



INTRODUCTION

The Congress of New Caledonia is the country's deliberative assembly ([OA section 62](#)), and its role and powers are defined by Part III, Chapter I of Organic Act No 99-209 of 19 March 1999 to establish the institutions of New Caledonia, which translates the prescriptions of the Noumea Accord into legal terms.

a) Congress – New Caledonia's leading institution

Congress is New Caledonia's foremost institution as listed in the Organic Act. The remaining institutions are the:

- government of New Caledonia
- provinces
- customary senate
- traditional councils and
- economic, social and environmental council.

Congress is primarily an assembly of elected representatives from various political parties, some of whom can form political groups ([section 79 of the OA](#) and [11 of the SO](#)) within Congress.

Congress has 54 members who bear the title of "Councillors of New Caledonia".

It is made up of part of the members of each provincial assembly, ie:

- **7 members** from the [Loyalty Island Province Assembly](#), out the 14 that make up the provincial assembly;
- **15** of the 22 members of the [Northern Province Assembly](#); and
- **32** of the 40 representatives elected to the [Southern Province Assembly](#).

A single election determines the membership of both the provincial assemblies and Congress.

Members of Congress are elected for **5 years**.



Handy Tip

The 54 members of Congress are elected every 5 years in five-yearly provincial elections ([OA section 62](#)).

Every year, Congress elects an executive committee from among its members, made up of the Speaker of Congress, Deputy Speakers, Secretaries and Quaestors. ([OA section 63](#))

Congress of New Caledonia		
54 members		
15 members	32 members	7 members
Northern Province Assembly	Southern Province Assembly	Loyalty Islands Assembly
22 members	40 members	14 members
New Caledonian electorate (special electorate)		

b) Electorate

Members of Congress and the provincial assemblies are elected by a special or “restricted” electorate meeting the requirements of Organic Act no 99-209 of 19 March 1999 as amended ([OA section 188](#)).

| | |

c) Voting system

Each of the three provinces makes up a constituency ([OA section 190](#)). In each province, elections are held by proportional representation using a party list and based on the highest average rule ([OA section 191](#)).

Seats are allocated in two stages, starting with Congress and followed by the provincial assembly ([OA section 192](#)).

Some representatives will thus sit both in Congress and a provincial assembly while others will only serve in the provincial assembly.

Only lists gaining at least 5 % of registered voters’ ballots will be eligible for seats ([OA section 192](#)).

d) Eligibility requirements

In order to be eligible, candidates must be aged 21 or more and be registered on the special electoral roll in the province in which they stand. Only New Caledonia’s two MHRs and senator can choose the province they wish to stand in ([OA section 194](#)).

