



Parliament of the Cook Islands

Summary Report on the Benchmarking Self-Assessment of the Parliament of the Cook Islands December 2011

Background

The sustainable development of the Cook Islands and her people can best be accomplished through a democratic system of government with a fully functioning and effective legislature to express the will of the people and involve them in their governance. The 2009 Forum Presiding Officers and Clerks Conference held in Rarotonga, Cook Islands adopted the Pacific Islands Benchmarks¹ for Democratic Legislatures for the use of Pacific Legislatures.

The Benchmarking Self-Assessment for the Parliament of the Cook Islands was initiated by the Regional Secretariat of the Pacific Legislatures for Population and Governance Incorporated (PLPG Inc.) in 2011 under the directorship of PLPG Coordinator Mr Tangata Vainerere.

The self-assessment focused on the Pacific Islands Benchmarks for Democratic Legislatures adopted by the 2009 General Assembly of the Pacific Legislatures for Population and Governance held in Rarotonga, Cook Islands in November 2009, for use by Pacific Parliaments. The Benchmarks provide a

¹ The benchmarks comprising of 99 Indicators are directly built on the CPA Recommended Benchmarks for Democratic Legislatures; the Brisbane benchmarking discussions held on 26 June 2009 organised by CPA, WBI and the Centre for Democratic Institutions (CDI); the benchmarks for self-assessments organised by the PPAPD-FPOC for the Kiribati Parliament on 3 July 2009, the Nauru Parliament on 21 October 2009, the Tuvalu Parliament on 23 October 2009 and the Niue Parliament on 3 November 2009.

contemporary Pacific framework for effective democratic practice that helps parliaments assess themselves and identify reforms to make them effective and democratic and to support parliaments working to establish their independence and powers relative to the executive.

The benchmarking exercise involved conducting a self-assessment of the capacity of the Parliament of the Cook Islands in carrying out its functions. The self-assessment exercise preparatory phase commenced on 3 November 2011 and culminated in an interactive session with Cook Islands Parliamentarians on 8 December 2011 to conduct the actual Self-Assessment and adopt the final scores as well as the necessary action points for the post-assessment period.

The Crown Law Office of the Government of the Cook Islands provided technical advice and guidance for the initiative through its Counsellor Ms Cheryl King who conducted the the research and initial scoring of all the Self-Assessment Indicators. The Leader of the House of the Parliament of the Cook Islands Hon. Mona Ioane provided support to Ms King in the preparatory work leading up to the actual Benchmarking Self-Assessment session held on Thursday 8 December 2011. The Clerk of Parliament Mr Nga Valoa, Clerk Assistant Tupuna Rakanui and their Parliamentary Staff provided the administrative support for the project.

The self-assessment exercise highlighted thirteen indicators requiring attention and appropriate action points to be followed up by the Parliament of the Cook Islands were adopted in relation to each of these indicators. It was also proposed that the self-assessment exercise be repeated in twenty four months time to check progress on addressing the thirteen action points. Each benchmark is given a score between 1 (Poor) and 5 (Very Good). Benchmarks earning a score of 1 to 4 will require practical responses by the Parliament in order to address any deficiencies identified. The objective is to improve on these scores at the next Benchmarking Exercise.

The Self-Assessment Matrix

BENCHMARK	SCORE (1- 5)	REMARKS
I. GENERAL		
1.1 Elections		
1.1.1 Members of the popularly elected or only house shall be elected by direct universal and equal suffrage in a free and secret ballot.	4	Article 27(2) of the Constitution does state Parliament is to be elected under a system of universal suffrage, equal (as in Article 48) suffrage is not specifically mentioned in the Constitution it is practiced. Part 2 of the Electoral Act.

