS AND ROLES OF THE SPEAKER OF THE LEGISLATIVE ASSEMBLY**

#### **1.0 General**

- 1.1 The Speaker shall perform such duties and exercise such authority in relation to all proceedings of the House during a sitting and an adjournment of the House and during any recess of Parliament.(r. 16(1))
- 1.2 The Speaker shall preside the meetings of the Legislative Assembly and be responsible for regulating, controlling and operating the business and affairs of the Legislative Assembly (r 15).
- 1.3 The Speaker is responsible for ruling whenever any question arises as to the interpretation and application of these Rules and deciding cases not otherwise provided for. In all cases he shall be guided by previous rulings and established practices of the Legislative Assembly and his decision shall be final. (r 1(2))

#### **2.0 Opening and Closing of Legislative Assembly Session**

- 2.1 The Speaker of the Legislative Assembly shall appoint a Select Committee to prepare the address-in-reply to His Majesty's address after it has been presented to the Legislative Assembly. (r 9(1))

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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- 2.2 The Speaker shall appoint one Nobles' representative and one People's representative in the Legislative Assembly to convey the address-in-reply to His Majesty. (r 10)
- 2.3 The Speaker shall read a message from His Majesty to the Legislative Assembly immediately upon receipt. (r 11)
- 2.4 The Speaker shall report to the Legislative Assembly an answer by His Majesty to an address presented in accordance with Rule 9. (r 14)

## 3.0 Speaker and New Members of Legislative Assembly

- 3.1 The Speaker shall instruct the new members to take the Oaths.(17(2))

## 4.0 Business of the Legislative Assembly and Related Matters

### ▪ Conduct of Business

- 4.1 Notwithstanding rule 19(1), the Speaker may allow discussion of any matter before the Legislative Assembly. (r 19(2))
- 4.2 The Speaker shall direct that –
  - a) the agenda for each day be printed and distributed to each member, but the Legislative Assembly may amend the agenda at any time; and
  - b) each member to be given a copy of each matter to be dealt with by the Legislative Assembly. (r 19(4))
- 4.3 The Speaker shall recommend to the Legislative Assembly the date when it shall proceed with official visits within Tonga. (r 20)
- 4.4 The Speaker shall –

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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- a) count those present in the Legislative Assembly immediately after prayers and roll-call; and
- b) ensure no business shall be proceeded with for 15 minutes, if one half of the members including himself are not present, and if at the end of 15 minutes the number of members is still less than one half, he shall adjourn the Legislative Assembly to the next day. (r 25)

#### 4.5 The Speaker shall –

- a) Nominate a member to conduct a prayer on the first day of each week; and
- b) Conduct the Lord’s Prayer on other days. (r 26)

#### 4.6 Every member shall attend meetings of the Legislative Assembly unless the Speaker has granted leave of absence to that member. (r 27)

#### 4.7 The Speaker shall order the Clerk to call the names of the members, after the prayer is said. (r 28 (1))

### ▪ **Rules of Debate**

#### 4.8 The Speaker may permit a member who is unable to stand due to infirmity or illness or for any other reason to speak while seated. (r 37)

#### 4.9 The Speaker or the Chairman may on the expiration of 20 minutes, allow a member a further two minutes to complete his statement and the Speaker or the Chairman of the Whole House shall warn the member speaking when he has one minute left of the time allowed. (r 38 (1)(b)(c))

#### 4.10 A member shall not be interrupted while speaking except by the Speaker. (r40(a))

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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- 4.11 The Speaker or Chairman shall –
- a) decide on the question of order after it has been stated to him by the member raising it;
  - b) that decision shall be final; and
  - c) time spent on a point of order shall not be added to the time limit specified in Rule 38(1).(r 41(2))
- 4.12 The Speaker or the Chairman shall choose the member to speak when two or more members rise to speak. (r 44)
- 4.13 The Speaker or Chairman shall put the question after a member has exercised his right of reply. (r 48(2))
- 4.14 A member who, in the Legislative Assembly –
- a) fails to comply with these Rules;
  - b) behaves in a disorderly manner; or
  - c) has been warned twice but persist or continues to obstruct a meeting, and has been named by the Speaker, is in breach of these Rules. (r 49 (1))
- 4.15 If the breach was committed in –
- a) the Legislative Assembly, the Speaker may –
    - i) order the member to vacate the Legislative Assembly for a period not exceeding five days; or
    - ii) refer the matter to the Legislative Assembly to be dealt with according to sub-rule (3) of Rule 49. (r 49 (2))
- 4.16 Where the Speaker or the Chairman speaks during a debate –

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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- a) any member speaking or offering to speak shall sit down; and
- b) the Legislative Assembly shall be silent so that he may be heard without interruption. (r 52)

4.17 A member who –

- a) refuses to retract;
- b) explain; or
- c) apologize,

for any objectionable words at the demand of the Speaker or the Chairman may be suspended in accordance with Rule 49. (r 53(1))

4.18 The Speaker or the Chairman shall instruct that the objectionable words be omitted from the record. (r 53(2))

4.19 The Speaker or the Chairman may –

- a) call the attention of the Legislative Assembly or the Committee of the Whole House, as the case may be, to continued irrelevance or tedious repetitions on the part of a member, either –
  - i) of his own arguments; or
  - ii) the arguments used by other members; and
- b) direct the member to discontinue his speech.