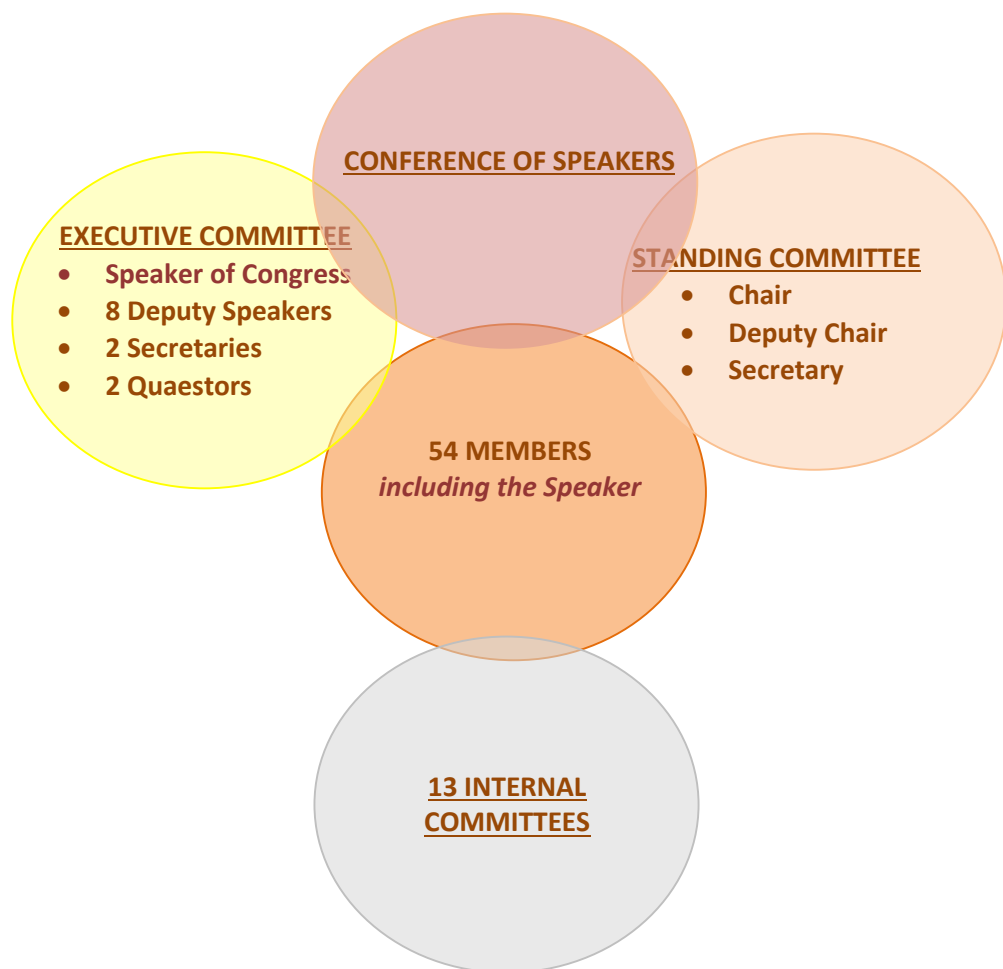
PART 1: CONGRESS – NEW CALEDONIA'S CHIEF INSTITUTION

A. ORGANISATION



The Congress of New Caledonia is made up of 54 members. To facilitate its work, it has:

- an executive committee and
- a standing committee



Congress of New Caledonia

1. Speaker of Congress

The Speaker of Congress is elected from among the members of Congress every year during the first sitting of the administrative session (SO sections 4 and 5).

He or she is elected by secret ballot, in “first past the post” fashion by an absolute majority in two rounds and by simple majority if there is a third round (OA section 63 and SO section 6). If the first two rounds fail to produce a winner, a third round is held by simple majority. In the event of a tie, the older candidate wins.

There is a special quorum requirement for this election, ie at least three fifths of Congress, namely 33, must be present, failing which, a further sitting is held three days later, excluding Sundays and public holidays (OA section 63).

The Speaker of Congress cannot be the speaker of a provincial assembly (OA section 64).

The Speaker opens and adjourns sessions (SO section 3), sets sitting agendas on the advice of the standing committee and convenes sittings (SO section 49 and OA section 76). Agendas of extraordinary sessions are set by the authority that convened them (SO section 48 and OA section 66).

The Speaker also chairs the sittings of Congress (SO section 13) and maintains order in the house (OA section 67 and SO section 22). He may expel any disorderly person (OA section 67 and SO section 22).

In addition, the Speaker appoints and directs the administrative staff (OA section 68). He or she also appoints political assistants to work with groups of Congress members (OA section 79). The Speaker is also the authorising officer for the Congress capital and recurrent budgets for both the public-service and member-group components (OA section 70 and SO section 14).

The Speaker of Congress can sue and be sued in court on behalf of Congress (OA section 69) and is therefore the only person empowered to answer in court for Congress's decisions.

2. Congress Executive Committee

a. Elections

Once a Speaker has been elected, Congress elects an executive committee from among its members, which, in addition to the Speaker, is made up of no more than eight deputy speakers, two secretaries and two quaestors (OA section 63 and SO sections 4 and 5).

The members of the executive committee are elected successively by highest-average proportional representation based on lists. The rule is used as soon as the first seat has

been allocated (**SO section 7**). The same quorum rule applies as for the Speaker (three fifths, ie 33 members) (**OA section 63**).

Section 7 of the standing orders requires candidate lists to be submitted to the Speaker at least 24 hours prior to voting. They must be signed by the candidates and include the same number of candidates as vacant seats plus two.

Candidates need not belong to a political group or party.

No councillor may hold more than one position on the executive committee.

If a councillor seeks election to several positions on the executive committee and is elected to one of them, his or her candidacy for the remaining positions automatically lapses (**SO section 7**).

b. Role of the executive committee

The executive committee is responsible for ensuring that Congress duly fulfils its duties and that proper procedure is followed in adopting motions. The Speaker therefore consults it on:

- the agenda for public sittings
- dates of sittings
- all matters relating to the lawfulness of amendments
- any disputes as to full records of proceedings and any other procedural issues (**article 49-1 RI**).

Each executive committee member performs specific duties:

Deputy Speakers

- may act on behalf of the Speaker (**OA section 70**)
- may replace him or her when away or busy based on an order of precedence among deputy speakers (**SO section 12**)

Secretaries

- assist the Speaker during sittings, in organising discussions and during votes (**SO section 15-1**)
- oversee minute-taking under the supervision of the Speaker
- count votes by show of hands or roll call and witness ballot outcomes; check proxy votes (**SO section 15-1**).