		Action Point: Members recommended the term “equal” should be reflected in the Constitution.
1.1.2 Special security measures, where appropriate and required, shall be in place to ensure the smooth and peaceful running of elections. ²	4	Section 52 of the Electoral Act 2004 provides that the every presiding officer shall have the power to enforce order and keep the peace at any election.
1.1.3 Legislative elections shall meet international standards for genuine and transparent elections such as those contained in the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers endorsed by the Pacific Islands Forum, the Pacific Islands, Australia and New Zealand Electoral Administrators’ Association, the Commonwealth Secretariat and the United Nations, among others. ³	4	Observers from the Pacific Islands Forum Secretariat were present at the 2010 elections. Action Point: Members indicated circulation of Observers’ Reports undertaken during election would be beneficial
1.1.4 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	3	Article 37(5) provides a general election must be held at least every 4 years. Section 106 of the Electoral Act; it’s not clear when a term starts. Action Point: Possible Amendment to Electoral Act to clarify when term starts. Election Date may be the best possible term date.
1.2 Candidate eligibility		
1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.	5	Article 64 provides that people shall not be discriminated against based on race, gender or religion, while section 8 of the Disability Act prohibits discrimination against people with disability. Section 8 of the Electoral Act provides for the

² In Papua New Guinea, people do not vote freely under fear of intimidation and violence. This new benchmark is to accommodate Papua New Guinea’s peculiar circumstances.

³ New benchmark to clearly specify relevant international standards to be followed by Pacific Islands for genuine and transparent elections.

		qualifications and disqualifications of candidates.	
1.2.2	If introduced, special measures to encourage the political participation of specific groups such as women and youth ⁴ shall be narrowly drawn to accomplish precisely defined and time-limited objectives.	2	Reserving seats in Parliament was discussed at the previous election however it was decided not to implement that measure. Unknown if any special programmes exist to encourage women and youth into politics.
1.3	Incompatibility of office		
1.3.1	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.	4	Article 30 and section 9 of the Electoral Act provides that MP's must take an Oath of Allegiance before the speaker or their seat may be vacated. MP's may be sworn by affirmation.
1.3.2	In a bicameral legislature, a legislator may not be m Member of both houses. ⁵	n/a	Not applicable
1.3.3	A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch.	5	Sections 8(2)(e) & 9(1)(l) of the Electoral Act states candidates are disqualified or a MP's seat becomes vacant if they are a Crown Servant or judicial officer.
1.4	Immunity		
1.4.1	Legislators shall have immunity for anything said in the course of the proceedings of the legislature.	5	Article 36 and sections 3 and 4A of the Legislative Assembly Powers & Privileges 1967 sets out the immunity of MP's for anything said in Parliament.
1.4.2	Parliamentary immunity shall not extend beyond the term of office; but a former legislator shall continue to enjoy immunity for anything done during his or her term of office.	5	Section 2 of the Legislative Assembly Powers & Privileges the definition of "member" means a member of the legislative assembly.
1.4.3	The executive branch shall have no right or power to lift the immunity of a legislator.	5	Section 3 of the Legislative Assembly Powers & Privileges only Parliament can override a statutory provision.
1.4.4	Legislators must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from any form of interference.	4	Article 36 provides constitutional protection of privileges of Parliament and its members
1.5	Remuneration and benefits		
1.5.1	The legislature shall provide proper and sufficient ⁶	2	Section 8 of the Civil List Act 2005. Remuneration

⁴ Women and youth are not very well represented in most Pacific parliaments though they make up a significant percentage of the populations of the Pacific Islands and also participate actively in community and economic development.

⁵ Most Pacific legislatures are unicameral, hence this benchmark is not applicable in all cases; however, it is maintained in case of possible future political restructuring.

