



# **Recommended Benchmarks for Democratic Legislatures: Commonwealth Parliamentary Association**

**PRIVILEGES AND PROCEDURES COMMITTEE**

May 2022

**R.65/2022**

# Recommended Benchmarks for Democratic Legislatures: Commonwealth Parliamentary Association

## Background

The CPA originally developed the ‘*Recommended Benchmarks for Democratic Legislatures*’ in 2006, with the intention that it would assist Parliaments to find ways to strengthen performance and assess whether they had kept up to date with advances in parliamentary practice and procedure. The Benchmarks provide a minimum standard and a guide to how a Parliament should be constituted and how it should function.

[The 2006 version of the Benchmarks set out 87 standards, however, it was updated in 2018](#) to further reflect the diversity of the Commonwealth, new parliamentary developments and practices, as well as international developments such as the implementation of the 2015 United Nations Sustainable Development Goals.

The Privileges and Procedures Committee (PPC) last considered the Benchmarks in 2015 when it established a Benchmarking Sub-Committee to review where the States Assembly complied, partially complied, or did not comply with the standards set out in the Benchmarks. The Sub-Committee presented its final paper to the PPC in May 2016.

In the majority of cases, Jersey did ‘comply’, or ‘partially comply’ with the Benchmarks, however, there were 10 instances identified where it did not comply.

## Assessment of updated recommended benchmarks

With the changes to the Benchmarks in 2018, PPC wished to establish whether the Assembly’s performance had changed since it had last assessed the benchmarks in 2015 and to consider and review the new Benchmarks.

A working group was formed in early 2022 to determine whether the Assembly complied, partially complied or did not comply with the standards set out in each Benchmark. The working group comprised:

- Deputy Carina Alves (Chair, PPC)
- Senator Kristina Moore
- Deputy Rob Ward
- Deputy Inna Gardiner
- Deputy Jeremy Macon

The working group provided the PPC with its assessment of the benchmarks in April 2022. The report was subsequently considered by the Committee and approved for publication.

## Results

A table is attached at Appendix A which provides a list of the 2006 version of the Benchmarks including those that have been updated and those that are new following the 2018 update. Where applicable, the table also provides an overview of Jersey’s compliance based on the Sub-Committee’s previous assessment and a comments section for each one which provides any updates since 2016.

The table has been colour coded to reflect where Jersey complies (green), partially complies (amber) or does not comply (red). In the majority of cases, Jersey does ‘comply’, or ‘partially comply’ with the Benchmarks, however, there were 9 instances identified where it does not comply.

Appendix A:

Benchmark	Jersey's Compliance (2015)	Updates since last assessment (if any)	Compliance
<b>GENERAL</b>			
<b>Elections</b>			
Members of the popularly elected or only house shall be elected by direct universal and equal suffrage in a free and secret ballot.	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>We do have a 2 year minimum residency requirement for voters -it could be argued that taxation should equal representation. There is also unequal suffrage dependent on the Parish or district in which Islanders live. However we are able to comply with the secret ballot. The Assembly recognises that there is an issue with voter inequality and work is currently underway to find an acceptable solution to this imbalance.</p>	<p>The States Assembly approved a proposition "Composition and Election of the States: Proposed changes" (<a href="#">P.139/2020</a>) lodged by the PPC and debated in December 2020. The proposition offered a compromise of retaining the automatic right of the Connétables to a seat in the Assembly and in return asked for the introduction of constituency boundaries drawn in line with international standards, based on population size:</p> <ul style="list-style-type: none"> <li>• 49 Members</li> <li>• 37 district representatives elected in 9 districts</li> <li>• 12 Constables elected by Parish</li> <li>• No Senators</li> </ul> <p>In order to improve the equality of the vote and respect the principle that the vote of one elector should be equal to the vote of another, led the PPC to re-draw boundaries to achieve constituencies of equal population size. It was impossible to achieve exactly the same population size across all districts, so some will have more people, some fewer.</p> <p>Following approval of the P.139/2020, the PPC lodged for debate <a href="#">P.17/2021</a> which were the</p>	<p>The working group noted that, although we are more compliant with this benchmark, we still only <b>PARTIALLY COMPLY</b></p>

		<p>legislative changes required to implement the proposals contained in P.139/2020. P.17/2021 was the first tranche of the changes. The second tranche (<a href="#">P.56/2021</a>) implemented the Elections (Miscellaneous Amendments) (Jersey) Law 2022 and introduced the following:</p> <ul style="list-style-type: none"> <li>• A Jersey Electoral Authority (JEA)</li> <li>• An extension to postal voting</li> <li>• The election administrator is the Parish Secretary or another nominated person from each Parish, rather than the Connétable</li> <li>• The JEA to receive nomination forms (designed) to send for verification to relevant Parish</li> <li>• The creation of a Code of Conduct signed by all candidates as part of the nomination process. The Code will define ‘acceptable behaviours’</li> <li>• Single nomination announcement to signal the start of the campaign</li> <li>• JEA will oversee audit of expenditure</li> <li>• Rules on distancing from the counters for candidates or their representative</li> <li>• Clarity on ‘spoilt votes’</li> </ul>	
<p>Legislative elections shall meet international standards for genuine and transparent elections.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>Members were keen that there should be uniformity across polling stations regarding the presence of honorary police and the way in which</p>	<p>The ‘Conduct of Honorary Police leading up to and during public elections and referendums’ guidance document has been updated following the legislative changes to the Public Elections Law (P.17/2021 and P.56/2021). The guidance (issued by the HM Attorney General) takes account of the traditional role of the Honorary</p>	<p>The working group noted that PPC has invited the CPA (UK Branch) to undertake an election observers mission for the 2022 elections who will determine compliance with this benchmark.</p>

	<p>candidates were treated. It was acknowledged that there was a guidance booklet produced by the Judicial Greffe for all of the Jurats and that it could prove worthwhile ensuring this was used to ensure a consistent approach.</p>	<p>Police and the right of individuals to express themselves and participate in public affairs.</p>	<p>It also noted that the establishment of the Jersey Electoral Authority will assist in meeting standards for genuine and transparent elections.</p>
<p>Term lengths for Members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>	<p>Elections are held every 4 years.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p>There shall be legislation to ensure campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and corporations.</p>	<p>New Benchmark agreed by the 2018</p>	<p>The Public Elections (Expenditure and Donations (Jersey) <a href="#">Law</a> 2014 regulates the expenditure of, and donations towards the election expenses of, a candidate in a public election.</p> <p>Legislative changes made through <a href="#">P.56/2021</a> created the Jersey Electoral Authority which will enable better assessment of election expenditure and allow for closer inspection. Candidates will be required to sign a disclosure as part of the nomination process so that the JEA can have access to the details of their campaign expenditure, including the ability to go directly to companies providing services such as printing, to confirm/verify the prices quoted by candidates. The election expenditure regulated period will be counted from 4 months before nomination day,</p>	<p>The working group noted that we have addressed the election spending but there is further work to be undertaken on the time 'in between'. This will be a body of work for the newly established JEA to consider. Therefore, we <b>PARTIALLY COMPLY</b> with this benchmark.</p>

		<p>rather than just from the nomination date onwards.</p> <p>Candidates are obligated under Law to submit individual declarations, even if they are standing as part of a political party. Where there are 'shared' costs, for example where several candidates are mentioned in a leaflet or on a banner, then the costs per candidate will need to be apportioned accordingly.</p> <p>A candidate's expenditure declaration after an election must include donations of over £145, showing who made the donation, the amount and whether the donation took the form of money, a loan, or goods and services. Anonymous donations must be given to the Treasurer of the States and the expenditure declaration should include the total of any such donations. The same rules apply to 'third parties', people or groups who are not candidates but who seek to promote or "prejudice the electoral prospects" of a candidate or candidates.</p> <p>The JEA considered the regime for political parties to report donations and determined that the threshold should be set at £500. This was approved by the Assembly (<a href="#">P.15/2022</a>) in February 2022.</p>	
An independent Electoral Commission or similar authority shall be established	New Benchmark agreed by the 2018	Legislative changes made through <a href="#">P.56/2021</a> has created the Jersey Electoral Authority which will provide impartial oversight of the election process and also given those involved in	The working group noted that we <b>COMPLY</b> with this benchmark due to the establishment of the JEA

<p>for the management of the conduct of elections and its tasks shall include monitoring the election expenses of parliamentary candidates and political parties.</p>		<p>administering the elections access to a politically neutral and independent arbiter to determine candidate disputes, complaints, address conduct issues amongst candidates and also oversee the review of election expenditure by candidates.</p>	
<p><b>Candidate Eligibility</b></p>			
<p>Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>This was an area which the Sub-Committee felt should be reviewed in greater detail. Candidates currently have to be British citizens. Members considered that 5 years residency should be sufficient and that the requirement for British Citizenship precluded valuable members of the Portuguese and Polish communities as well as other nationalities from entering political life. If Jersey had its own unique nationality then it would seem sensible to maintain this requirement.</p>	<p>A PPC Sub-Committee - the Diversity Forum - has, as one of its objectives, the promotion of increased participation in elections in Jersey, particularly by groups which are currently under-represented in the States.</p> <p>A survey was undertaken in 2018 “ComRes <a href="#">survey</a>” on political participation in the Island. The most important factor people identified as likely to encourage them to vote in 2022 was “candidates who better represent my values and the things which are important to me” (84% of respondents). Also significant were the responses to the question on how interested people are in politics in Jersey. 64% of people born in Jersey who were surveyed said that there were very or fairly interested in politics in the Island, compared to 75% for people born elsewhere in the British Isles, 67% for people born in Poland, 58% for people born in Portugal or Madeira and 60% for people born elsewhere in Europe. However, whereas there is a consistent level of interest in Jersey politics irrespective of where people come from, there is</p>	<p>The working group noted that, although the Diversity Forum has undertaken a body of work in this area, Jersey still does not have its own unique nationality. Therefore, we still only <b>PARTIALLY COMPLY</b> with this benchmark.</p>