Quaestors

- under the supervision of the executive committee, monitor Congress finances and budget (**SO section 16**).
- are consulted by the Speaker prior to committing any expenditure **exceeding XPF 5,000,000** (**SO section 16**).
- help write New Caledonia's financial report with regard to Congress's expenditure and present it to the executive committee (**SO section 16**).
- assist the Speaker prepare Congress's budget and present it to the budget and public finance committee (**SO section 16**).

3.

**Handy
Tip**

A Deputy Speaker may, therefore, chair a public sitting, executive committee meeting or the conference of speakers, if the Speaker is away or otherwise unavailable. The government president may be invited to executive committee meetings.



The standing committee may only meet outside ordinary (administrative or budget) sessions and if authorised to do so by Congress. Whenever a session is adjourned, proposals for such meetings are made to the members.

Only country laws and budget decisions are exempt from such authorisations.

a. Standing Committee (CP) elections

Under section 80 of the Organic Act, once a year, during the sitting to elect its executive committee, Congress elects a standing committee (SO section 28), commonly known in French as the CP, from among its ranks by highest-average proportional representation based on member groups (SO section 29). This is a kind of “mini-congress” that meets outside Congress’s ordinary and extraordinary sessions.

The standing committee is made up of 11 members (SO section 28).

Section 29 of the standing orders requires candidate lists to be submitted to the Clerk of Congress twenty-four hours prior to voting. They must be signed by the candidates.

Based on the provisions of the Organic Act, only member groups are entitled to submit lists.

The standing committee elects its chair, deputy chair and secretary (OA section 81) by absolute majority (SO section 29).

At each vote, if the positions are not filled by absolute majority after the first two rounds, a third round is held requiring only a simple majority (SO section 29).

b. Role of the standing committee

It meets during congressional recess (OA section 81).

Section 80 of the Organic Act requires the standing committee to deal with matters referred to it by Congress based on the authority delegated to it by a majority of Congress members. It cannot discuss country bills or any bills involving amendments to the budget or taxation or that are referred to in sections 26 (devolution of powers) or 27 (setting up an independent administrative authority) of the Organic Act, or that involve the administrative account.

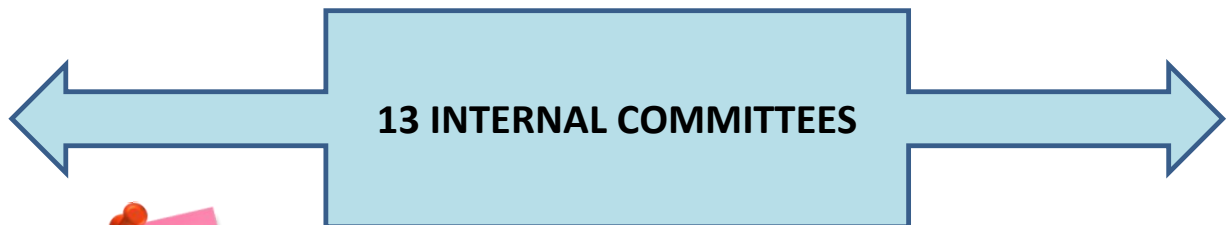
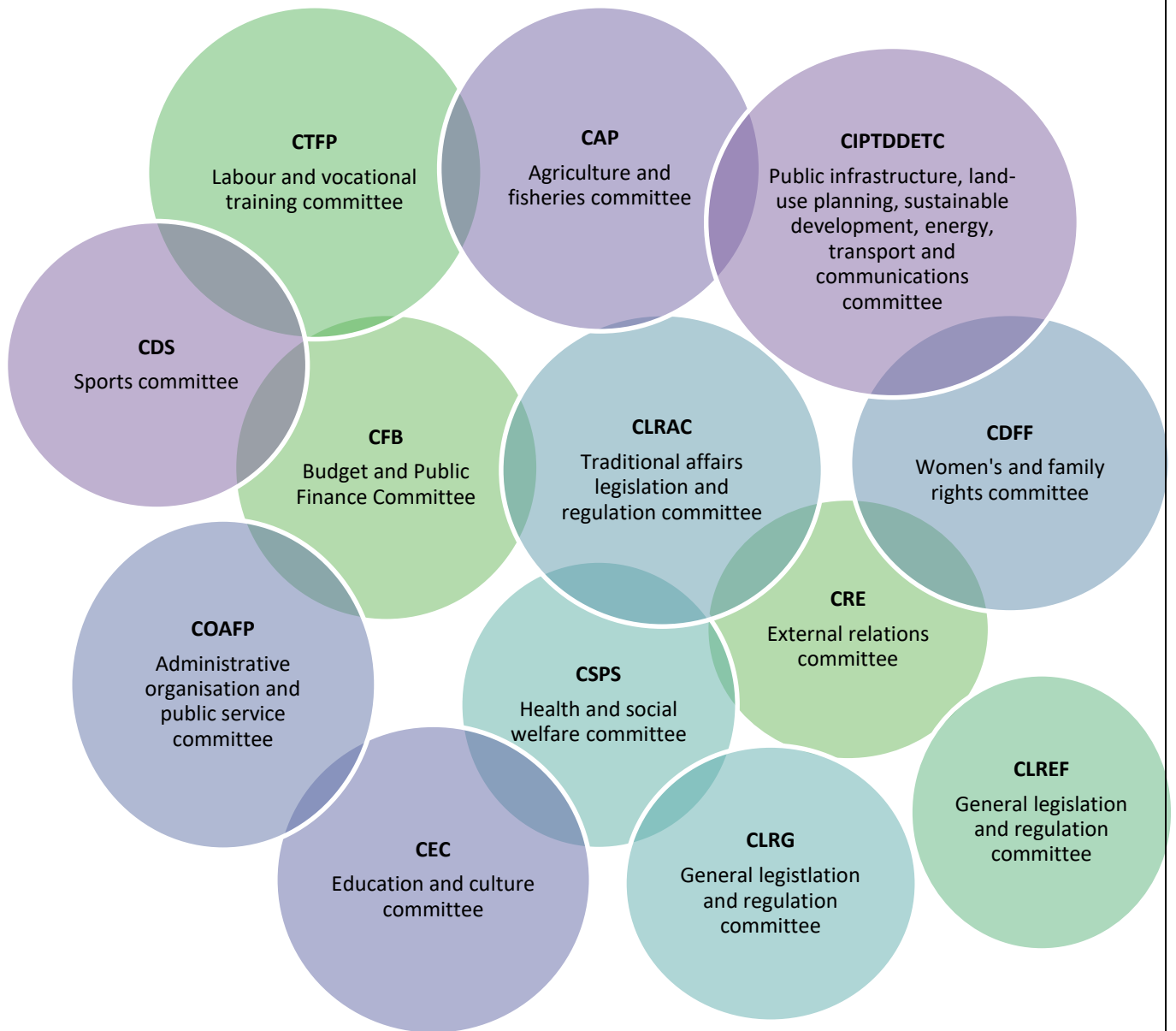
The standing committee quorum is a majority of members, ie six (OA section 81).