remuneration and reimbursement of parliamentary expenses to legislators for their service, and all forms of compensation shall be allocated on a non-partisan basis.		Action Point: Members indicated remuneration does not reflect that work and effort by the members and should be reviewed.
1.5.2 An independent body should determine the appropriate remuneration, benefits and other statutory entitlements for legislators. ⁷	4	Section 8 of the Civil List Act 2005 provides for the setting down of MP's salaries, allowances, etc by the Remuneration Tribunal. Final say from Executive
1.6 Resignation		
1.6.1 Legislators shall have the right to resign their seats in accordance with clearly defined procedures in the Rules of Procedure, the Constitution or any other related law. ⁸	5	Section 9(d) of the Electoral Act states MP's may resign their seat by writing to the Speaker of the House or the Queen's Representative. By-election held if elections more than 6 months away.
1.7 Infrastructure		
1.7.1 The legislature shall have adequate physical infrastructure to enable members and staff to fulfil their responsibilities.	1	No legal provisions – possible covered by policy. The Civil List Act 2005 provides some provisions for office holders however ordinary members are not provided with any office space, etc.
1.7.2 Private or independent members shall be entitled to have adequate office space and basic work stations throughout their term in parliament. ⁹	1	Refer to comment 1.7.1
II. ORGANISATION OF THE LEGISLATURE		
2. PROCEDURES AND SESSIONS		
2.1 Rules of Procedure		
2.1.1 Only the legislature may adopt and amend its Rules of Procedure based on a report submitted by a relevant standing	5	Article 34(5) of the Constitution

⁶ Some current Pacific Island legislators, especially backbenchers, are paid less than middle management civil servants or university graduates.

⁷ New benchmark to allow more transparency and accountability in determining legislators' remunerations, privileges and entitlements. In some current legislatures, like that of Tuvalu, remuneration, benefits and statutory entitlements of legislators are determined by members themselves through a standing committee of parliament consisting of legislators and a few co-opted members of the public who are not allowed to vote. In Samoa, an independent Salaries Tribunal decides on the remuneration of parliamentarians (and government officials). In Fiji and Kiribati, an independent body recommends salaries, but the final amount awarded has to be approved by parliament.

⁸ The wording of this benchmark has been expanded to make it more precise.

⁹ New benchmark. In some legislatures, like that of Niue, cabinet ministers and private members all share one building where ministers take up most of the space.

committee. ¹⁰		
2.2 Presiding officers		
2.2.1 The legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the Rules of Procedure and/or the Constitution. ¹¹	5	Articles 31 & 33 provide for the election of the Speaker & Deputy Speaker. Part 5 of the Standing Orders
2.3 Convening sessions		
2.3.1 The legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities.	3	Article 29 provides that Parliament must meet at least once every 12 months
2.3.2 The legislature shall have procedures and the power ¹² to call itself into regular sessions.	3	Parliament is called by the Queen’s Representative on advice of the Prime Minister and Cabinet
2.3.3 The legislature shall have procedures for calling itself into extraordinary or special sessions.	3	No provision for Parliament to call itself
2.3.4 The legislature shall have a clear definition of a special session and a regular session. ¹³	3	No provision found differentiating special or regular sessions of Parliament.
2.3.5 Provisions for the executive branch to convene a special session of the legislature shall be clearly specified in accordance with the Rules of Procedure, the Constitution or relevant legislation, and shall include consultations with the Office of the Speaker. ¹⁴	2	The Calling of Parliament not clearly defined by the Constitution or Standing Orders
2.4 Agenda		
2.4.1 Legislators shall have the right to vote to amend the proposed agenda for debate in accordance with Rules of Procedure. ¹⁵	5	Standing Order 64(p)
2.4.2 Legislators in the lower or only house shall have the right to initiate legislation and to offer amendments to proposed legislation.	5	Article 42 provides any MP may propose any bill, motion for debate or present any petition to Parliament.

¹⁰ In Tuvalu the Rules Standing Committee reviews the rules and tables its report and recommendations in parliament for discussion and adoption.

¹¹ Ensuring that procedures for electing presiding officers are also in the Constitution will ensure continuity and stability.

¹² In most Pacific legislatures the authority to call a session is vested in the executive, but there are calls to change this and give total authority to the legislature to call any session.

¹³ New benchmark. Some Pacific legislatures, such as that of Nauru, regard every session as a special session.

¹⁴ Added words will ensure the final authority to convene any session lies with the legislature – a change that is currently preferred by most parliaments assessed to reflect the independence of the legislative institution.

¹⁵ Added words will ensure that legislators follow specific rules whenever they vote to amend the proposed agenda for debate.