		<p>an enormous disparity in terms of who actually votes.</p> <p>Therefore, there is clear evidence that potential voters from a non-British background (particularly from a Portuguese background) are interested in local politics but do not vote; and it would be fair to surmise from the evidence that they do not vote because they do not see candidates standing for election who share their values or represent things important to them.</p>	
<p>Measures to encourage the representative political participation of marginalized groups shall be drawn to accomplish precisely defined objectives.</p>	<p>This is <b>NOT APPLICABLE</b> in Jersey.</p>	<p>NOTE: This could be applicable; but we do not have any measures.</p>	<p><b>NOT APPLICABLE</b> in Jersey</p>
<p><b>Incompatibility of Office</b></p>			
<p>No elected Member shall be required to take a religious oath against his or her conscience in order to take his or her seat in the Legislature.</p>	<p>We <b>COMPLY</b> with this benchmark.</p> <p>Members expressed a view that there was currently no option for people who held republican views. It was felt that political beliefs should also be accommodated and the oath should be amended accordingly.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>



<p>In a bicameral Legislature, a legislator may not be a Member of both houses.</p>	<p>This is <b>NOT APPLICABLE</b> in Jersey at the moment.</p>		<p><b>NOT APPLICABLE</b> in Jersey</p>
<p>A legislator may not simultaneously serve in the judicial branch or as a civil servant of the Executive branch.</p>	<p>We <b>COMPLY</b> with this benchmark.</p> <p>Members had regard to the ex officio status of the Crown Officers and questioned whether it was common practice for the Attorney General/Solicitor General to advise the Executive and the Assembly whilst also being responsible for decisions pertaining to prosecutions. It was noted that this does indeed seem to be the case worldwide, for example the Attorney General has overarching responsibility for the Crown Prosecution Service in England and Wales whilst serving as the chief legal adviser of the Crown and its government.</p>	<p>NOTE: The Crown Prosecution Service is an independent body. The UK AG has no role in prosecution decisions</p>	<p>We <b>COMPLY</b> with this benchmark</p>
<p><b>Freedom of Speech Immunity</b></p>			
<p><i>This section was amended by the 2018 Study Group to broaden the immunities section – one of the purposes of the freedom of speech privilege is to ensure that Parliament has all the information it needs to do its work, and the Study Group agreed there was a good principled basis for expanding the 2006 Benchmarks.</i></p> <p>The previous Sub-Committee found that “We <b>COMPLY</b> with all of the sections of this benchmark.”</p>			<p>We <b>COMPLY</b> with all of the sections of this benchmark.</p>

<p>The Legislature is protected by the freedom of speech immunity. The immunity shall protect persons from legal liability for words spoken and acts done while participating in or directly facilitating the Legislature's proceedings, and shall restrict the judicial branch's use of such words and acts as evidence in judicial proceedings.</p>		<p>The PPC lodged <a href="#">P.3/2021</a> "Draft States of Jersey (Amendment No.9) Law 202-" which was approved by the States on 23rd March 2021. It makes provision for States proceedings to be subject to parliamentary privilege and for connected purposes.</p> <p>The Law inserts a new definition of "States' proceedings" into the 2005 Law, encompassing words spoken or written and acts done in the course of transacting the business of the States. It also makes provision for the privilege of States proceedings, stating that no civil or criminal proceedings may be instituted against any person for anything that constitutes States' proceedings. The overall effect of these provisions is to give immunity from civil and criminal proceedings for anything done for the purposes of States proceedings.</p>	
<p>The freedom of speech immunity shall operate to enable the Legislature to carry out its constitutional functions effectively, free from interference or impediment. This includes the Legislature having access to all the information it needs to carry out its functions.</p>		<p>Further, the Law also limits the application of immunity to only parliamentary aspects of States proceedings. The effect of the provisions ensures that protection from immunity is for matters associated with the conduct of the States Assembly, committees and panels, rather than individual members. It does not, for example, include provision which would confer general immunity from prosecution for elected Members, nor would it prevent a person from bringing a legal challenge to an executive or administrative act of the States.</p>	
<p>The Legislature shall have protection against potential misuse of the freedom</p>			

<p>of speech immunity. References to judicially suppressed or protected information, or to matters awaiting judicial decision, shall be made only in exceptional circumstances and with due regard to the separation of powers between the Legislature and the judiciary.</p>			
<p>The Legislature shall have mechanisms for persons to respond to adverse references made to them in the course of the Legislature's proceedings.</p>			
<p>The freedom of speech immunity shall continue to apply to former Legislators after they have left office, in respect of words spoken and acts done while holding office and participating in or directly facilitating the</p>			

Legislature's proceedings			
<b>Remuneration and Benefits</b>			
<p>Fair remuneration and reimbursement of parliamentary expenses shall be provided to legislators for their service, to ensure that they give priority to parliamentary duties. All forms of compensation shall be allocated on a non-partisan basis.</p>	<p>Amended by the 2018 Study Group.</p> <p>Original: The Legislature shall provide proper remuneration and reimbursement of parliamentary expenses to legislators for their service and all forms of compensation shall be allocated on a non-partisan basis.</p> <p>We <b>COMPLY</b> with this benchmark in the strictest sense.</p> <p>As we do not have a party political structure, our independent members are responsible for their own administrative support and have to meet those costs from their salaries. However, members who are appointed as Ministers or Assistant Ministers, or who are elected as a Connétable by their Parish, receive administrative support from the associated Departments or Parish offices. This is of great concern to</p>	<p>The Jersey Government Plan 2020-23 identified a sum of money to secure improved resources for non-executive States Members, including dedicated research and casework staff, centrally-funded IT equipment, a funded programme of professional development, and accommodation improvements leading to dedicated office space in Morier House. This has been delivered with a new Members' Resources section within the States Greffe.</p> <p>Dedicated office space in Morier House has not been delivered due to plans for the office modernisation project. However, the Committee has looked into dedicated office space for States Members during 2021 and has secured funding through the Government Plan 2022 - 2025 process for a feasibility study to be undertaken on a number of potential sites.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>

	<p>backbenchers who argue that they are disadvantaged as those in the Executive or who are Connétables essentially receive 'free' administrative support at a level which would be unaffordable to backbenchers. With only 27 staff, which includes the Table Clerks and Select Committee staff, the Greffe lacks the capacity to provide an extensive range of administrative services, but we could improve the level of support available to members in relation to library/research facilities. There was some question as to whether Members could claim back tax if they exceeded the expenses allowance.</p>		
<p>An independent body or mechanism should determine the remuneration, benefits and other statutory entitlements of legislators.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>In June 2021, the States Assembly <a href="#">approved a new system</a> for setting Members' remuneration (P.40/2021). Previously, remuneration had been set by a standing body (The States Members Remuneration Review Body). The new system, implemented by the States of Jersey (Amendment - Remuneration of Elected Members (Jersey) Law 202- (<a href="#">P.40/2022</a>)) will charge PPC to commission an independent person or body to review the system during each Assembly term.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>

<b>Professional Development</b>			
The Legislature shall take measures to ensure that newly elected Members are assisted in understanding how the Legislature works and its rules of procedure.	New Benchmark agreed by the 2018 Study Group	Members' Resources section	We <b>COMPLY</b> with this benchmark. The working group noted that ensuring newly elected Members were able to understand how the legislature works was particularly important in terms of undertaking effective scrutiny of legislation. The working group noted that the CPA had an online academy which could tailor courses which could be utilised in complying fully with this benchmark.
The Legislature shall take measures to assist legislators increase their knowledge and skills in the performance of their parliamentary duties.	New Benchmark agreed by the 2018 Study Group	Members' Resources section	We <b>COMPLY</b> with this benchmark.
<b>Resignation</b>			
Legislators shall have the right to resign from Parliament in accordance with clearly defined procedures in the rules of procedure, the	Amended by the 2018 Study Group to ensure resignations follow agreed procedures.  Original: not cited	The States of Jersey <a href="#">Law</a> 2005 provides details on the resignation of a Senator or Deputy. The Comité des Connétables has <a href="#">lodged proposals</a> covering resignation of a Connétable specifically to provide that where: <ul style="list-style-type: none"> <li>the Court requires a Connétable to resign, this should take immediate effect; and</li> </ul>	We <b>COMPLY</b> with this benchmark.

Constitution or any other related law.	We <b>COMPLY</b> fully with this benchmark.	<ul style="list-style-type: none"> <li>where a Connétable chooses to resign, the effective date is when the Royal Court is notified of the resignation.</li> </ul>	
<b>Natural Justice</b>  New section introduced by the 2018 Study Group.			
The Legislature shall incorporate principles of natural justice into its rules and procedures, and these shall be applied rigorously to all situations where serious allegations are made against named or identifiable persons during the course of proceedings, either in the Legislature or in its Committees.		Standing Order 104 provides that Members must not “refer to any individual who is not a member of the States by name, unless use of the individual’s name is unavoidable and of direct relevance to the business being discussed”. The presiding officer has the power to order a name to be struck from the record if this Standing Order is breached. This rule is used to regulate the content of reports submitted alongside propositions and is also applied in scrutiny.  The <a href="#">Code of Conduct for Elected Members</a> requires States Members to observe the confidentiality of any disciplinary or capability procedure regarding a States’ employee or officer and its outcome. If an States Member is of the opinion that it is in the wider public interest that he or she makes a public disclosure of or comment upon the outcome of any such procedure, the Code stipulates that he or she should inform the parties to the procedure before so doing and, when so doing, refer to the individual by the title of his or her employment or office rather than by his or her name.	We <b>PARTIALLY COMPLY</b> with these benchmarks as, although the Assembly’s rules restrict the right of Members to name and make allegations about individuals in the States, there is no set procedure for natural justice where serious allegations are made against individuals and where Standing Order 104 does not apply.
Members, or others, who are subject to serious charges of contempt of, and offences against, the Legislature are accorded natural justice during the whole process of consideration, and the charges are decided on the basis of all			