4. Internal Committees and the Committee of the Whole

a. Internal committees



There are 13 internal committees, each made up of 11 members. They assist the Congress in decision making, which is its exclusive prerogative, by informing, reporting and proposing.



The general legislation and regulation committee deals with matters outside the purview of the other internal committees with more specific briefs.

a. Internal committee elections

In pursuance of section 17 of the standing orders, every year Congress appoints the members of the 11-member internal committees. They are appointed during the first sitting of the administrative session, immediately after the Speaker and other executive committee members have been elected.

They are appointed by mutual consent so as to reflect the various Congress member-groups as best as possible. The vote is held by a show of hands for each committee based on a single list of candidates.

The lists must be submitted by the group chairs or their duly authorised representatives. They must be registered at the Clerk's office at least twenty-four hours prior to voting.

A simple-majority vote by show of hands is held only if there is disagreement.

In pursuance of section 20 of the standing orders, once the members have been appointed, the committees are convened by the Speaker so as to elect their executive committees consisting of a chair, deputy chair and *rapporteur* each.

The Congress may, in special circumstances, decide that a committee should be co-chaired, in which case no deputy chair is appointed.

Committee chair positions are distributed by mutual consent and should ideally reflect the proportions of the various groupings in Congress.

The internal committees each elect their chair, deputy chair and rapporteur by an absolute-majority vote. In each case, if the first two rounds by absolute-majority vote are not conclusive, a third round is held based on a simple-majority vote.

b. Role of the internal committees

The internal committees play a decisive role in determining the procedure for approving bills. When they meet, the bill's technical aspects are discussed by the members as well as the government assisted by its departments. When a bill is tabled on a Congress member's initiative, it is presented by its author.

This is essentially when any amendments or changes to the text are proposed.

When any matter tabled in Congress is being discussed, the House may refer it to the appropriate committee for consideration (SO section 18).

Several committees may be required to meet jointly and work on a given matter together (SO section 18).



Handy
Tip

Only a member of Congress may propose an amendment. The Government may not do so, but a Congress member may take on a proposal by the Government to make changes to a bill. Also, the government is generally represented at committee meetings by the congressman or congresswoman responsible for the area covered by the bill.

When discussing certain specific issues, Congress may set up temporary **special internal committees**. At the behest of the executive committee or at least 20 % of members (ie 11), Congress may set up temporary **commissions of inquiry** that are dissolved once their report has been tabled.