2.4.3	The legislature shall provide adequate resources for private or independent members to draft legislation or amendments to any legislation. ¹⁶	2	No Parliament Counsel provided and lack of resources makes this difficult.
2.4.4	The legislature shall give legislators adequate advance notice of session meetings and the agenda for the meeting.	5	Standing Order 69.
2.5 Debate			
2.5.1	The legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.	5	Standing Orders 64 and 65
2.5.2	The legislature shall provide adequate and specific ¹⁷ opportunity for legislators to debate bills prior to a vote.	5	Standing Orders 66, 67 and 68
2.5.3	The speaker or presiding officer should ensure that every member is given a fair opportunity to contribute constructively to any debate. ¹⁸	3	Standing Order 68. <i>Action Point: Members recommended a re-examination of standing order</i>
2.6 Voting			
2.6.1	Plenary votes in the legislature shall be public.	5	Standing Orders Part XL, however only at the permission of the Speaker, Clerk or other authorized person.
2.6.2	Members in a minority on a vote shall be able to demand a recorded vote in accordance with Rules of Procedure and/or the Constitution. ¹⁹	5	Members may call for a division and the votes are recorded. Standing Order 150.
2.6.3	Only legislators may vote on issues before the legislature.	4	Article 34(3) does provide the Speaker may at times of a split vote, cast a vote.
2.7 Records			
2.7.1	The legislature shall maintain and publish readily accessible	5	Standing Order 47. Members initial the Hansard after

¹⁶ New benchmark. It is uncommon in the Pacific Islands for private members to propose new legislation or amendments to legislation, mainly because they lack the relevant resources to do so. For example, Tuvalu's parliament does not have a parliamentary counsel to help draft private members' legislation or amendments. Hence this new benchmark will ensure that private members can exercise their rights to introduce and amend legislation.

¹⁷ In some Pacific legislatures, the Speaker has to restrict the debate due to time limitations.

¹⁸ New benchmark to further allow a fair chance for members to debate issues, as sometimes debate time is restricted due to time limitations.

¹⁹ Added words will ensure that procedures for any demand for a recorded vote are clearly stipulated in the rules or in the Constitution. In Tuvalu, a vote to amend the Constitution or a recorded vote of no confidence in government have specific procedures stated in the rules and the Constitution.

	records of proceedings, in a standard and consistent format that is appropriate and sustainable. ²⁰		sessions.
3.	COMMITTEES		
3.1	Organisation		
3.1.1	The legislature shall have the right and sufficient resources ²¹ to form permanent and temporary committees.	3	Standing Orders
3.1.2	The legislature's assignment of members on each committee shall include both majority and minority party members and independents ²² and reflect the political composition of the legislature.	4	No legal provision – however it is practised Action Point: Recommendation that there should be formalisation of the practice in the standing orders
3.1.3	The legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.	4	Standing Order 318 provides the Prime Minister, a Minister or Leader of the House may appointment members to the committee
3.1.4	The chair of the Public Accounts Committee, or a similar committee, shall be from the opposition or an independent. ²³	2	Previous practice has been that the chair were typically a member of the opposition. Action Point: to improve this practice for impartiality
3.1.5	Once established, committees should meet regularly to ensure completion of their terms of reference in a timely and effective manner. Regular updates should be provided by committee chairs to the presiding officer, who will report progress to the legislature.	3	Standing Order 324 provides the Chairman shall, in consultation with the Clerk decide the time and place of meetings for select committees and these are not to sit during Parliament. And is also dependent on resources.
3.1.6	Committee hearings and submissions shall be open to the ²⁴ public. Any exceptions shall be clearly defined and provided for in the Rules of Procedure.	5	Part XL provides for the admission of strangers, and the sessions are typically open to the public and most select committees go into the villages and outer islands.

²⁰ The Hansard and committee reports are published in varying formats in some Pacific legislatures. Added words will ensure parliamentary reports stand out and are neat and easily identified.

²¹ The legislature can only form permanent and temporary committees if it has sufficient resources.

²² Added words ensure the inclusion of members who do not belong to a party group.

²³ New benchmark will ensure stronger oversight of government undertakings.

²⁴ Replaced the words 'in public' to be clearer.