properly admissible evidence.			
Punishments imposed by the Legislature on Members or other people (for example, fines, or suspensions from attending or participating in further sittings of the Legislature and its Committees) are proportionate and fair.			We <b>COMPLY</b> with this benchmark as any punishments must go through the Attorney General and Court.
<b>Infrastructure</b>			
The Legislature shall have adequate physical infrastructure to enable Members and staff to fulfil their responsibilities.	We <b>PARTIALLY COMPLY</b> with this benchmark.  The Sub-Committee argued that Ministers acting under collective responsibility could be regarded as a 'party' and they had access to resources which other members did not. It was suggested that there should be statutory funding for parties as there was in the UK –not sure where the funding for this would come from.  Members were also unhappy that the Communications Unit did not serve all members. The Sub Committee wished to compare Jersey's provision	As part of the work undertaken by the PPC Sub-Committee to respond to the recommendations made by the Election Observers Mission in 2018, consideration has been given as to how the status of political parties can be framed within the existing legislation, as suggested in Recommendation 9 (that the legal status of a political party should be clearly defined in law).  In that regard, PPC commissioned a research project ' <a href="#">How might the Standing Orders of the States of Jersey respond to the formation of political parties?</a> '. The report included consideration of whether parties should receive (additional) funding and whether a party leader should be provided with an office or suitable accommodation for caucus meetings. The Committee intends to consider the report in more detail and determine what areas to prioritise for	We still only <b>PARTIALLY COMPLY</b> with this benchmark. The Committee is undertaking a project to provide members with dedicated office space as there are concerns from some members about access to proper facilities.  The working group noted that there was limited space for members to keep sensitive information and some questioned what their responsibilities were in terms of GDPR (General Data Protection Regulation).



	<p>with other jurisdictions. DGOS countered that, although dedicated office space was not available, the 4 private meeting rooms in the States building were available for use by backbenchers and were rarely over-subscribed. If members felt they lacked support then they only had to ask for help, although the Greffe could not offer the level of administrative support members seemed to be seeking. It was noted that in Scotland for example all members were allocated an office within the Parliament building, similarly all MPs at Westminster were given a designated office space within the Palace. Australian and Irish parliamentarians have dedicated staff support whilst they are at their respective Parliament houses and the cost is met by the centre.</p>	<p>implementation during 2022 - which is likely to be a matter for the next PPC.</p> <p>The <a href="#">Government Plan 2020 - 2023</a> included funding for enhanced support for States members, particularly research support to enhance the Assembly's capacity for debate and decision-making. It also provided additional funding for enhanced public engagement particularly in relation to communications, e-petitions and website editing. This has resulted in the establishment of the Digital and Public Engagement section and the establishment of the Members' Resources section within the States Greffe</p>	<p>The working group also noted that the physical infrastructure, particularly in the States Building would not easily enable a member with a physical disability to undertake their duties.</p>
<b>ORGANISATION OF THE LEGISLATURE</b>			
<b>Procedure and Sessions</b>			
<b>Rules of Procedure</b>			
The Legislature's rules of procedure reflect and support the actual	New Benchmark agreed by the 2018 Study Group.	The rules of procedure are set out in Standing Orders of the States of Jersey.	We <b>COMPLY</b> with this benchmark.

practice and culture of the Legislature.			
Only the Legislature may adopt and amend its rules of procedure.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
The Legislature's rules, procedures and practice shall be reviewed regularly to enhance parliamentary effectiveness and relevance.	New Benchmark agreed by the 2018 Study Group.	Part of PPC's remit is to keep under review the composition, the practices and the procedures of the States as Jersey's legislature and bring forward for approval by the States amendments to the Law and standing orders as considered appropriate.	We <b>COMPLY</b> with this benchmark.
Changes to the Legislature's rules of procedure shall be adopted with near unanimity.	New Benchmark agreed by the 2018 Study Group.	The <a href="#">States of Jersey Law 2005</a> provides the legislative requirements regarding the constitution and proceedings of the States. The Law prescribes that all matters coming or arising before the States shall be done and decided by a majority of the members present and voting on them. If, on any matter before the States, the votes are equally divided, the matter is determined in the negative.	We <b>COMPLY</b> with this benchmark in the sense that there is a culture within the Assembly that changes go through PPC or are commented on by PPC before adoption.
The Legislature's rules of procedure shall allow Members to raise genuine and succinct points of order for the Presiding Officer to consider and decide.	New Benchmark agreed by the 2018 Study Group.	<a href="#">Standing Orders</a> of the States of Jersey enable a Member of the States to interrupt a member speaking in order to raise a point of order or a matter of privilege or immunity that requires an immediate ruling by the presiding officer.	We <b>COMPLY</b> with this benchmark.
The Legislature's rules, procedures and practice shall be	Amended by the 2018 Study Group to improve knowledge of the Legislature's work among	Standing Orders of the States of Jersey and the States of Jersey Law 2005 are published on the	We <b>PARTIALLY COMPLY</b> with this benchmark. Although Standing Orders

<p>accessible to Members and to the public.</p>	<p>the wider citizenry and to enable their participation.</p> <p>Original: Unclear</p>	<p>States Assembly website and Jersey Legal Information Board website.</p>	<p>are publicly available, we are looking to do more. An objective for 2022 is to develop a procedural guide that will help with greater compliance with this benchmark.</p>
<p><b>Presiding Officers</b></p>			
<p>The Legislature shall select or elect Presiding Officers pursuant to criteria and procedures clearly defined in the Constitution and/or rules of procedure.</p>	<p>Amended by the 2018 Study Group to recognise that, in some circumstances, Presiding Officers are appointed under the Constitution.</p> <p>Original: The Legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the rules of procedure.</p> <p>There was some debate as to whether Jersey complied with this benchmark but the Panel decided that if this is taken at face value we <b>DO NOT COMPLY</b>. However it was noted that Article 3(1) of the States of Jersey Law 2005 could be amended to change the word 'Bailiff' to a different person. Whilst the procedure exists to appoint the Bailiff,</p>		<p>We <b>COMPLY</b> with this benchmark. The list of presiding officers is set out in primary legislation agreed by the States which the States could amend.</p>

	Members currently have no say in his 'selection' or 'election'		
The Presiding Officer maintains order so that the Legislature carries out its functions effectively and Members have full opportunities to participate and be heard in accordance with the Legislature's rules, procedures and practice.	New Benchmark agreed by the 2018 Study Group.	The Standing Orders of the States of Jersey state:  <b>Presiding officer to maintain order:</b>  (1) The presiding officer shall maintain order and be responsible for the observance of standing orders during a meeting.  (2) The presiding officer's decision on any point of order shall not be open to appeal.  (3) A decision of the presiding officer on any point of order may only be reviewed by the States by debate upon a proposition lodged for that purpose.	We <b>COMPLY</b> with this benchmark.
The Presiding Officer decides all questions of procedure, and in doing so is guided by previous decisions and practice.	New Benchmark agreed by the 2018 Study Group. The Study Group felt that previous rulings or decisions of the Presiding Officer that have ongoing force and relevance should be accessible for Members and others to guide their participation in the Legislature's business. However, it was accepted that this might be a challenge for many small Parliaments.		We <b>COMPLY</b> with this benchmark as rulings themselves are guided by precedent and we keep a record of them.
Punishments (such as orders to leave the	New Benchmark agreed by the 2018 Study Group.	The Standing Orders of the States of Jersey state:	We <b>COMPLY</b> with this benchmark.

<p>chamber) are imposed on Members during proceedings only to the extent necessary to uphold the Presiding Officer's proper authority and ability to chair proceedings.</p>		<p><b>Presiding officer's power to require withdrawal from Chamber:</b></p> <p>The presiding officer may require a member of the States to withdraw from the Chamber, either for the remainder of the day or for a lesser period, if the member has –</p> <ul style="list-style-type: none"> <li>(a) obstructed the meeting;</li> <li>(b) conducted himself or herself in a grossly disorderly manner;</li> <li>(c) used offensive, objectionable, unparliamentary or disorderly words and</li> <li>(d) refused, when directed by the presiding officer, to withdraw the words or apologise;</li> <li>(e) persistently or wilfully refused to conform to any standing order; or</li> <li>(f) persistently or wilfully disregarded the authority of the presiding officer.</li> </ul>	
<p><b>Convening Sessions</b></p>			
<p>The Legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>The Legislature shall have procedures for calling itself into regular session.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>