If convened by the Speaker of Congress, all councillors may be called to sit as a committee of the whole to discuss specific issues or whenever a project, proposal or matter is likely to concern all the committees. Meetings of the **committee of the whole** are not open to the public (**SO section 18-1**).

5. Other Committees



When discussing certain specific issues, Congress may set up temporary **special internal committees**. At the behest of the executive committee or at least 20 % of members (ie 11), Congress may set up temporary **commissions of inquiry** that are dissolved once their report has been tabled.

a. Special committees

Apart from standard internal committees, Congress may set up special internal committees to discuss special issues. These committees are temporary (**SO section 19**).

Congress dissolves special committee once they have fulfilled their brief. Congress may also set the term of any further special committee in the instrument that sets it up.

Third congressional term special committees:

- special committee to discuss the country bill on three official symbols for New Caledonia set up by decision no 5 of 8 June 2009 that was dissolved when Country Act no 2010-11 of 9 September 2010 on three official symbols for New Caledonia was adopted;
- special committee to discuss projects and bills on New Caledonian overall tax reform set up by decision no 154 of 30 November 2011. It was dissolved on 30 April 2014 following a decision of Congress;
- special committee to jointly determine the country's flag set up by decision no 241 of 27 December 2012. It was set up to exist for the duration of the third congressional term;
- special committee tasked with reforming the standing orders of the Congress of New Caledonia. This committee is still current.

Handy
Tip

Special committees set up to counter the "rising cost of living" are committees "attached" to Congress rather than special internal congressional committees, as their membership includes representatives of employer bodies and trade unions who are not congresspersons.

b. Commissions of inquiry

In pursuance of [section 94 of the Organic Act](#), at the behest of the executive committee or at least 20 % of members (ie 11), Congress may set up commissions of inquiry, the membership of which must be proportional to member groupings.

Commissions of inquiry are set up based on a written motion tabled in Congress. The motion must specify the events giving rise to the inquiry or the departments or companies whose management a commission is to examine ([SO section 19](#)).

Commissions of inquiry are set up to gather information on specific events or the management of New Caledonia's public bodies with a view to tabling their findings in Congress. A commission cannot be set up while a matter is before the courts. If one has already been set up, its brief lapses as soon as legal proceedings are brought in the matter it has been tasked to investigate ([OA section 94](#)).

Commissions of inquiry are temporary ([OA section 94](#)).

Their brief expires once they have tabled a report or, at the latest, three months after the resolutions that set them up were adopted. They cannot be set up for the same purposes within the same year ([OA section 94](#)).

[In pursuance of section 19 of the standing orders](#), persons appearing before a commission of inquiry may read the summary of proceedings for their hearing. If the hearing is confidential, they may only do so on location. No corrections may be made to the summary, but the person may comment in writing and the Commission may mention such comments in its report.

An inquiry report must be made within three months.

It is tabled in Congress at the sitting immediately after it was approved by the commission of inquiry. Members of Congress then vote on it, but may not amend it. If the members of Congress approve the findings of the commission of inquiry's report, it is published in the *Official Gazette* of New Caledonia.



Only one commission of inquiry has been set up to date, namely by Resolution no 275 of 13 June on the suspension of the director of the tax department by the President of the Government. It tabled its report on 13 September 2013 and Congress approved it at a public sitting on 1 October 2013.

c. Ad hoc committee to delegate public service provision

Whenever it applies [section 92 of the Organic Act](#) on New Caledonia, Congress elects an *ad hoc* committee made up of eleven congresspersons by largest-remainder proportional representation ([SO section 19](#)) to delegate public service provision

Delegating public service provision

New Caledonia and its provincial governments can delegate the management of public services, ie task an organisation, including a private company, with managing public service provision. Delegating public services is a complex procedure that involves Congress at various intervals.

First of all, Congress must approve in principle whenever delegating country-level public service provision is proposed. It issues a decision based on a report to which a description of the services to be delegated to a corporation is appended ([OA section 92](#)). Congress must also elect some members by proportional representation to a committee tasked with examining the submissions made by the various corporations ([SO section 19](#)).

Once the tendering process has been completed in accordance with the requirements of the general territorial government body code and the committee has announced its findings, Congress discusses the company selected by the Government from among the submissions. Congress must respond within two months after the committee has been consulted. The documents required for a selection to be made must be tabled at least a fortnight prior to its decision ([OA section 92](#)).

B. POWERS OF CONGRESS

1. Congress exercises the powers devolved to New Caledonia

The Organic Act expressly confers a number of powers on New Caledonia, which are essentially defined in [section 22 of Organic Act](#) no 99-209 of 19 March 1999 on New Caledonia.