3.1.7	Votes of committees shall be in public. Any exceptions shall be clearly defined and provided for in the Rules of Procedure.	2	Standing Order 337
3.2	Powers		
3.2.1	There shall be a presumption that the legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature. ²⁵	3	Standing Order 259. There's no presumption that legislation will be referred to a select committee.
3.2.2	Committees shall scrutinise legislation referred to them and have the power to recommend amendments to the legislature.	5	Standing Order 333
3.2.3	Committees shall have the right to consult and/or employ experts.	5	Standing Order 335
3.2.4	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.	5	Standing Order 335
3.2.5	Only legislators appointed to the committee, or authorised substitutes, shall have the right to vote in committee.	5	Standing Order 337
3.2.6	Legislation shall protect informants such as whistleblowers or public servants ²⁶ and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.	5	Standing Order 341
4.	POLITICAL PARTIES, PARTY GROUPS AND CROSS-PARTY GROUPS		
4.1	Political parties		
4.1.1	The right of freedom of association shall exist for legislators, as for all people.	5	Article 64(1)(f)
4.1.2	Any restrictions on the legality of political parties shall be narrowly drawn by statute consistent ²⁷ with the International Covenant on Civil and Political Rights.	5	No legal provision
4.2	Party groups		

²⁵ In Samoa, unless the head of state deems a bill 'urgent', all bills are referred to committees for consideration after the second reading.

²⁶ Added words to provide specification in relation to informants. Public servants sometimes are unwilling to cooperate with Public Accounts Committees, for example, out of fear of political victimisation by the executive.

²⁷ This benchmark was reworded to be more precise, with these words replacing the words 'in law and shall be consistent...'

4.2.1	Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the Rules of Procedure.	3	Not provided for in the Standing Orders; however political parties need to be registered under the Incorporated Societies Act 1994.
4.2.2	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 group.	2	Not provided for
4.3	Cross-party groups		
4.3.1	Legislators shall have the right to form interest caucuses around issues of common concern such as health, education, community, private sector development, women or Millennium Development Goals. ²⁸	5	Article 64 of the Constitution.
5.	PARLIAMENTARY STAFF		
5.1	General		
5.1.1	The legislature shall ensure ²⁹ an adequate non-partisan professional staff to support its operations, including the operations of its committees.	3	Sections 24 & 25 of the Legislative Services Act 1968-69 Action Point: Further work needed.
5.1.2	The legislature shall control a parliamentary service that is separate from the public service or any other state service ³⁰ and determine the terms of employment.	4	In accordance with the Legislative Services Act, parliamentary staff outside of public service, appointed by the Speaker. Sections 10 & 16 of the Act.
5.1.3	The legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.	5	Section 24 of the Legislative Services Act
5.1.4	Members and staff of the legislature shall have access to sufficient research, library, and ICT facilities.	4	Members have access to the Parliamentary Library and Services
5.2	Recruitment		
5.2.1	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.	2	Section 13 & 16 of the Legislative Services Act 1968-69

²⁸ Added words provide specific examples of important issues of common interest to members.

²⁹ Most Pacific legislatures have inadequate staff due to budgetary constraints.

³⁰ Added words will ensure an autonomous parliamentary service. Such a service is already established in Samoa and Papua New Guinea. Some Pacific Island countries are currently working towards it, such as the Solomon Islands and Tuvalu; others want to achieve this in the near future.

5.2.2	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.	5	Article 64 of the Constitution
5.3	Promotion		
5.3.1	Recruitment and promotion of non-partisan staff shall be on the basis of merit and equal opportunity.	4	Covered under sections 52 & 53 Public Services Act 2009 in relation to state services.
5.4	Organisation and management		
5.4.1	The clerk shall be head ³¹ of the parliamentary service and shall have a form of protected status to prevent undue political pressure.	3	No protected status in law
5.4.2	Legislatures should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service.	3	This is covered under the Civil List Act 2005 and the Legislative Services Act 1968-69.
5.4.3	All staff shall be subject to a code of conduct appropriate to a democratic legislature. ³²	4	Not specifically covered by the Public Service Act 2009 nor the Standing Order 393 <i>Action Point: Code of Conduct for Members and Parliamentary Staff which closely follows the code of conduct found in the Public Service Act 2009</i>
II. FUNCTIONS OF THE LEGISLATURE			
6.	LEGISLATIVE FUNCTIONS		
6.1	General		
6.1.1	The approval of the legislature is required for the passage of all legislation, including budgets.	5	Article 39(1) of the Constitution
6.1.2	Only the legislature shall be empowered to determine and approve the budget of the legislature.	5	Article 43 & Standing Order 305
6.1.3	The legislature shall have the power to enact resolutions or other non-binding expressions of its will.	5	Article 42 & Standing Order 101

