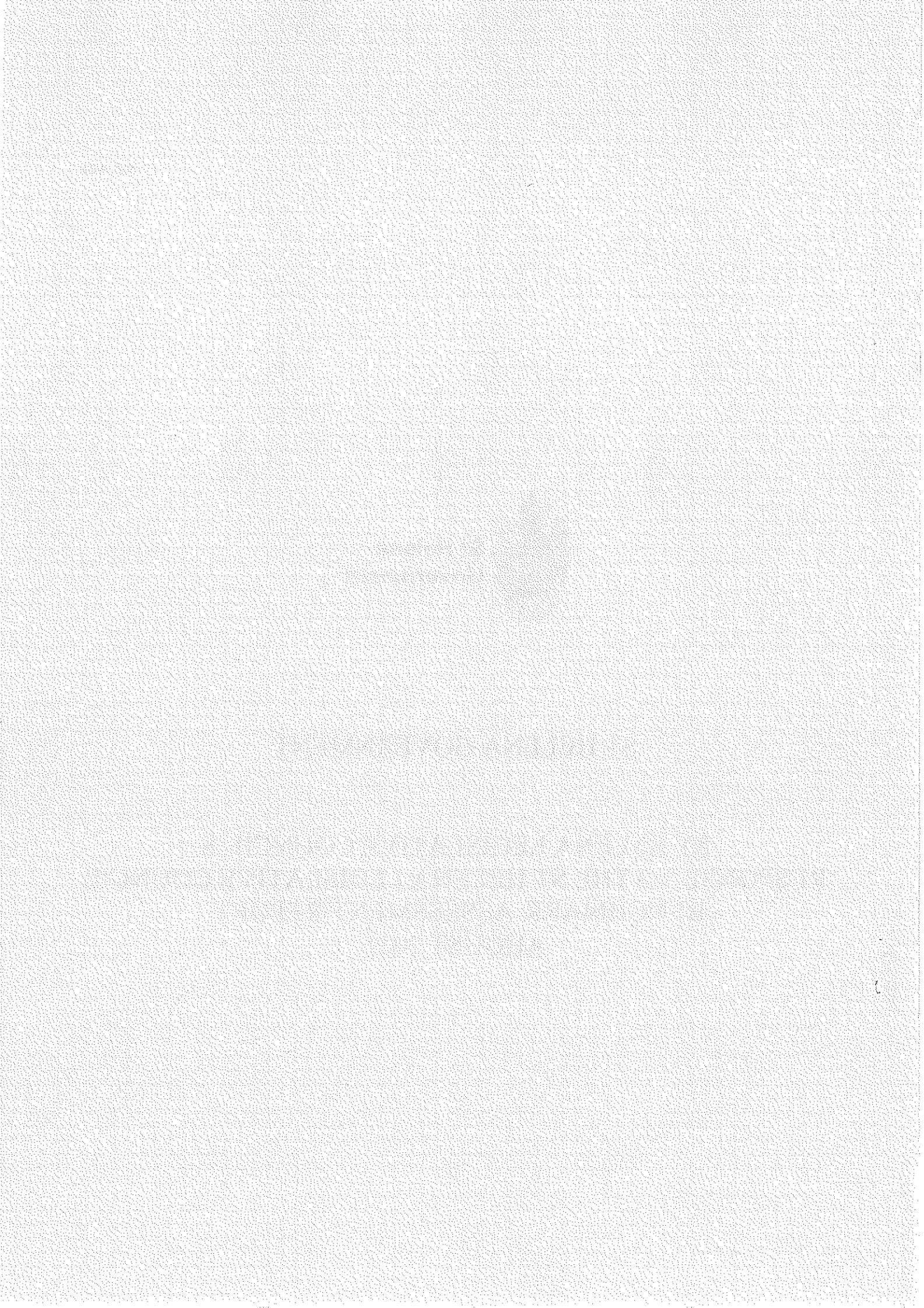




ST HELENA GOVERNMENT

ST HELENA LEGISLATIVE COUNCIL'S RESPONSE TO THE ST HELENA LEGISLATIVE COUNCIL BENCHMARK ASSESSMENT REPORT, AUGUST 2021



St Helena Legislative Council's Response to the St Helena Legislative Council Benchmark Assessment Report

No	Topic	Recommendation	Responsibility	Response
1	GENERAL Elections	St Helena should look at independent assessment of elections to ensure they follow international law and conventions. Electoral reforms should include the establishment of an independent electoral commission or commissioner to oversee elections, provide information to voters, guidance to candidates and encourage wide participation. Electoral law should be changed to remove any anomalies such as candidates needing to be 21 to stand for election but only 17 to vote.	Chief Minister / Ministers	A review had already been undertaken by the Elections Review Sub-committee under the previous Council therefore these recommendations would need to be taken forward
2	Separation of Powers, Immunity and Natural Justice	The LegCo should identify ways to provide independent legal advice to the LegCo.	Hon Speaker	Separate staff is already in place however there is still no separate powers with regards to the Attorney General. Suggestions included a lawyer, similar to the BVI and a request would be submitted to CPA UK for funding support.
3	Members Remuneration, Benefits and Professional Development	Establish an independent body such as a Parliamentary Services Commission to ensure the LegCo is financially and administratively independent of the executive. This body should oversee the independent process for determining the pay and benefits for Members. Salaries for Speaker and Deputy Speaker should be commensurate with the responsibility of leading and representing the Legislature.	Hon Speaker / Chief Secretary	A Parliamentary Services Commission needs to be set up (See also Recommendation No 13)