In pursuance of [section 83 of the Organic Act](#), Congress, namely the country's deliberative assembly, exercises the powers conferred on New Caledonia (ie in the sense of a public authority) other than those expressly conferred by the Act on the Government of New Caledonia and its President.

For example, Congress has power over taxation, labour law, social welfare, health, road transport and traffic, professional body regulation and civil law.

2. It elects the Government and oversees its work

A distinguishing feature of the Noumea Accord ([point 2.3](#)), is that New Caledonia's executive is a collegial government elected by and accountable to Congress. This is one of Congress's core powers.



Handy
Tip

12 governments have been elected since 1999, including 4 in 2011.

a. Electing a government

Electing a government is an important moment in Congress.

- **Defining the number of members**

First of all, Congress defines the number of members of a government by means of a decision. It must be between five and eleven members, as prescribed by section 109 of the Organic Act.

- **Tabling candidate lists (OA section 110 and SO 38)**

Candidate lists for membership of the New Caledonian government, irrespective of whether candidates are congresspersons or not, are tabled by the member groups. They must contain the same number of candidates as seats plus three.

Each member of congress may appear on only one candidate list.

Lists must be tabled at least five days prior to the vote by the group chairs or their duly authorised representatives.

They must be signed the group chairs and indicate the following for each candidate:

- whether or not he or she is a congressperson;
- date of birth; and
- special electoral roll number.

Once the lists have been received they are immediately forwarded to the High Commissioner of the French Republic.

List registration and forwarding is handled by the Clerk of Congress's Office.

The candidates must be entitled to vote and eligible for election to a provincial assembly. If it is uncertain whether a candidate is eligible, the High Commissioner of the French Republic may consult the administrative court no later than forty-eight hours after the lists have been tabled and the court must respond also within forty-eight hours. If the court finds that the candidate is ineligible, the group has twenty-four hours to replace him or her.

- **Electing government members (OA section 109)**

At the beginning of a Congress term, the members of government are elected within 21 days of Congress's first sitting.

They can also be elected during a Congress term if a government resigns for any of the following reasons:

- the President of the Government resigns or dies (OA section 120);
- a member of government who cannot be replaced resigns; or
- a member of government and all the persons on his or her list resign (OA section 121).

In such special circumstances, if Congress is not in session, it must meet at an extraordinary session convened *ipso jure* by the Speaker not later than a fortnight after the Government has resigned. The Government is replaced as provided for in [OA sections 109 and 110](#).

- **Quorum** ([OA section 109](#))

Congress may only elect government members if three fifths of Congress members (33) are present.

If the requirement is not met, the election will be held *ipso jure* three days later, not counting Sundays and public holidays, without any quorum requirements.

- **The candidate lists are read prior to the vote** ([OA section 110](#))
- **Voting system** ([OA section 110](#))

Government members are elected based on lists by highest-average proportional representation so that the government reflects the political views within Congress without adding or removing names or changing the order of presentation.

- **Announcing and forwarding the results** ([OA section 110](#) and [SO 39](#))

The Speaker of Congress announces the government-member election results and forwards them immediately to the High Commissioner, provincial assembly speakers, speaker of the traditional senate and chair of the economic social and environmental council.

- **Recording the results** ([SO section 39](#))

The results of the government member election are recorded in specific election minutes signed by the Speaker of Congress and both secretaries.

At the first session following government elections, the President of the Government makes a general policy statement to Congress ([OA section 117](#)).



Handy
Tip

If a congressperson is elected to Government, he or she ceases to belong to Congress and must be replaced by the next person on the list. Upon leaving the government, he or she automatically returns to his or her seat in Congress. Since 1999, the number of government members has been 11, except for the third government (28/11/2002 to 09/05/2004) which had 10 members.

b. Oral and written questions ([OA section 75](#) and [SO sections 45 to 70](#))

- **Oral questions** ([SO sections 45](#) and [46](#))

At least one sitting is devoted to oral questions (cf [oral question standard form](#)), at each ordinary session of Congress ([SO section 45](#) and [OA section 75](#)).

Members of Congress are, therefore, entitled to ask oral questions about New Caledonian affairs during sittings.

The questions are asked in writing and must specify:

- the purpose of the question
- the name of its author(s)
- the name of the member of government to whom it is put ([cf standard form](#)).

The Speaker of Congress immediately notifies the President of the Government of New Caledonia of the oral questions submitted to him or her in writing.

The Speaker of Congress may only include questions submitted to him or her in writing at least three days in advance on the oral question time agenda.

At each government-member question time, the number of questions that councillors of New Caledonia may asked may not exceed:

- four questions per duly constituted member group;
- two questions per political party represented in Congress; and
- one question per independent member.