<p>The Legislature shall have procedures for calling itself into extraordinary or special session.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>Provisions and qualifying requirements for the Executive branch to convene a special session of the Legislature shall be clearly specified.</p>	<p>Amended by the 2018 Study Group.</p> <p>Original: Provisions for the executive branch to convene a special session of the Legislature shall be clearly specified.</p> <p>We <b>COMPLY</b> with this benchmark. However Members wondered whether in an emergency it would be necessary for a quorum to be maintained in order for the meeting to take place. It was suggested that some contingency measure should be available in the event of a terrorist attack or viral outbreak in which over half the Assembly were incapacitated. Furthermore there needed to be some protocols in place to ensure that only 'housekeeping' decisions were made at emergency sittings.</p>	<p>The States of Jersey Law 2005 states that:</p> <p><i>The States shall be lawfully constituted and may conduct any business which it is in their power to conduct if there are present no less than one half of the elected members.</i></p> <p>At the start of the Covid-19 pandemic, PPC introduced a new Standing Order in order to deal with the possibility of the States Assembly being unable to function because it is not possible for 25 Members (quorum) to physically gather together (<a href="#">P.20/2021</a>). The new Standing Order only applies when a state of emergency has been declared under the Emergency Powers and Planning (Jersey) Law 1990 or if the Bailiff considers that it might not be possible to convene or maintain a quorate meeting of the States in view of substantial risk to the health of States Members.</p> <p>Following approval of the new Standing Order, States Assembly proceedings were able to operate remotely.</p> <p>In terms of the Executive Branch, the provisions for convening a meeting allow for the Executive</p>	<p>We <b>COMPLY</b> with this benchmark.</p>

		to do so fairly readily; there isn't a separate process for them.	
<b>Agenda</b>			
Legislators shall have the right to vote to amend the proposed agenda for debate in accordance with the rules of procedure.	Amended by the 2018 Study Group to ensure that specific rules of procedure are followed whenever legislators vote to amend the proposed agenda for debate.  Original: Unclear	Under Standing Orders (SO31), propositions are listed for debate at a meeting in the order which the Greffier agrees with the proposers. If agreement cannot be made, the Chair of the PPC can agree with the order unless the States decide otherwise.	We <b>COMPLY</b> with this benchmark.
Legislators in the lower or only house shall have the right to initiate legislation and to offer amendments to proposed legislation.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
A substantial proportion of the Legislature's time is set aside for it to consider business proposed by non-Government Members.	New Benchmark agreed by the 2018 Study Group.	Executive and non-executive members are able to lodge propositions. The rules and proceedings around the debates of all propositions are equal between members.	We <b>COMPLY</b> with this benchmark.
There shall be an annual parliamentary calendar to promote transparency.	New Benchmark agreed by the 2018 Study Group to ensure greater predictability and transparency in the scheduling of parliamentary business.	Under Standing Orders PPC will present a list of meetings (usually a Tuesday) of the States for the 1st and 2nd sessions in the following year. This must be undertaken no later than the end of September in each year. These are published on the States Assembly website.	We <b>COMPLY</b> with this benchmark.

<b>Debate</b>			
The Legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by Members.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
The Legislature shall provide adequate opportunity for legislators to debate Bills prior to a vote.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
<b>Voting</b>			
Plenary debates and votes in the Legislature shall be public.	The 2006 Study Group noted that one possible exception to this may be the election of officers. Amended by 2018 Study Group to ensure that plenary debates are open to the public.  Original: Unclear	Votes in the Assembly are usually taken using an electronic voting system. Members vote 'pour', 'contre' or can abstain from voting. All votes are <a href="#">published on the States Assembly website</a> .  Hansard provides a complete written record of everything members say during question time, statements and debates in the Assembly. Hansard of each States sitting is published on the <a href="#">States Assembly website</a> .	We <b>COMPLY</b> with this benchmark.
Members in a minority on a vote shall be able to demand a recorded vote.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.



Only legislators may vote on issues before the Legislature.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
<b>Petitions</b>			
The Legislature shall have procedures to allow for the meaningful consideration of petitions.	New Benchmark agreed by the 2018 Study Group.	Petitions may be made by members of the public and the procedures for considering them are set out in Standing Orders.	We <b>COMPLY</b> with this benchmark.
<b>Records</b>			
The Legislature shall maintain and publish readily accessible records of its proceedings, in a standard and consistent format.	Amended by the 2018 Study Group.  Original: Unclear	Proceedings of the States Assembly are published on the website including Order Papers, Hansards, Questions (written and oral) and Voting records.	We <b>PARTIALLY COMPLY</b> with this benchmark.  The working group noted that there are sometimes delays in publishing Hansard onto the website and that the website is not easy to navigate. There are inconsistencies as to how some information is presented. The working group noted that funding has been provided in order to develop a new website in the next term.
<b>Committees</b>			
<b>Organisation</b>			

<p>The Legislature shall have the right and sufficient resources to form permanent and temporary Committees.</p>	<p>Amended by the 2018 Study Group as the Legislature can only form effective permanent and temporary Committees if it has sufficient resources.</p> <p>Original: Unclear</p>	<p>The Scrutiny Liaison Committee is able to establish Review Panels for the purpose of reviewing a particular proposal, issue or project.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p>The Legislature's assignment of Committee Members on each Committee shall include both majority and minority party Members and reflect the political composition of the Legislature.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>The Legislature shall establish and follow a transparent method for selecting or electing the Chairs of Committees.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>Once established, Committees shall meet regularly in a timely and effective manner.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>Under the Scrutiny and Public Accounts Committee Proceedings: Code of Practice, Panels and the Public Accounts Committee agree, for each calendar year, a schedule of regular meetings. Once the schedule has been agreed, it is published on the States Assembly website.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>

<p>All Committee votes and substantive decisions, and the Committee's reasons for them, are made public in an accessible and timely manner.</p>	<p>Amended by the 2018 Study Group.</p>	<p>The minutes of all Scrutiny Panel/Public Accounts Committee meetings are published on the States Assembly website.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark as they are not as accessible or timely as they could be.</p>
<p><b>Powers</b></p>			
<p>Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the Executive branch, including officials.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>Members of the Executive cannot be summoned but can be 'requested' to attend. There is a right of appeal but Members felt it was heavily weighted in the Executive's favour. Furthermore any challenges currently went before the Privileges and Procedures Committee – members considered that appeals should not be before a political body.</p>	<p>Under the <a href="#">States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) Regulations 2006</a> Scrutiny Panels and the PAC are able to issue a summons.</p> <p>The necessity to issue a summons is mitigated by the <a href="#">Scrutiny and Public Accounts Committee Proceedings: Code of Practice</a>, which enables Panels/PAC to seek evidence from whoever they wish and may request papers and records from private bodies and individuals where these are relevant to the Panel's remit.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p>
<p>There shall be a presumption that the Legislature will refer legislation to a Committee, and any exceptions must be transparent, narrowly-defined, and</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark. Standing Orders provides a referral process and the opportunity to review the Legislation after the principles have been adopted is automatically offered by the Chair to the relevant Scrutiny Panel, but there is a</p>	<p>Under the <a href="#">Scrutiny and Public Accounts Committee Proceedings: Code of Practice</a>, the Chief Minister, Ministers and the Council of Ministers should use best endeavours to try to ensure that all Propositions on major policies and legislation are lodged 'au Greffe' at least six months before the date of the next elections so that sufficient time is factored in for Scrutiny purposes.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>The working group noted that some Ministers fail to brief Panels in advance of lodging legislation and that there should always be an assumption that Panels will</p>

<p>extraordinary in nature.</p>	<p>presumption by the Executive that panels will not call in legislation routinely.</p>		<p>call in legislation - which should be factored into the timeline.</p>
<p>Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark but could strengthen our approach.</p> <p>Members of the Sub-Committee felt that this was an area upon which the Assembly should focus. It was suggested that Second and Third Readings should take place on separate sittings as a minimum in order to provide a 'pause' and members more time to consider the impact and intricacies of the legislation under discussion and to bring amendments if necessary. It would also provide a natural break to allow scrutiny to assess it. However the Sub-Committee recognised that there would be a training requirement for members who were presently not experienced in legislative scrutiny.</p>	<p>Legislation is able to be referred to the relevant Scrutiny Panel under Standing Orders. Panels are also able to amend legislation.</p> <p>A PPC Sub-Committee has recommended that the second and third readings take place on separate sittings in order to allow members more time to consider the legislation, however, this recommendation will be for the next PPC to take forward.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p>
<p>Committees shall have the right and sufficient resources to</p>	<p>Amended by the 2018 Study Group.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>

<p>consult and/or employ experts.</p>	<p>Original - Committees shall have the right to consult and/or employ experts.</p> <p>We <b>COMPLY</b> with this benchmark.</p>		
<p>Committees shall seek and receive submissions from the public about the business before them and provide reasonable time for written submissions to be prepared.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>Under the <a href="#">Scrutiny and Public Accounts Committee Proceedings: Code of Practice</a>, Panels/PAC gather evidence formally through written submissions and oral evidence sessions. They may also conduct fact-finding visit in order to clarify technical and practical issues.</p> <p>The Panels/PAC are free to seek evidence from whoever they wish and may request papers and records from private bodies and individuals where these are relevant to the Panel's remit.</p>	<p>We <b>COMPLY</b> with the benchmark, but more could be done to ensure call for evidences provide stakeholders with adequate time to submit their views.</p>
<p>Committees hear evidence from people who wish to be heard, if practicable, or at least ensure that hearings cover the diverse perspectives of submitters.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>The Panels/PAC are committed to the principle of open access to information.</p>	<p>We <b>COMPLY</b> with these benchmarks, but more could be done to ensure Committees are hearing from a diverse range of perspectives.</p>
<p>Committees hear evidence in public unless there is good reason to hear particular submissions in closed session.</p>	<p>New Benchmark agreed by the 2018 Study Group. The Study Group accepted that closed hearings may be necessary for reasons of personal safety, or the provision of sensitive information that is necessary to proceedings.</p>		

<p>Legislatures shall protect informants such as whistleblowers or public servants and witnesses presenting relevant information to Committees about corruption or unlawful activity.</p>	<p>Amended by the 2018 Study Group. The Study Group noted that a number of recent decisions by Maltese courts, including the Constitutional Court, had ruled on the applicable guidelines to witnesses appearing before Parliamentary Committees with the result that the Committee's power to summon witnesses has been curtailed.</p> <p>Original - Legislation shall protect informants and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.</p> <p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>Only Legislators appointed to the Committee, or authorised substitutes, shall have the right to vote in Committee.</p>	<p>We <b>COMPLY</b> with this benchmark.</p> <p>There was some discussion as to whether 'authorised substitutes' extended to the non-elected members of the PAC and it was noted that they had equal voting rights under the SOJ Law.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>

<b>POLITICAL PARTIES, PARTY GROUPS, CROSS PARTY GROUPS AND THE OPPOSITION</b>			
<b>Political Parties</b>			
Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.	We <b>COMPLY</b> with this benchmark.		
The public and private funding of political parties and candidates shall be transparent and accountable.	New Benchmark agreed by the 2018 Study Group. The Benchmark is designed to improve the transparency and accountability of political party funding (whether public or private) and safeguard the integrity and fairness of public decision-making. The Study Group noted that international instruments such as the <i>United Nations Convention against Corruption</i> , requires State Parties to “enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”	Legislative changes made through P.56/2021 created the Jersey Electoral Authority which will enable better assessment of election expenditure and allow for closer inspection. Candidates will be required to sign a disclosure as part of the nomination process so that the JEA can have access to the details of their campaign expenditure, including the ability to go directly to companies providing services such as printing, to confirm/verify the prices quoted by candidates. The election expenditure regulated period will be counted from 4 months before nomination day, rather than just from the nomination date onwards.  Candidates are obligated under Law to submit individual declarations, even if they are standing as part of a political party. Where there are	We <b>COMPLY</b> with this benchmark.