³¹ Normally the office of each Pacific legislature is headed by the clerk.

³² Code of conduct should reflect or be based on democratic principles.

6.1.4	In bicameral systems, only a popularly elected house shall have the power to bring down government.	n/a	Not applicable
6.1.5	A chamber where a majority of members are not directly or indirectly elected may not indefinitely deny or reject a money bill.	n/a	Not applicable
6.2	Legislative procedure		
6.2.1	In a bicameral legislature there shall be clearly defined roles for each chamber in the passage of legislation.	n/a	Not applicable
6.2.2	The legislature shall have the right to override an executive veto. Any exceptions shall be clearly defined and provided for in the Rules of Procedure and/or the Constitution. ³³	n/a	Not applicable
6.3	The public and legislation		
6.3.1	Opportunities shall be given for public input into the legislative process.	4	Standing Orders 339, 375, 376 and 382. It is also advertised in the local media.
6.3.2	The legislature shall provide adequate mechanisms to encourage wider consultations and public submissions on any bills introduced in the house. ³⁴	5	Refer comment 6.3.1
6.3.3	Information shall be provided to the public in a timely manner regarding matters under consideration by the legislature.	3	Standing Order 377 & 385. Official Information Act 2008.
7.	OVERSIGHT FUNCTION		
7.1	General		
7.1.1	The legislature shall have appropriate legislation or a constitutional provision that clearly determines the size of cabinet, which should not exceed one-third of the total membership of the legislature. ³⁵	5	Article 13 of the Constitution

³³ New benchmark to clearly specify how and when the exceptions could be allowed.

³⁴ Currently most Pacific legislatures have minimal and ineffective mechanisms that allow for public input and participation in the legislative process.

³⁵ New benchmark to ensure more effective oversight by the legislature. The oversight function in Tuvalu's parliament is very ineffective as cabinet holds more than half of the legislature's total membership.

7.1.2	The legislature shall have mechanisms to obtain information from the executive sufficient to exercise its oversight function in a meaningful and timely manner. ³⁶	4	Article 19 of the Constitution. Action Point: Parliamentary Privileges Committee to be established as a Statutory Committee
7.1.3	The oversight authority of the legislature shall include meaningful oversight of the military security and intelligence services.	n/a	Not applicable
7.1.4	The oversight authority of the legislature shall include meaningful and timely ³⁷ oversight of state-owned enterprises.	3	Section 16 of the Cook Islands Investment Corporation Act provides reports shall be submitted to Parliament. Action Point: Provision for SOEs to report directly to Parliament
7.1.5	The oversight authority of the legislature shall include meaningful oversight of compliance with international human rights instruments and national constitutional rights, including consideration of gender and socio-economic impact.	3	This is provided for by the Office of the Ombudsman
7.1.6	The oversight authority of the legislature shall include meaningful and timely oversight of accountability institutions, such as election commissions, human rights commissions, anti-corruption commissions, ombudsmen, information commissions and offices of auditors-general. ³⁸	4	Through the submission of reports by the various offices on developments.
7.2 Financial and budget oversight			
7.2.1	The legislature shall have a reasonable period of time that is clearly specified in the Rules of Procedure ³⁹ in which to review and debate the proposed national budget.	5	Standing Order 307 Action Point 1: how to address Guillotine? Action Point 2: PAC to have a pre-sitting briefing on the

³⁶ Added words will ensure the executive maintains up-to-date and proper records including its complete accounts for effective scrutiny by the legislature and the Public Accounts Committee or any similar committee.

