

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 2 of 1977

TO DEFINE the powers and privileges of the members of the Representative Assembly.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 and Article 38 of the Schedule to the Exchange of Notes between the Governments of the United Kingdom and the French Republic made at Paris the 29th day of August 1975 establishing the Representative Assembly of the New Hebrides.

Interpretation

1. (1) In this Regulation -

"officer of the Assembly" means the Clerk of the Assembly and any person or persons appointed to assist him and shall also include any police officer on duty within the chamber of the Assembly or the precincts of the Assembly;

"precincts of the Assembly" means the chamber in which the Assembly shall sit when in session and such other places or premises as may be used by the Assembly or any committee or committees thereof and shall include the accommodation provided in order that members of the public may view the proceedings of the Assembly.

(2) If a President of the Assembly shall be elected in place of the Co-Presidents, references in those Rules to the Co-Presidents shall be construed accordingly.

Freedom of speech

2. No civil or criminal proceedings may be instituted against any member of the Representative Assembly for words spoken before, or written in a report to the Assembly or to any committee thereof, or by reason of any matter or thing introduced by him into the Assembly by draft legislation, petition, motion or otherwise.

Freedom from arrest

3. No member of the Assembly shall be liable to arrest -

(a) for any civil debt whilst going to, attending at or returning from a sitting of the Assembly or any committee thereof;

(b) within the precincts of the Assembly whilst the Assembly or a committee thereof is sitting, for any criminal offence, without the consent of the Co-Presidents.

Exercise of  
process

4. No process issued by any Court shall be served or executed within the precincts of the Assembly during the course of a session of the Assembly or any Committee thereof.

Enforcement  
of the  
suspension  
of a  
member

5. Any member of the Assembly who has been temporarily excluded from the Chamber of the Assembly by virtue of the Standing Orders of the Assembly shall not enter or remain within the precincts of the Assembly whilst such exclusion remains in force, and if any such member is found within the precincts of the Assembly in contravention of this section, he may be forcibly removed therefrom by any member of the New Hebrides Constabulary acting on the instructions of the Co-Presidents.

Admission  
of the  
public

6. (1) Members of the public may be admitted to sessions of the Assembly in accordance with the Standing Orders of the Assembly.

(2) The Co-Presidents may in the event that there is not adequate seating accommodation available or otherwise in pursuance of the Standing Orders of the Assembly order any member of the public to withdraw from the precincts of the Assembly, and if any such member of the public fails or refuses to withdraw from the precincts of the Assembly he may be forcibly removed therefrom by any officer of the Assembly or any member of the New Hebrides Constabulary acting on the instructions of the Co-Presidents.

Privilege of  
witness

7. No statement or answer made to the Assembly or a committee by any person shall be admissible in evidence against him in any proceedings in any court of law (except in the case of proceedings for any offence under this Regulation).

Restriction  
of evidence as  
to certain  
matters

8. No evidence in respect of the contents of minutes and evidence before the Assembly or a Committee thereof shall be admissible before a court of law or a person authorised by law to take evidence, unless the court or such person is satisfied that permission has been given by the Co-Presidents or the Chairman of the committee, as the case may be, for such evidence to be given.

Offences  
relating to  
admission to  
the Assembly

9. Any member of the public who

- (a) enters or attempts to enter the precincts of the Assembly in contravention of the Standing Orders of the Assembly; or
- (b) refuses to withdraw from the precincts of the Assembly when lawfully ordered to do so,

shall be guilty of an offence punishable by a fine not exceeding 5,000 FNH or its equivalent in Australian dollars at the official rate of exchange or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Assaulting  
etc. members  
or officers,  
creating  
disturbances

10. Any person who -
- (a) assaults, molests or obstructs any member coming to, being within, or going from the precincts of the Assembly; or
  - (b) assaults, interferes with, resists or obstructs any officer of the Assembly while in the execution of his duty; or
  - (c) threatens or assaults a member or an officer of the Assembly in any place on account of his exercise of his duties; or
  - (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly or any committee while the Assembly or such committee is sitting,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 10,000 FNH or its equivalent in Australian dollars at the official rate of exchange or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Publishing  
evidence  
taken by  
committee

11. Any person who publishes, or divulges to any person other than a member, any evidence taken by, or document presented to, a committee, where such evidence has been taken in a closed session, and which has not been reported to the Assembly, or where its publication has been expressly prohibited by the Assembly or the committee, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 20,000 FNH or its equivalent in Australian dollars at the official rate of exchange or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Fabricating  
documents and  
false evidence

12. Any person who -
- (a) presents to the Assembly or a committee or an officer of the Assembly, any false, untrue, fabricated or falsified document, knowing the same to be false, untrue, fabricated or falsified, with intent to deceive the Assembly or such committee; or
  - (b) knowingly gives false evidence whether on oath or not as a witness before the Assembly or a committee,

shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding 40,000 FNH or its equivalent in Australian dollars at the official rate of exchange or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

offer or acceptance of bribes

13. (a) Any person who offers to any member or officer of the Assembly any bribe or threat, in order to influence him in his conduct as such member or officer, or offers to any member or officer of the Assembly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any draft Regulation or matter submitted to or intended to be submitted to the Assembly or a committee; or
- (b) any member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person any bribe, fee, compensation, reward or benefit of any kind whatever for -
- (i) speaking, voting or acting as such member in proceedings of the Assembly or a committee; or
  - (ii) refraining from so speaking, voting or acting; or
  - (iii) absenting himself from proceedings of the Assembly or a committee; or
  - (iv) having so spoken, voted, acted, refrained or **absented** himself; or
- (c) any member who brings forward, promotes or advocates in the Assembly for or in consideration of any pecuniary fee or reward, any proceeding or measure in which he may have acted or been concerned,

shall be guilty of an offence punishable by a fine not exceeding 75,000 FNH or its equivalent in Australian dollars at the official rate of exchange or to imprisonment not exceeding three years or to both such fine and imprisonment.

Power of arrest

14. Any member of the New Hebrides Constabulary on duty at the Assembly, may, when requested by the Co-Presidents or the Clerk of the Assembly, apprehend -
- (a) any person who commits an offence against section 9 or 10; or
  - (b) any person within the precincts of the Assembly whom he reasonably suspects of having committed, or being about to commit, an offence contrary to either of the said sections.

Court procedure

15. In such a case the Co-Presidents may require the Clerk of the Assembly to prepare a report of such offence for presentation to the President of the Court of First Instance for Vila in accordance with Rules of Procedure for the Courts of First Instance made by the Joint Court on 29th April, 1927, or any legal provisions amending or replacing the same.

Citation and commencement

16. This Regulation may be cited as the Representative Assembly (Powers and Privileges) Regulation No. 2 of 1977 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this eighth day of February, 1977.