		<p>'shared' costs, for example where several candidates are mentioned in a leaflet or on a banner, then the costs per candidate will need to be apportioned accordingly.</p> <p>A candidate's expenditure declaration after an election must include donations of over £145, showing who made the donation, the amount and whether the donation took the form of money, a loan, or goods and services. Anonymous donations must be given to the Treasurer of the States and the expenditure declaration should include the total of any such donations. The same rules apply to 'third parties', people or groups who are not candidates but who seek to promote or "prejudice the electoral prospects" of a candidate or candidates.</p> <p>The JEA considered the regime for political parties to report donations and determined that the threshold should be set at £500. This was approved by the Assembly (<a href="#">P.15/2022</a>) in February 2022.</p>	
<b>Party Groups</b>			
Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the Legislature, shall be clearly stated in the Rules.	<p>We <b>DO NOT COMPLY</b> with this benchmark.</p> <p>The Political Parties (Registration) (Jersey) Law 2008 provides for this – however there is nothing in Standing Orders or the States of Jersey Law. Members wish</p>	As part of the work undertaken by the PPC Sub-Committee to respond to the recommendations made by the Election Observers Mission in 2018, consideration has been given as to how the status of political parties can be framed within the existing legislation, as suggested in Recommendation 9 (that the legal status of a political party should be clearly defined in law).	We <b>DO NOT COMPLY</b> with this benchmark.



	<p>to make provisions to allow others from a party to be nominated as rapporteur or ask questions in a colleague's absence. This could extend to all members not just those in a party.</p>	<p>In that regard, PPC commissioned a research project 'How might the Standing Orders of the States of Jersey respond to the formation of political parties?'. The report included consideration of whether parties should receive (additional) funding and whether a party leader should be provided with an office or suitable accommodation for caucus meetings. The next Committee will need to consider the report in more detail and determine what areas to prioritise for implementation.</p>	
<p>The Legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.</p>	<p>We <b>DO NOT COMPLY</b> with this benchmark.</p> <p>The Sub-Committee expressed the view that the COM could be regarded as the 'majority party' and was advantaged as it could hold regular meetings at a designated location. There was some discussion about the use of the States building for party meetings. It was noted that the conditions for the use of members' facilities in the States building were prescribed within R.112/2007. The rules currently stated that rooms should not be used at any time for meetings of outside organisations such as interest groups, charities or political lobbying groups/parties where it would be inappropriate for public money to be used to support the activities. No meetings involving persons who were not members of the States should be held in the</p>		<p>We <b>DO NOT COMPLY</b> with this benchmark.</p>

	<p>“Lunch” room without the prior consent of PPC and permission would not be given for the room to be used for any political lobbying/party purpose. The Sub-Committee recognized the need to ensure that security of the building was maintained, but did not consider it inappropriate for the building to be accessed by members of the public during business hours if accompanied by a States member, or to be used for party political meetings providing this did not hamper or impinge upon the use of the facilities by other members.</p>		
<p><b>Cross Party Groups</b></p>			
<p>Legislators shall have the right to form interest caucuses around issues of common concern.</p>	<p>We <b>DO NOT COMPLY</b>. The Panel considered that this was only possible in designated areas – COM, Scrutiny and PPC. There was no ‘support’ admin or otherwise for groups set up outside of these sectors.</p>		<p>Legislators have the right to form interest caucuses but there are no resources. We <b>DO NOT COMPLY</b> with this benchmark. The working group considered that the application of how this could be applied should be researched further by the next Assembly.</p>
<p><b>The Opposition</b></p> <p><i>The 2018 Study Group added a new section to highlight the important role of the Opposition in Parliament.</i></p>			

<p>The Legislature shall ensure adequate facilities and allocation of resources for the Opposition, including the leader.</p>			<p>This <b>DOES NOT APPLY</b> in Jersey.</p>
<p><b>PARLIAMENTARY STAFF</b></p>			
<p><b>General</b></p>			
<p>The Legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its Committees.</p>	<p>We <b>COMPLY</b> with this benchmark. However there was some discussion as to whether the resources were proportionate and optimal compared with that proffered to the Executive.</p>	<p>The Jersey Government Plan 2020-23 identified a sum of money to secure improved resources for non-executive States Members. This has been delivered with a new Members' Resources section, a new Digital and Public Engagement section and increased headcount within the States Greffe.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p>The Legislature, rather than the Executive branch, shall control the parliamentary service and determine the terms of employment. There shall be adequate safeguards to ensure non-interference from the Executive.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p> <p>There was discussion as to whether the Greffe was sufficiently independent – the impact of budgetary cuts and the revisions to staff job descriptions and terms and conditions were corporate/states wide and would have implications on staff recruitment and retention. It was suggested that in other jurisdictions staff were completely independent of the Executive and budgets ring-</p>		<p>We <b>PARTIALLY COMPLY</b> with the benchmark</p>

	<p>fenced. Staff terms and conditions in the Office of the Clerk of Tynwald in the Isle of Man for example are similar to the Civil Service but differ in certain respects with appeals against capability or disciplinary action being referred to the Tynwald Management Committee, which ensures it has the ultimate say over staff matters independently of any Government Department. Cameroon, Canada, Finland, France (Senate, National Assembly), Greece, Italy (Senate, Chamber of Deputies); Japan; Korea (Rep.);New Zealand (Office of the Clerk);Spain; United Kingdom (House of Lords, Commons) and Zambia are also administratively and economically autonomous.</p>		
<p>The Legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.</p>	<p>We <b>COMPLY</b> with this benchmark. All Greffe staff are non-partisan.</p>		<p>This <b>DOES NOT APPLY</b> in Jersey as the benchmark refers to staff employed by members or parties versus parliamentary staff.</p>
<p>Members and staff of the Legislature shall have access to</p>	<p>We <b>DO NOT COMPLY</b> with this benchmark.</p>	<p>The Members Resources Team provides research support for Members.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p>

<p>sufficient research, library, and ICT facilities.</p>	<p>Other jurisdictions would be surprised to learn that independent Members are responsible for their own administrative support. This seems to be contrary to generally accepted international democratic principles, including the CPA. Improving the research capacity is key to supporting parliamentarians in their parliamentary functions.</p> <p>Staff in our Bookshop, where footfall has decreased as the public increasingly access legislation and propositions via the website as opposed to hardcopy, could potentially have the capacity to provide a research service. We could collate 'debate packs' on key issues which come forward; research the history/background of the issue, compile questions which may have been asked in the Chamber, previous propositions and votes and also any key information which may inform the debate. Our new Greffier has recently joined us from Westminster and has useful connections with the</p>		
--	---	--	--

	<p>parliamentary research unit which we could possibly access on an ad hoc basis. However this would only be applicable for global issues or when a comparison with other jurisdictions was required. One of the States Greffe's strengths is our records management in our Registry and we have an extensive archive of reports and documents which can provide members with a fantastic research source for local topics. This resource is currently underused. Through the re-organisation of staff in both the Registry and Bookshop and greater promotion of the availability of research services, the provision to members could be greatly improved. We could also improve our website by uploading a greater range of documents, especially from our archive, which could be used as a research resource.</p>		
<p>The Legislature shall take measures to ensure that women are represented at all levels of administration.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>The Diversity Forum was reconstituted as a PPC Sub-Committee in 2019. The Diversity Forum works towards the aim of the States Assembly fully reflecting the population of Jersey and representing all of the communities and interests in the Island. It aims to increase public engagement in democratic processes,</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p>

		particularly in relation to under-represented groups.	
<b>Recruitment</b>			
The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
The Legislature shall have transparent and objective recruitment procedures that shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability, or, in the case of non-partisan staff, party affiliation.	Amended by the 2018 Study Group.  Original - The Legislature shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability or in the case of non-partisan staff, party affiliation.  We <b>COMPLY</b> with this benchmark. In fact we go one step further and do not ask about sexual orientation either.		We <b>COMPLY</b> with this benchmark.
<b>Promotion</b>			
Recruitment and promotion of non-partisan staff shall be	We <b>COMPLY</b> with this benchmark but succession planning must be addressed.	The States Greffe was restructured towards the end of 2019. The restructure aimed to address some of the succession planning issues and strengthen the hierarchy so that staff could be	We <b>COMPLY</b> with this benchmark.

on the basis of merit and equal opportunity.		exposed to other roles, hopefully leading to more promotion opportunities.	
<b>Organisation and Management</b>			
The head of the parliamentary service shall have a form of protected status defined in legislation or in the Constitution to prevent undue political pressure.	Amended by the 2018 Study Group.  Original - The head of the parliamentary service shall have a form of protected status to prevent undue political pressure.  We <b>COMPLY</b> with this benchmark. Article 41 of the States of Jersey Law offers such protection for the Greffier and Deputy Greffier.		We <b>COMPLY</b> with this benchmark.
The remuneration of the head of the parliamentary service shall be set by an independent body or mechanism.	New Benchmark agreed by the 2018 Study Group, taking note of the recommendations of the CPA Study Group on ' <i>The Financing and Administration of Parliament</i> ', held in Zanzibar, Tanzania from 25 to 29 May 2005.	Article 41 (5) of the States of Jersey Law 2005 states: <i>The Greffier of the States and the Deputy Greffier of the States shall be appointed on such terms and conditions as to salary, allowances, pensions or gratuities, if any, as are determined by the States Employment Board after negotiation with the Greffier of the States and the Deputy Greffier of the States respectively.</i>	We <b>PARTIALLY COMPLY</b> with this benchmark as pay is set by the States Employment Board.
The Legislature should, either by legislation or resolution, establish a corporate body responsible for providing services and	We <b>COMPLY</b> with this benchmark. PPC and the Remuneration Board are such bodies.	The PPC provides governance of parliamentary service.  In June 2021, the States Assembly <a href="#">approved a new system</a> for setting Members' remuneration (P.40/2021). Previously, remuneration had been	We <b>COMPLY</b> with this benchmark.