When it is a member's turn to ask a question in the House, he or she has not more than two minutes to read it out. The New Caledonian government representative has four minutes to reply. If the author of the question wishes, he or she may respond for not more than two minutes to the government representative's reply.

• **Written questions** ([SO section 47](#))

Members of Congress may also ask written questions on matters not covered by oral questions.

All written questions must be signed by their author(s).

The Speaker of Congress must immediately forward written questions to the councillors of New Caledonia.

The Speaker of Congress must notify the President of the Government of New Caledonia of any written questions within 48 hours of tabling.

The President of the Government of New Caledonia must reply through the Speaker of Congress within one month and the Speaker must forward the reply to the Councillors of New Caledonia as soon as he or she receives it.

The tabling times for written question time are generally defined by the executive committee.

c- Motions of no confidence ([OA sections 95 to 96](#))

Congress may question the Government of New Caledonia's management by voting on a no-confidence motion signed by not less than one-fifth of members (ie eleven).

Congress must meet two days after the no-confidence motion has been tabled (not including Sundays and public holidays) without needing to be convened. Members vote during the two following days (not including Sundays and public holidays).

Only votes in favour of the no-confidence motion are counted and it can only be carried by an absolute majority of Congress (ie 28 members). A member of congress may only sign one no-confidence motion per session.

The motion terminates the government, although it must continue to manage day-to-day business until a fresh government has been elected.

A pink sticky note with two orange pushpins at the top left corner. The text "Handy Tip" is written in a blue, stylized font.

Only one no-confidence motion has been tabled since 1999, ie on 18 December 2012. It was discussed at the 20 December 2012 sitting, but was defeated and the government remained in power.

d. Overseeing the government's operations

- **Allowing the President of the Government to delegate powers ([OA section 135](#))**

Congress may, subject to a three-fifths majority (ie 33 members) allow the President of the Government to delegate certain powers to other members of the government.

- **Tabling annual reports ([OA section 136](#))**

The President of the Government is required to table a report to Congress every year:

1) during the first ordinary session, on the state of the country and the various government departments and another on New Caledonian Government shareholdings in companies and on their operations; and

2) during the budget session, on the government's operations during the year and its action plan for the session.

The reports are forwarded to congress members not less than one week prior to the sessions.

At least ten days before the sitting, barring an emergency, the President of the Government must forward a report to the Speaker of Congress, if necessary by e-mail, on each of the issues to be discussed by Congress and, if applicable, any country bills and related draft decisions.

- **A right to be notified of certain appointments ([OA section 136-1](#))**

The President of the Government must immediately forward any decision regarding the appointment of directors of country-level public bodies and government representatives on the boards of directors and supervisors of semi-public corporations to Congress.

In accordance with the provisions of section 74 of the Organic Act, all Congress members are entitled, as a prerogative of their status, to be informed of matters involving a country bill or draft decision. A right to information is one of elected representatives' fundamental rights.

3. Congress enjoys broader powers than a local government assembly

a. It has powers to legislate in matters of criminal law

Congress has a specific power in terms of criminal law. It may impose fines and further penalties for offences under country laws or Congress decisions ([OA section 86](#)).

It may also provide for imprisonment for such offences, subject to approval by Parliament (National Assembly and Senate) ([OA section 87](#)). If a bill provides for imprisonment for any offences in accordance with [section 87 of the Organic Act](#), its authors must also table a draft resolution ([cf standard form](#)) along with it requesting Central Government approval for the penalties ([SO section 67](#)).

The Organic Act provides that penalties imposed when such powers are invoked do not exceed those applicable in Mainland France ([OA sections 86](#) and [87](#)).



Handy
Tip

Congress may provide for administrative penalties in any area ([OA section 86](#)), whether or not they are for offences under a country law or Congress decision.

b. It provides proposals and opinions on amendments to national legislation


In pursuance of [sections 89](#) and [90 of the Organic Act](#), at the behest of the High Commission, Congress may be requested to advise on national legislation, including:

- national bills relating to the European Union ([OA section 89](#)),
- national bills affecting New Caledonia ([OA section 90](#)),
- setting up or abolishing New Caledonian municipal areas ([OA section 90](#)),
- changes in national public service regulations (tours of duty) ([OA section 90](#)).

Congress is consulted on changes in regulations introduced by National Government regarding tours of duty by Central Government servants in some overseas countries and territories (as applied to New Caledonia) in order to determine whether the public servants' physical and psychological interests are catered for by such rules.

Congress may also be consulted by the Speaker of the National Assembly or Senate on the bills set forth in [OA section 90](#). The High Commissioner must be notified of such consultations.

Congress may pass resolutions ([OA section 91](#) and [SO section 67](#) – [cf full sheet](#)) requesting that legal provisions applicable to New Caledonia be amplified, amended or revoked.