Provided that the member may require the Speaker or the Chairman as the case may be, to put the question that he be further heard, and such question, if so required to be put, shall be put without debate. (r60)

▪ **Voting on a Question**

4.20 The Speaker shall have a casting vote where there is an equality of votes. (r 65)



# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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- 4.21 The Speaker shall –
- a) put the question again, after the doors are closed; and
  - b) after the voices have been given –
    - i) declare whether the “Ayes” or the “Noes” have it; or
    - ii) if his opinion is disputed, direct the “Ayes” to take their place at the right side of and the “Noes” on the left side of the Legislative Assembly. (r69(1))
- 4.22 The Speaker shall declare the numbers on the division to the Legislative Assembly. (r 70)
- 4.23 The Speaker shall order the division list be corrected –
- a) where a member voted with the opposite party; and
  - b) on being informed thereof. (r 75(2))

## 5.0 Matters for Discussion in the Legislative Assembly

### ▪ Motions

- 5.1 The Speaker, in receiving a notice containing unbecoming expressions, shall
- a) return it to the member who submitted it; and
  - b) notify that member of the unbecoming expressions. (r. 79(2))
- 5.2 A motion may be made without the submission of any previous written notice. Provided that a member may not rise to speak immediately after roll-call on any matter without the prior consent of the Speaker. (r 80)

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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5.3 The Speaker shall propose the discussion of a motion by the Legislative Assembly where –

- a) a motion has been made; and
- b) that motion was seconded.(r81(1))

- **Motion for an Order**

5.4 The Speaker may –

- a) suspend a member for a period that would not exceed into the next session; or
- b) refer the matter to the Legislative Assembly to be dealt with in accordance with Rule 111,

if the member fails to comply with any motion for an order that was passed by the Legislative Assembly. (r 86)

- **Questions**

5.5 The Speaker may permit supplementary questions from members to clarify a reply. (r103 (3))

5.6 The Speaker shall, on the Thursday afternoon, during the hours referred to in Rule 104, of the third week of every month permit oral questions to be asked by a member without prior notice and answers to questions asked shall be provided immediately. (r 106 (1)(2))

5.7 The Speaker may refer a complaint to the Standing Committee on Privileges. (r 113)

- **Petitions**

5.8 The Speaker shall decide whether a petition –

- a) is related to the business of the Legislative Assembly; and
- b) is submitted for discussion by the Select Committee on Privileges; and
- c) report to the Legislative Assembly for final deliberations. (r.123 (2))

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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▪ **Submission and reading of Bills in the Legislative Assembly**

5.9 The Speaker shall order that the Bill is read by the Clerk for the First Time. (r130(1))

5.10 The Speaker shall put the First Reading to the vote of the Legislative Assembly.(r.120(2))

5.11 The Speaker shall refer the Bill to the relevant Committee tasked with scrutinizing the gathering public submissions to the Bill. (r.131(2))

5.12 If on approval of the report requires that the Bill has to be amended, the Speaker may refer the Bill to the Standing Committee on Legislation.(r.132(2))

5.13 The Speaker shall order that the Bill be read a Second Time upon the re-tabling of the Bill from the Committee. (r 133(1))

▪ **Re-submission of Bill to Legislative Assembly from Committee of the Whole House**

5.14 If no amendments were made in the Committee of the Whole House, the Speaker shall put the Second Reading of the Bill to the vote of the Legislative Assembly. (r143 (1)(a))

5.15 If amendments were made in the Committee of the Whole House, the Speaker shall ballot the Second Reading of the Bill, as amended. (r 143(2)(a))

5.16 The Speaker shall after the Third Reading of a Bill –  
i) read the title; and  
ii) put the question “That this be the Title of the Bill”.  
(r146(1))

# RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA

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## ▪ Signature and Certification of Acts Passed

5.17 The Speaker shall sign an Act passed by the Legislative Assembly in accordance with Rule 146. (r 147)

## 6.0 Committees

### ▪ Committee of the Whole House

6.1 The Speaker shall nominate, at the commencement of every meeting, a member to act as Chairman if the Chairman is absent. (r 151)

### ▪ Select Committee

6.2 The Speaker and Deputy Speaker shall be ex-officio members in every Select Committee. (r 159(1))

### ▪ Standing Committee

6.3 With the approval of the Speaker, the Standing Committee may recite such other person to assist it in its work. (r 172 (3))

6.4 The Speaker shall appoint the Chairman of each Standing Committee (r 173).

6.5 The powers of the Committee are without prejudice to the power of the Speaker to determine which matters may properly be introduced into the Legislative Assembly on a daily basis. (r 179(2))

## 7.0 Estimates Reports and Audit

7.1 The Speaker shall, at the end of each month during the each session of the Legislative Assembly –

- a) publish; and
- b) distribute to every member,

# **RULES OF PROCEDURE OF THE LEGISLATIVE ASSEMBLY OF TONGA**

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a statement showing the expenditures of the Legislative Assembly according to each item as shown in Vote-2 of the re-current Estimates. (r 187(1))

- 7.2 The Speaker shall ensure that the accounts of the Legislative Assembly are audited annually. (r 188)
- 7.3 The Speaker shall prepare a report annually informing His Majesty on the affairs of the Legislative Assembly. (r 189(1))
- 7.4 The Speaker shall table a copy of the report to the Legislative Assembly. (r 189(2)).