funding entitlements for parliamentary purposes and providing for governance of the parliamentary service.		set by a standing body (The States Members Remuneration Review Body). The Assembly adopted <a href="#">P.40/2022</a> in April 2022 which put the new arrangements on a statutory footing. The new system will charge PPC to commission an independent person or body to review the system during each Assembly term.	
All staff shall be subject to a code of conduct.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
<b>FUNCTIONS OF THE LEGISLATURE</b>			
<b>LEGISLATIVE FUNCTION</b>			
<b>General</b>			
The approval of the Legislature is required for the passage of all legislation, including budgets.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
The Legislature shall have the power to enact resolutions or other non-binding expressions of its will.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
The Legislature shall scrutinize secondary, delegated or subordinate legislation including its authority and scope.	New Benchmark agreed by the 2018 Study Group to ensure that due attention and focus is given to delegated legislation, an area of increased importance and highlighted by	Under Standing Orders:  <b>72 Referral of draft Law or Regulations for scrutiny</b>	We <b>PARTIALLY COMPLY</b> with this benchmark. The working group noted that a PPC Sub-Committee has made a number of recommendations to

	<p>many Legislatures as a gap in the original Benchmarks.</p>	<p>(1) If the States agree to the principles of a draft Law or draft Regulations, the draft shall be referred to the relevant scrutiny panel or relevant review panel if the chair of that panel has previously informed the States or confirms, when asked by the presiding officer, that he or she wishes to have the draft referred to the panel.</p> <p>(2) If the chair of the relevant scrutiny panel or relevant review panel informs the States that he or she does not wish to have the draft referred to the panel, any member of the States may propose, without notice, that the States request the panel to reconsider the decision.</p> <p>(3) If the States agree to the proposal –</p> <p>(a) the 2nd reading of the draft shall not continue at the meeting; and</p> <p>(b) the presiding officer shall, at the next meeting, ask the chair of the relevant scrutiny panel or relevant review panel whether, the panel having reconsidered the matter, he or she wishes to have the draft referred to the panel.</p> <p>(4) A draft shall not be referred to the relevant scrutiny panel or relevant review panel if it has previously been referred to that panel.</p> <p>(5) When a draft is referred to the relevant scrutiny panel or relevant review panel or has been so referred previously, but the panel has not reported on it, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue.</p> <p>(6) The meeting must not be later than the 4th meeting following the debate upon the principles, disregarding any additional meeting day.</p>	<p>enhance this process by introducing more time in between the first and second readings which may be considered further and taken forward by the next PPC.</p> <p>The working group also noted that scrutiny of legislation at the end of the term is more challenging.</p>
--	---	---	---

		(7) The relevant scrutiny panel is the scrutiny panel or panels assigned scrutiny of the topic to which the draft relates.  (7A) The relevant review panel is the review panel established for the purpose of reviewing a particular proposal, issue or project to which the draft relates.	
The Legislature shall provide adequate resources for legislators to draft legislation or amendments to any legislation.	New Benchmark agreed by the 2018 Study Group to ensure that Private Members can fairly exercise their rights to initiate and introduce legislation.	The function of the Legislative Drafting Office is set out in the <a href="#">Legislation (Jersey) Law 2021</a> .	We <b>COMPLY</b> with this benchmark.
The Legislature shall encourage the process of equality impact assessment with respect to the development of legislation, policies and budgets.	New Benchmark agreed by the 2018 Study Group.		We <b>COMPLY</b> with this benchmark.
<b>Legislative Procedure</b>			
In a bicameral Legislature, there shall be clearly defined roles for each chamber in the passage of legislation.	This <b>DOES NOT APPLY</b> in Jersey at the moment.		This <b>DOES NOT APPLY</b> in Jersey.
The Legislature shall have the right to	We <b>DO NOT COMPLY</b> with this benchmark.		If a Minister refuses to comply with a request, the legislature can force him/her out of office via a Vote of No

override an Executive veto.	The Legislature can only 'request' a Minister or the Council to do something. Ministers can choose to refuse or ignore such requests. There was discussion as to whether Standing Orders should be changed so that Ministers could be 'directed' to take the action required and within a defined timescale.		Confidence. We <b>COMPLY</b> with this benchmark.
The Executive shall transmit Bills and other documents for parliamentary action for timely distribution to Members.	New Benchmark agreed by the 2018 Study Group.	All propositions are circulated to States Members before they are formally presented and published.	This <b>DOES NOT APPLY</b> in Jersey as the States Greffe transmits documents.
The Legislature shall establish procedures for systematic monitoring of the effective implementation and consequences of legislation.	New Benchmark agreed by the 2018 Study Group to ensure that the legislative process places sufficient attention on the consequences and impact of legislation (post-legislative scrutiny).	Scrutiny Panels are able to undertake post-legislative scrutiny.	We <b>DO NOT COMPLY</b> with this benchmark.
Only the Legislature shall be empowered to determine and approve the budget of the Legislature.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
<b>The Public and Legislation</b>			
Opportunities shall be given for public input	Amended by the 2018 Study Group to encourage Parliament		We <b>PARTIALLY COMPLY</b> with this benchmark.

<p>into the legislative and Committee process, including the budget process.</p>	<p>to provide opportunities for civil society and the general public to engage in discussions about how public resources are raised and spent.</p> <p>Original - Opportunities shall be given to the public input into the legislative process.</p> <p>We <b>PARTIALLY COMPLY</b> with this benchmark, but more could be done. Currently green papers/consultation exists but there is room for improvement. Scrutiny often lacks legal expertise. There are opportunities for Scrutiny and the Council to work more closely together to produce legislation and for vehicles such as Facebook to be used to encourage the public to comment.</p>		
<p>Information shall be provided to the public in a timely manner regarding matters under consideration by the Legislature.</p>	<p>We <b>COMPLY</b> with this benchmark, but consider that more could be done to make the process more interactive (website improvements). There could also be more to highlight when secondary legislation will be made by Order vs Regulation to alert members</p>		<p>We <b>COMPLY</b> with this benchmark.</p>

	and the public to the fact that some elements will not be open to debate.		
<b>OVERSIGHT FUNCTION</b>			
<b>General</b>			
The Legislature shall have legislation, a constitutional provision or practice that ensures the size of the Cabinet is in proportion to the size of the Legislature	New Benchmark agreed by the 2018 Study Group to ensure that a Parliament's oversight function is not restricted by the size of the Cabinet (a particular concern in small Legislatures). A small Cabinet ensures a larger parliamentary component for the oversight Committees and relieves pressure on backbenchers from the ruling party/parties.		We <b>COMPLY</b> with this benchmark (Troy rule and Ministerial positions are determined in Standing Orders).
The Legislature shall have mechanisms to obtain information from the Executive branch sufficient to exercise its oversight function in a meaningful and timely manner. There shall be clear and effective procedures requiring the Executive to provide timely responses to oral and written questions and Parliamentary Committee reports	Amended by the 2018 Study Group to establish the expectation that the Executive provides appropriate information to enable effective and timely scrutiny and stresses the need for the Executive to respond oral and written questions and Committee reports and recommendations – a concern frequently raised by legislators.  Original - The Legislature shall have mechanisms to obtain information from the executive		We <b>PARTIALLY COMPLY</b> with this benchmark.

<p>and recommendations.</p>	<p>branch sufficient to exercise its oversight function in a meaningful way.</p> <p>We <b>PARTIALLY COMPLY</b> with this benchmark but there are serious shortcomings. Scrutiny can only 'request' not require. There exists a mechanism to obtain but there is no certainty that full information is disclosed or that Ministers will attend Scrutiny hearings. Departments may withhold information – whereas if a member of the public makes an FOI request there is full disclosure.</p>		
<p>The oversight authority of the Legislature shall include effective oversight of the military, security and intelligence services.</p>	<p>Amended by the 2018 Study Group.</p> <p>Original - The oversight authority of the Legislature shall include meaningful oversight of the military security and intelligence services.</p> <p>We <b>DO NOT COMPLY</b> with this benchmark.</p> <p>There was discussion as to whether questions to Home Affairs for example should be able to be rebuffed on the basis that they related to 'operational</p>		<p>We <b>DO NOT COMPLY</b> with this benchmark.</p>