Based on the country's **special legislative status**, national laws and regulations are not always applicable locally and, with some exceptions, require the local assembly to be consulted and applicability must be expressly stated.

4. Adopts New Caledonia's budget ([OA sections 83-1 to 84-3](#))

Congress has a specific budgetary power.

It adopts New Caledonia's budget and approves its accounts ([OA section 84](#)).

This is a major power as it determines the government's recurrent and capital expenditure and enables New Caledonia to implement its policies.

The budget session begins in November and is devoted to discussing the budget provisions for the following year, commonly known as the initial budget.

During the year, Congress is required to vote on budget adjustments through a supplementary budget or decisions to amend.

C. PROCEDURE



Congress is not a standing assembly that meets continuously. It meets based on a system of **sessions** and **intersessional meetings**.

The system determines when Congress meets. These meetings are open to the public.

1. Ordinary Sessions



There are two ordinary sessions per year:

- the administrative session (from 1 to 30 June); and
- the budget session (from 1 to 30 November).

A session may also include several sittings.

According to section 65 of the Organic Act, Congress must hold both the above ordinary sessions that are convened by the Speaker. No ordinary session may exceed two months.

If there is no quorum on the opening day, the session is adjourned for three days, not including Sundays and public holidays, without any need for further notice. It may then lawfully proceed irrespective of the number of members present or represented. The session's duration is measured as from the date set for the second meeting (OA section 71).

One sitting per session is devoted to country bills, resolutions and recommendations at each ordinary session of Congress (SO section 43-1).

At least one sitting is devoted to oral questions at each ordinary session of Congress (SO section 45 and OA section 75).

The Speaker opens and adjourns each session (OA section 65 and SO section 3).

2. Recess: extraordinary sessions and standing committee



Between two ordinary sessions, ie during the recess, Congress may meet:

- for an extraordinary session at the behest of the President of the Government, the majority of Congress members or the High Commissioner; or
- as a standing committee if its brief is approved.

a. Extraordinary sessions

Section 66 of the Organic Act provides that Congress may meet for an extraordinary session convened by the Speaker at the request of the Government of New Caledonia, the majority of members or the High Commissioner to discuss matters defined by such authorities (SO section 13).

If an extraordinary session is requested, the Speaker must convene Congress within a fortnight following the request to discuss the agenda specified in the request, which he or she cannot amend (SO section 48, subsection 3).

No extraordinary session may exceed one month and the total of extraordinary sessions held between two ordinary sessions may not exceed two months (OA section 66).

Handy
Tip

The agenda in an extraordinary session request may not be amended by the Speaker. Only the authority requesting such a session may do so.

b. Standing committee

- **Powers** ([OA section 80](#))

During the recess, ie between the administrative and budget sessions, the standing committee deals with matters referred to it insofar as it is allowed to do so by its brief as approved by a majority of Congress members.

It may not, however, discuss country bills or any draft decisions on the budget, administrative account or taxation. Also excluded from its purview to date are matters that will or may be devolved to New Caledonia as from 2004 ([sections 26](#) and [27 of the Organic Act](#)).

- **Standing committee meeting procedure**

The standing committee meets:

- when convened in writing by the Speaker
- at the request of a quarter of the members
- at the behest of the President of the Government of New Caledonia.

Notice must be provided three full days prior to the meeting. It includes the agenda and the instruments listed must be attached. ([SO section 35](#) - [cf information sheet on standing committee procedures](#)).

In pursuance of [section 30 of the standing orders](#), attendance at standing committee meetings is mandatory. If a member is unable to attend, however, he or she may vote by proxy.

[Section 31 of the standing orders](#) provides that standing committee meetings shall be open to the public.

Also, members of Congress not serving on the standing committee are entitled to attend its meetings, but may neither have the floor nor vote.

Pursuant to [section 81 of the Organic Act](#), the standing committee sets its own agenda, but must first include the matters referred to it by the government.

The High Commissioner may request that any matter on which Congress or the standing committee is required to provide advice be included on the agenda. The matter must appear on the agenda of the first session following such a request.

The commission may only meet if the majority its members are present. It decides by majority vote and, in the event of a tie, the chair shall have the casting vote.

A record of proceedings must be kept.

Subject to the provisions of section 84, in the event of an emergency, the standing committee may provide additional appropriations.

Committee chairs and rapporteurs may be called upon to appear with regard to agenda items within their purview ([SO section 32](#)).

They may not vote, however ([SO section 32](#)).

At each ordinary session of Congress, a report prepared by Congress staff must be presented under the supervision of the standing committee chair on all the committee's discussions and all proposals deemed relevant ([SO section 33](#)).