³⁷ Added words will ensure state-owned enterprises maintain up-to-date and proper records and complete accounts for effective scrutiny by the legislature or by the Public Accounts Committee.

³⁸ New benchmark to extend the oversight role of the legislature.

³⁹ Added words ensure the legislature has enough time to consider the proposed national budget.

		Appropriation Bill.
7.2.2 The legislature shall have clear procedures requiring government to provide timely responses to parliamentary committee reports and recommendations. ⁴⁰	3	Action Point: insert time frame for a response
7.2.3 Oversight committees shall provide meaningful opportunities for minority or opposition parties and independents to engage in effective oversight of government expenditures. The Public Accounts Committee will be chaired by a member of the opposition party or an independent. ⁴¹	3	Not provided for but practised. Action Point: Recommendation from members for the practice to be formalised
7.2.4 Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.	4	Sections 10, 12 14, 16 & 17 of the Ministry of Finance and Economic Management Act 1995-96
7.2.5 There shall be an independent, non-partisan supreme or national audit office whose reports are tabled in the legislature in a timely manner.	5	Article 71 of the Constitution and Public Expenditure Review Committee and Audit Act 1995-96
7.2.6 The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.	5	Public Expenditure Review Committee and Audit Act 1995-96
7.3 No confidence and impeachment		
7.3.1 The legislature shall have mechanisms to impeach or censure officials of the executive branch, or pass a no-confidence motion in the government.	4	Parliamentary Privileges Committee; Standing Order 316(2)(h) has similar powers but not clearly defined.
7.3.2 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	5	Article 37(6) Action Point: Re-examination of provision

⁴⁰ New benchmark to provide stronger oversight function of parliament.

⁴¹ Added words for consistency with other related benchmarks.

	time frame that is clearly specified in the Constitution or in any other related law. ⁴²		
8.	REPRESENTATIONAL FUNCTION		
8.1	Constituent relations		
8.1.1	The legislature shall provide all legislators with adequate and appropriate resources to enable the legislators to fulfil their responsibilities to their constituency.	2	Civil List Act 2005
8.2	Parliamentary networking and diplomacy		
8.2.1	The legislature shall have the right to receive development assistance to strengthen the institution of parliament.	4	Policy
8.2.2	Members and staff of parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other legislatures.	5	Policy and institutional arrangements with Canberra, FTR-Western Australia Parliament, PLPG, CPA, etc.
II. VALUES OF THE LEGISLATURE			
9.	ACCESSIBILITY		
9.1	Citizens and the press		
9.1.1	The legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.	4	Standing Order 377 & 382
9.1.2	The legislature should ensure that the media are given appropriate access to the proceedings of the legislature and its Rules of Procedure.	4	Standing Order 377& 382
9.1.3	The legislature shall have a non-partisan media relations facility.	3	No such office exists
9.1.4	The legislature shall promote the public's understanding of the work of legislature.	3	No programme to promote the understanding of the public. Action Point: Members indicated that more work needed in this regard, however it was acknowledged live broadcasts are undertaken of parliament proceedings.

⁴² In Kiribati a general election must be held three months after the passing of the no confidence motion. Added words ensure that a general election is held as soon as practicable after taking into account factors such as time required for general election preparations, which may differ between countries. They also ensure that a newly elected government is formed as soon as possible.

9.2 Languages		
9.2.1 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.	4	Standing Order 33 – service not required (simultaneous interpretation)
10. ETHICAL GOVERNANCE		
10.1 Transparency and integrity		
10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.	4	Standing Order 394 Action Point: Code of Conduct to be developed
10.1.2 The legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.	4	Refer comment 10.1.1
10.1.3 The legislature shall require legislators to fully and publicly disclose their financial assets and business interests.	4	Civil List Act 2005
10.1.4 There shall be mechanisms to prevent and detect corruption, and bring to justice legislators and staff engaged in corrupt practices.	4	Section 20 of the Legislative Assembly Powers & Privileges Act.