	<p>matters'. Standing Orders need to be amended to ensure that this is not used simply as a mechanism to avoid answering the question! Ministers should be obliged to be as open and transparent as possible. It was suggested that there should be a cross Assembly group formed to enable security issues to be disseminated whilst respecting the necessary protocols/sensitivities (akin to the Cabinet Office briefing room in UK –Cobra).</p>		
<p>The oversight authority of the Legislature shall include effective oversight of state-owned enterprises.</p>	<p>Amended by the 2018 Study Group.</p> <p>Original - The oversight authority of the Legislature shall include meaningful oversight of state-owned enterprises.</p> <p>We <b>DO NOT COMPLY</b> with this benchmark. Again questions asked can be rebuffed on the basis that they relate to 'operational matters' or are 'commercially sensitive'. Standing Orders need to be amended. The move to corporatisation/non-profit making charitable</p>		<p>We <b>DO NOT COMPLY</b> with this benchmark.</p>



	status/separate bodies takes such enterprises further away from Legislature oversight and also takes away the public's right to use the Administrative Review Process to hold such bodies to account.		
The oversight authority of the national Legislature shall include effective oversight of compliance with international treaties and obligations, including international human right instruments and the Sustainable Development Goals (SDGs).	New Benchmark agreed by the 2018 Study Group. The oversight of international treaties and obligations forms part of the Legislature's core responsibility.		We <b>DO NOT COMPLY</b> with this benchmark. We do not have any sort of treaty oversight panel.
The Legislature shall establish a position of independent ombudsman, or similar office.	New Benchmark agreed by the 2018 Study Group. The function and role of this office, as defined by the <i>International Ombudsman Institute</i> , is to protect a country's citizens "against violation of rights, abuse of powers, error, negligence, unfair decisions and maladministration" and to encourage the government and the public administration to be	The States of Jersey Complaints Panel deals with any complaint about a decision or administration process by any Minister or Department of the States. The Complaints Panel was created under the Administrative Decisions (Review) (Jersey) Law 1982.	We <b>COMPLY</b> with this benchmark.

	more accountable to the public and more open and transparent.		
The Legislature shall establish a Human Rights Commission, or similar office, with the mandate to protect against human rights violations.	New Benchmark agreed by the 2018 Study Group.		We <b>DO NOT COMPLY</b> with this benchmark.
The Legislature shall receive annual reports and scrutinize the activities of all independent constitutional bodies, such as human rights commissions, anti-corruption bodies and ombudsmen and, where feasible, follow-up on issues arising from their reports.	New Benchmark agreed by the 2018 Study Group to ensure that the Legislature sits at the apex of broad accountability structures in order to provide a framework for their activity, publicise their existence and use the information they provide to challenge Ministers. <i>See Report of the Hansard Society Commission on Parliament Scrutiny. The Challenge for Parliament: Making Government Accountable, Vacher Dod Publishing Limited 2001.</i>		We <b>PARTIALLY COMPLY</b> with this benchmark. Follow-up is undertaken by the Complaints Panel and the Children's Commissioner provides evidence to scrutiny.
The Legislature shall ensure that independent constitutional bodies receive adequate resources and the work of such institutions are not	New Benchmark agreed by the 2018 Study Group.		We <b>COMPLY</b> with this benchmark

subject to political pressure from the Executive.			
<b>Financial and Budget Oversight</b>			
Budget approval and scrutiny procedures shall be clearly specified in the rules of procedure, the Constitution or relevant legislation	New Benchmark agreed by the 2018 Study Group to ensure regulations and laws are in place specific to Parliament budget scrutiny.	Scrutiny procedures are set out within Standing Orders.	We <b>COMPLY</b> with this benchmark.
The Legislature shall have a reasonable period of time in which to adequately scrutinize and debate the proposed national budget.	Amended by the 2018 Study Group to focus on the principles of adequate notice and time to consider as means to the end of meaningful scrutiny and parliamentary control of public spending. The Study Group noted the work of the <i>International Monetary Fund (IMF)</i> and <i>Organisation for Economic Co-operation and Development (OECD)</i> in establishing international good practice in the area of Parliament and the budget, including the practice that the presentation of the draft budget should be no less than three months prior to the start of the fiscal year and the budget should be adopted in advance of the new fiscal year.	Standing Order 23(4A) states that a minimum lodging period of 12 weeks applies to a government plan, except in any year when there is an ordinary election, in which case a minimum lodging period of 10 weeks applies.	We <b>COMPLY</b> with this benchmark.

	<p>Original - The Legislature shall have a reasonable period of time in which to review the proposed national budget.</p> <p>We <b>COMPLY</b> with this benchmark (Standing Orders give 12 week lodging period).</p>		
<p>Oversight Committees shall provide meaningful opportunities for minority or opposition parties and independent MPs to engage in effective oversight of government expenditures.</p>	<p>Amended by the 2018 Study Group.</p> <p>Original - Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures. Typically the PAC will be chaired by a member of the opposition party</p> <p>We <b>COMPLY</b> with this benchmark.</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>In addition to the draft annual budget, the Legislature shall receive and assess medium-term and annual budget strategies and be informed of the main assumptions that underlie the annual</p>	<p>New Benchmark agreed by the 2018 Study Group to reflect recognised international good practice.</p>	<p>The Corporate Services Scrutiny Panel is responsible for scrutinising corporate policies and treasury and resources.</p>	<p>We <b>COMPLY</b> with this benchmark.</p>

budget's revenue and expenditure projections.			
The Legislature shall receive regular in-year budget reports and an audited annual financial statement from the government within 12 months after the end of the fiscal year.	New Benchmark agreed by the 2018 Study Group to facilitate parliamentary oversight of budget execution/implementation.	The Minister for Treasury and Resources must present signed and audited accounts each year to the States Assembly.  The annual report and accounts should provide a clear breakdown of how public money is spent by the Government of Jersey.	We <b>COMPLY</b> with this benchmark.
The Legislature shall have access to sufficient financial scrutiny resources and/or independent budget and financial expertise to ensure that financial oversight is conducted effectively.	New Benchmark agreed by the 2018 Study Group to ensure the Legislature is able to make the best use of information available to it through independent support whether through Committee staff, special advisers and consultants or a budget office or officer to offer independent advice on budgetary matters and to assist with budget-related research and analysis.	Scrutiny and the Public Accounts Committee are able to appoint expert advisors in order to assist with reviews.	We <b>PARTIALLY COMPLY</b> with this benchmark.
There shall be an independent, non-partisan Supreme or National Audit Office whose reports are tabled in the Legislature in a timely manner.	We <b>COMPLY</b> with this benchmark (Comptroller and Auditor General)		We <b>COMPLY</b> with this benchmark.

<p>The Supreme or National Audit Office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.</p>	<p>We <b>COMPLY</b> with this benchmark (CAG)</p>		
<p>All reports of the Supreme or National Audit Office shall stand referred to the Public Accounts Committee, or a designated Committee, for further report.</p>	<p>New Benchmark agreed by the 2018 Study Group, taking account of international good practice.</p>	<p>Under Standing Orders:</p> <p><b>132 Public Accounts Committee: terms of reference</b></p> <p>(1) The terms of reference of the PAC are –</p> <p>(a) to receive reports from the Comptroller and Auditor General on –</p> <ul style="list-style-type: none"> <li>(i) the results of the audit of the annual financial statement of the States,</li> <li>(ii) the results of any other audits by the Comptroller and Auditor General,</li> <li>(iii) the annual accounts of the Social Security Fund, the Social Security (Reserve) Fund and the Health Insurance Fund,</li> </ul> <p>and to report to the States upon any significant issues arising from those reports</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p><b>No Confidence and Impeachment</b></p>			
<p>In bicameral systems, only a popularly elected house shall have the power to</p>	<p>This <b>DOES NOT APPLY</b> in Jersey at the moment.</p>		<p>This <b>DOES NOT APPLY</b> in Jersey at the moment.</p>

bring down the government.			
The Legislature shall have mechanisms to impeach or censure the Executive branch, or express no-confidence in the government.	We <b>COMPLY</b> with this benchmark.		We <b>COMPLY</b> with this benchmark.
If the Legislature expresses no confidence in the government, the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held in an appropriate time frame that is clearly specified in the Constitution or in any other related law.	<p>Amended by the 2018 Study Group to ensure that a general election is held as soon as practicable after taking into account factors such as the time required for election preparations which may differ between countries.</p> <p>Original - If the Legislature expresses no confidence in the government the government is obliged to offer its resignation. If the head of state agrees that no alternative government can be formed, a general election should be held.</p> <p>We <b>PARTIALLY COMPLY</b> with this benchmark but there is no power for a general election to be called following a vote of no confidence – a new Council of Ministers (COM) would simply</p>		We <b>PARTIALLY COMPLY</b> with this benchmark.

	<p>be appointed from the existing Assembly.</p> <p>A 'No confidence' motion is regarded as a 'nuclear option' and rarely used. There was discussion as to whether the public should have the option to request an election if they are dissatisfied with the government. The Assembly could vote in a new COM – in what circumstances should an election be called outside of the 4 year cycle? Should power be devolved to PPC? In the event of a call for the dissolution of the COM should there be a 'three strikes and you are out' rule in relation to the COM re-election, requiring a new election to be held? There should be a mechanism whereby the Assembly can be dissolved and a new election called.</p>		
<b>REPRESENTATIONAL FUNCTION</b>			
<p>The Legislature shall be organised in such a way as to enable the substantive representation of women in its work.</p>	<p>New Benchmark agreed by the 2018 Study Group</p>		<p>We <b>PARTIALLY COMPLY</b> with this benchmark. Through the work of the Diversity Forum, further consideration could be given to introducing quotas within the Assembly.</p>



<p>The Legislature shall provide all legislators with adequate and appropriate resources to enable them to fulfil their constituency responsibilities.</p>	<p>We <b>DO NOT COMPLY</b> with this benchmark. Members are reliant solely on their own resources, time and facilities to fulfil their role. Unlike UK counterparts with party support networks and the ability to claim for staff, members must use their expenses provision to meet administrative costs and this is considered an inadequate sum to meet the cost of even a part time member of staff. Criticism was made not just of the disparity between the Executive's Departmental support network, but also the ability of the Connétable and single seat Deputies to utilise Parish staff and the Parish magazines to connect with constituents. As highlighted in 1.7.1 other Parliaments offer full administrative support to members, funded by the centre, which includes the provision of office accommodation and staff. Independent members are often allocated additional support, taking account of the party support afforded by their party affiliated counterparts.</p>	<p>Members' Resources Team was established in 2020.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark, but more could be done. PPC will include this as an area for the next Committee to prioritise in its legacy report.</p>
--	--	---	--