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4	Members Remuneration, Benefits and Professional Development	There is an urgent need for support for new and returning Members after the election, as well as support for the new skills and knowledge needed to fulfil the LegCo's changing role, as part of the constitutional changes. New Members should be supported to develop a network of Members in other jurisdictions who can provide peer support and advice.	Hon Speaker	Agreed; training also needs to be repeated mid-term
5	Infrastructure, Organisation and Management	There should be improved facilities to give the LegCo increased stature and make it a distinct and separate institution from the government. There should be a review of access to the chamber and any other meeting space to see if reasonable adjustments could be made to make them accessible to all.	Hon Speaker / Deputy Chief Secretary	Agreed; options are being sought by the Administration and should be discussed with Members, in order for their needs to be taken into consideration
6	ORGANISATION OF THE LEGISLATURE Procedures and Sessions	Standing orders should be reviewed at least once a term. The review should consider simpler language, gender-neutral terms and updated practices. The rules for changing standing orders should require at least a two-thirds majority of all elected Members.	Hon Speaker	A review of Standing Orders is currently underway
7	Presiding Officers	Promote the role of Speaker and Deputy Speaker, to encourage a range of candidates to stand. Continue to have a gender balance in the presiding officer team. Provide time and resources for the Speaker to fulfil the roles of leading, representing and ensuring the independence of the LegCo, including chairing any independent management body. Support should be sought to ensure that presiding officers have the skills needed.	Hon Speaker / Clerk of Councils	Agreed; a request for specific training for the Speaker's role will be taken forward

No	Topic	Recommendation	Responsibility	Response
8	Convening Sessions, Setting the Agenda, Debate and Voting	Ensure that non-Government Members have time for their business, including the opportunity to initiate legislation. Votes in LegCo should be recorded and made public.	Hon Speaker / Clerk of Councils	Agreed; The votes in LegCo need to be recorded
9	Petitions	Establish a system of public petitions to allow the public to raise issues of concern with the Legislature.	Hon Speaker	A system of public petitions will be looked at through the Standing Orders review
10	Records	Records should be produced and made public in a timely manner. At a minimum, records of proceedings and Hansard should be available with the agenda and papers for the next sitting. There should be an annual parliamentary calendar and programme of legislation and scrutiny available on the website to promote transparency and allow greater engagement. There should be at least five working days' notice of meetings and all papers available five working days before meetings.	Clerk of Councils	Records of proceedings need to be improved in a timely manner and a solution is needed in order to play catch-up
11	Committees	The new select committees need to be appointed by and have their powers determined by the LegCo. There needs to be investment in skills, capacity and capability of chairs and Members and officers so they can scrutinise proposed legislation and policy fully. Select committees need to have powers similar to the Public Accounts Committee 'to summon persons, papers and records'. Meetings should be held in public, by default, and votes recorded.	LEGCO/ EXCO	Discussion on select committees is continuing

No	Topic	Recommendation	Responsibility	Response
12	Committees	Committees should hear broad and diverse views from advisors, witnesses and public consultations to form a balanced view. A whistleblowing policy should be developed for people who approach committees. Committees should have small budgets for visits and to source expert advice, when needed.		Agreed; there is uncertainty around budget being available for any technical advisors assigned to Scrutiny Committees
13	Recruitment, Promotion and Management	The Clerk of Councils and other LegCo staff should be employed by an independent body such as a Parliamentary Services Commission and have protected status in law. All staff should be given the skills and support they need to be able to perform their roles fully.	Hon Speaker / Deputy Chief Secretary	Agreed; Members gave their full support (See also Recommendation No 3)
14	FUNCTIONS OF THE LEGISLATURE	Legislative Function The LegCo should have a formal process by which the public can input into proposed legislation and information should be published about the progress of any bill under consideration. Those with professional expertise in the area, such as the Equality and Human Rights Commission, could be invited to advise on Bills under consideration and support the equality impact assessment of legislation. Members should have access to independent legal advice.	Hon Speaker	Agreed however input from the public should take place at an earlier stage
15	Oversight Function	The LegCo should be given the powers to scrutinise all bodies benefiting from public money including state-owned enterprises.		Agreed

No	Topic	Recommendation	Responsibility	Response
16	Oversight Function	Establish a permanent Complaints Commissioner with a mandate to investigate complaints from citizens about the work of the executive. That the appointment process for commissioners for all independent bodies is reviewed to ensure independence and support the Legislature's oversight of the executive.	HE Governor / Hon Speaker	Agreed; although there is provision in the Constitution for a Complaints Commissioner, currently there is no funding available
17	Oversight Function	The Chair of the Public Accounts Committee should be appointed by the LegCo.	HE Governor / Hon Speaker	Agreed
18	Representational Function	Policies, processes and practices should be reviewed to ensure that women Members, staff and the public feel equally safe, welcome, respected and represented in the LegCo.	Hon Speaker	Agreed
19	VALUES OF THE LEGISLATURE Accessibility, Openness and Engagement	All meetings should be open to the public and media by default and any reasons for closed meetings be given.	Hon Speaker	Agreed, although this is already happening in some meetings
20	Accessibility, Openness and Engagement	There should be media support provided by the LegCo. The LegCo should have its own website and have a programme to promote public understanding of its work. Records should be up to date. The bill for public access to information should be brought into force.	Hon Speaker / EXCO	Agreed