<b>PARLIAMENTARY ASSISTANCE, NETWORKING AND DIPLOMACY</b>			
<p>The Legislature shall have the right to seek and receive development assistance to strengthen the institution of Parliament.</p>	<p>Amended by the 2018 Study Group to ensure that the Legislature has the right to seek development assistance (and does not need to rely on the Executive).</p> <p>Original - The Legislature shall have the right to receive development assistance to strengthen the institution of parliament.</p> <p>We <b>COMPLY</b> with this benchmark. CPA/APF/BIPRA</p>		<p>We <b>COMPLY</b> with this benchmark.</p>
<p>The type of assistance, budget and the use of development assistance received by the Legislature shall be determined by the Legislature in a transparent and accountable manner.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>The Government is required to published the States Annual Report and Accounts and a Government Plan.</p> <p>The Chief Minister is required to present a report on the use of consultants in the Government of Jersey,</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p>Members and the staff of Parliament shall have the right to receive technical and advisory assistance, as well as to network</p>	<p>We <b>COMPLY</b> with this benchmark.</p> <p>CPA/APF/BIPRA</p>		<p>We <b>COMPLY</b> with this benchmark.</p>

and exchange experience with individuals from other Legislatures.			
<b>VALUES OF THE LEGISLATURE</b>			
<b>ACCESSIBILITY, OPENNESS AND ENGAGEMENT</b>			
<b>Citizens and the Press</b>			
The Legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.	We <b>PARTIALLY COMPLY</b> with this benchmark but more can be done. The Chamber will become more 'accessible' when we start web streaming after Summer 2016.  Use of in camera debates should be sparing – following the recent release of in camera transcripts it is likely these will be increasingly rare.  Access to the Chamber is limited and there is no disabled access to the public gallery. A virtual tour is proposed for our website.	Meetings of the States Assembly are webcast. Each meeting can be watched live and the webcast is available for a further 6 months after the date of the meeting.  The Digital and Public Engagement section of the States Greffe manages the States Assembly social media including Twitter, Facebook, Instagram and LinkedIn.	We <b>PARTIALLY COMPLY</b> with this benchmark.
The Legislature shall be accessible and open to persons with disabilities.	New Benchmark agreed by the 2018 Study Group.	Access to the Chamber is limited and there is no disabled access to the public gallery. The webcast function has hopefully made the States Assembly more accessible.	We <b>PARTIALLY COMPLY</b> with this benchmark.
The Legislature should ensure that the media are given	We <b>COMPLY</b> with this benchmark. There was discussion as to whether the requests for access to the		We <b>COMPLY</b> with this benchmark.

appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure.	Chamber by the media should go through PPC in future rather than the Bailiff.		
The Legislature shall have a non-partisan media relations facility.	We <b>PARTIALLY COMPLY</b> with this benchmark – if by media relations we mean the release of statements etcetera to the media by the Greffe. It was considered that the Communications Unit is partisan. There was also discussion regarding the Communications media list which should be reviewed as it currently includes a vast number of recipients, not all of whom seem directly relevant to the notion of ‘media’.	A new Digital and Public Engagement Section within the States Greffe was established in 2020.	We <b>COMPLY</b> with this benchmark.
The Legislature shall promote the public’s understanding of the work of the Legislature.	We <b>COMPLY</b> with this benchmark but could do more – a review of the Assembly and Scrutiny websites is underway to address some public engagement gaps.	The Digital and Public Engagement Section aims to promote the public’s understanding of the work of the States Assembly.	We <b>COMPLY</b> with this benchmark.
The Legislature shall identify demographic groups whose perspectives are not	New Benchmark agreed by the 2018 Study Group as it was noted that the long-term legitimacy of Parliaments would	The Diversity Forum was reconstituted as a PPC Sub-Committee in 2019. The Diversity Forum works towards the aim of the States Assembly fully reflecting the population of Jersey and	We <b>PARTIALLY COMPLY</b> with this benchmark.

<p>well represented in parliamentary decision-making and make efforts to increase their participation.</p>	<p>depend to a great extent on improving the inclusion of all demographic groups in the Legislature (such as young people).</p>	<p>representing all of the communities and interests in the Island. It aims to increase public engagement in democratic processes, particularly in relation to under-represented groups.</p>	
<p>The Legislature shall have a regularly updated and accessible website to enhance and promote information sharing and interaction with citizens and the outside world.</p>	<p>New Benchmark agreed by the 2018 Study Group.</p>	<p>States Assembly website and regularly updated social media</p>	<p>We <b>COMPLY</b> with this benchmark.</p>
<p><b>Languages</b></p>			
<p>Where the Constitution or parliamentary rules provide for the use of multiple working languages, the Legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records.</p>	<p>We <b>DO NOT COMPLY</b> with this benchmark.</p> <p>Despite the Sub-Committee's respect and affection for the Island's French heritage, it was mooted that the Assembly should no longer classify itself as a bilingual Chamber, as in reality this was not the case and it was not cost effective to put in place the structure required to comply with this benchmark. It was agreed that information about the Assembly should be translated into Portuguese and Polish.</p>		<p>We <b>DO NOT COMPLY</b> with this benchmark.</p>

<b>ETHICAL GOVERNANCE</b>			
<b>Transparency and Integrity</b>			
Legislators should maintain high standards of accountability, transparency, responsibility and propriety in the conduct of all public and parliamentary matters including strict adherence to codes of conduct, and interest disclosure rules.	Amended by the 2018 Study Group to reinforce the importance of high standards in the conduct of all public and parliamentary matters as well as the need for strict adherence to codes of conduct, codes of ethics and asset disclosure rules.  Original - Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters  We <b>COMPLY</b> with this benchmark. Code of Conduct and Standing Orders.	The Commissioner for Standards is responsible for considering complaints about the conduct of States Members.	We <b>COMPLY</b> with this benchmark.
The Legislature shall approve and enforce codes of conduct, including rules on conflicts of interest and the acceptance of gifts.	Amended by the 2018 Study Group. The Study Group noted the <i>Recommended Benchmarks for Codes of Conduct applying to Members of Parliament</i> , developed by the Commonwealth Parliamentary Association in partnership with Monash University in Australia.	A number of changes to Standing Orders were approved by the Assembly relating to the Code of Conduct for elected Members (and other matters including gifts/interests/conflicts).  <a href="#">P.1/2022</a> amended Standing Orders to replace the set of principles of conduct with up-to-date principles of conduct in public life. This provided clarity of the Code.	We <b>COMPLY</b> with this benchmark.

	<p>Original - The Legislature shall approve and enforce a code of conduct including rules on conflicts of interest and the acceptance of gifts.</p> <p>We <b>PARTIALLY COMPLY</b> with this benchmark, but could do more.</p> <p>Gifts/interests/conflicts of interests. There was discussion as to whether transparency was always as evident as it should be. PPC enforced the code when there was a breach. However it was felt that Standing Order 106(3) should be amended to make it necessary for members to make a declaration as soon as possible to the start of a debate; for members to be able to 'out' another's conflict (and it not be solely reliant on a member to make the declaration himself). There should be an annual reminder to members regarding updating interests.</p>	<p>P.1/2022 also made an explicit link between gifts and hospitality and corruption and the perception of corruption including:</p> <ul style="list-style-type: none"> <li>• the giving and offer of gifts and hospitality as well as their acceptance,</li> <li>• the receipt or offer of gifts and hospitality to close family members.</li> </ul> <p>In this context, gifts and hospitality must be connected to membership of the States and does not relate to a member receiving gifts in their private lives, unconnected to membership of the States.</p> <p>Another change was the reduction in the threshold above which gifts or hospitality must be registered from 10% of salary to £40 (or £100 if more than one gift under £40 is given, received or offered within a 12 month period). This will bring the rules for States Members into line with those which already exist for Ministers and Assistant Ministers.</p> <p>In terms of registration of interests, this has been extended to cover interests held by certain family members.</p> <p>Members who earn more than 25%, 50% or 75% of their total annual income from external employment, self-employment or land would be required to declare that fact. This would show which areas of earning were of most significance to Members without requiring every aspect of those earnings to be made public.</p>	
--	---	--	--

		<p>The Greffier must invite Members to review their registered interests each year and is required to notify the Commissioner for Standards of non-compliance with registration requirements, in the absence of reasonable excuse, and of potential irregularities in a Members' return.</p> <p>Changes now also permit a Member with a direct financial interest to contribute to a debate in which they have that interest but not to vote.</p>	
<p>Legislatures shall require legislators to periodically, fully and publicly disclose their financial and other relevant interests.</p>	<p>Amended by the 2018 Study Group to ensure the regular disclosure of financial assets and business interests and demonstrate a clear commitment to protecting the integrity of the parliamentary institution. Guidelines released by the <i>Transparency and Accountability Initiative</i>, in support of <i>Open Government Partnership</i>, also state that MPs should be required to disclose systematic information on regular basis, including information on assets, liabilities, sources of income, gifts, and conflicts of interest.</p> <p>Original - Legislatures shall require legislators to fully and</p>	<p>As above.</p>	<p>We <b>PARTIALLY COMPLY</b> with this benchmark.</p>



	publicly disclose their financial assets and business interests.  We <b>COMPLY</b> with this benchmark but it was suggested that Members should be required to make an annual update of interests and that these should be specific and detailed. At present some entries were vague and did not fully comply with Standing Orders which required the location of property to be identifiable.		
There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.	We <b>COMPLY</b> with this benchmark but more could be done.		We <b>COMPLY</b> with this benchmark.
<b>Freedom of Information (FOI)</b>			
There shall be an effective FOI regime to give the public access to information held by public authorities.	Agreed by the 2018 Study Group to underlie the importance of Freedom of Information as a fundamental human right that serves as a cornerstone of democracy and good governance.	Jersey introduced the Freedom of Information (Jersey) <a href="#">Law</a> in 2011.	We <b>COMPLY</b> with this benchmark.