



Northern Ireland  
Assembly

# Committee on Procedures

## Minutes of Proceedings

17 November 2021

**Meeting Location:** Room 29 and Starleaf

**Present by Video-Conference:**

Ms Carál Ní Chuilín MLA (Chairperson)

Mr Thomas Buchanan MLA (Deputy Chairperson)

Mrs Rosemary Barton MLA

Ms Ciara Ferguson MLA

Mr William Humphrey MLA

**Apologies:**

Ms Nicola Brogan MLA

Ms Joanne Bunting MLA

Mr Gerry Carroll MLA

**In Attendance:**

Emer Boyle (Committee Clerk)

Paul Gill (Clerk Assistant)

Stewart Kennedy (Clerical Supervisor)

Joanne Keenan (Clerical Officer)

The meeting commenced at 2.31pm in open session.



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The Clerk informed the Committee that she had received authority from Ms Nicola Brogan MLA for the Chairperson to vote on her behalf.

### 1. Apologies

As above.

### 2. Draft Minutes

**Agreed:** The Committee agreed the minutes of the meeting held on Wednesday, 3 November 2021.

### 3. Matters Arising

The Committee noted correspondence from the Chairperson of the House of Commons Procedures Committee which formally requested a visit to the Assembly and to meet with the Committee, the Speaker and to have a tour of Parliament Buildings. The Chairperson reminded the Committee that it had already agreed to meet with the Procedures Committee.

**Agreed:** The Committee agreed to forward the correspondence to the Speaker and for officials to liaise with Events in respect of the tour.

The Committee considered a draft response to the Agriculture, Environment and Rural Affairs Committee (AERA) regarding the possibility of establishing a Standing Committee with a specific remit to oversee Climate Change policy.

**Agreed:** The Committee agreed the draft response and to forward it to AERA.



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**4. Review of Private Members' Bill – Oral Evidence from Dr Caoimhe Archibald MLA**

The Committee noted a paper from the Clerk and written responses received from MLAs, the Alliance Party, the Business Committee and the Chairpersons' Liaison Group.

*Dr Caoimhe Archibald MLA joined the meeting at 2.35pm.*

The Chairperson welcomed Dr Archibald to the meeting.

Dr Archibald provided oral evidence to the Committee on her experience of the PMB process. This was followed by a question and answer session.

The Chairperson thanked Dr Archibald for her evidence.

The evidence session was recorded by Hansard.

*Dr Archibald left the meeting at 2.50pm.*

*Mr Jim Allister MLA joined the meeting at 2.51pm.*

**5. Review of Private Members' Bill – Oral Evidence from Mr Jim Allister MLA**

The Chairperson informed the Committee that this evidence session had been brought forward on the agenda.

The Chairperson welcomed Mr Allister to the meeting.

Mr Allister provided oral evidence to the Committee on his experience of the PMB process. This was followed by a question and answer session.

The Chairperson thanked Mr Allister for his evidence.

The evidence session was recorded by Hansard.

*Mr Jim Allister left the meeting at 3.03pm.*



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**Agreed:** *The Committee agreed for officials to provide a summary of written responses when further responses have been received and evidence sessions complete. Members also agreed to encourage their respective parties to provide a response to the Inquiry.*

**6. Electronic Voting – Briefing by Assembly Research and Information Services (RaISe)**

*Mr Raymond McCaffrey (Research Officer) joined the meeting at 3.03pm.*

The Committee noted a paper from the Clerk and a research paper from RaISe.

The Chairperson welcomed Mr McCaffrey to the meeting.

Mr McCaffrey briefed the Committee on the research paper. This was followed by a question and answer session.

The Chairperson thanked Mr McCaffrey for his briefing.

*Mr McCaffrey left the meeting at 3.19.*

The Committee noted correspondence from the Business Committee informing the Committee of its support for the Committee exploring the potential of progressing electronic voting further, in particular the feasibility of doing so in the current mandate.

**Agreed:** The Committee agreed to write to the Assembly Commission to clarify how much time it would need to put in place any electronic voting system that was ready for use by Members, if the Assembly had agreed that this is what it wanted.

**Agreed:** The Committee also agreed to await the response from the Assembly Commission before making a decision on establishing the feasibility of progressing an electronic voting system in the current mandate or whether the issue should be added to the Committee's legacy report.



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**7. Statement of Entitlements for an Official Opposition - Committee actions following Assembly approval of AERC Report.**

The Chairperson began by reminding the Committee that, on Tuesday 9th November 2021, the AERC report on the Statement of Entitlements for an Official Opposition was debated and agreed unanimously by the Assembly.

The Committee considered a paper from the Clerk which set out, in detail, the procedural changes to Standing Orders stemming from the recommendations in the AERC Report.

The Committee noted that the Committee previously agreed that some of the recommendations did not require changes to Standing Orders or required further policy research, and therefore Recommendations 7, 8 and 10 could be progressed by the Committee.

During discussions, the Committee agreed the following in respect of Recommendations 7 and 10:

**Recommendation 7**

*An additional facility to strengthen the questioning of the Executive should be provided to the official Opposition by amending Standing Order 20(7) to provide that the first Oral Question to Ministers should come from the official Opposition.*

**Agreed:** The Committee agreed that an amendment be made to Standing Order 20 (7) to provide that the first Oral Question to Ministers should come from the Official Opposition and that this be referred to legal services for the purposes of drafting and associated legal advice.

**Recommendation 10**

*When an official Opposition is operational, it should have the opportunity to be represented on all Statutory Committees.*

**Agreed:** The Committee agreed that an amendment be made to Standing Order 49 (2) to provide procedural certainty that when an Official Opposition is



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operational, it should have the opportunity to be represented on all Statutory Committees, and that this matter be referred to legal services for the purposes of re-drafting or amending SO 49 (2) and for any associated legal advice.

### **Recommendation 8**

*That all the Standing Orders required under the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 be developed and implemented.*

The Committee noted that Recommendation 8 contained a number of subsections and considered each in turn.

During consideration of Recommendation 8, the Committee agreed the following:

### **The Formation of the Opposition, including qualification**

**Agreed:** The Committee agreed that an amendment be made to Standing Orders to provide that a qualifying party is any party whose Members comprise 8% or more of the total number of Members of the Assembly, and which does not contain a Member who is a Minister, and that this matter be referred to legal services for the purposes of re-drafting or amending Standing Orders and for any associated legal advice.

### **Timing of the formation of the Opposition**

*Mr William Humphrey left the meeting at 3.37pm.*

*The meeting was suspended from 3.37pm to 3.41pm.*

*Mr William Humphrey re-joined the meeting at 3.42pm.*

**Agreed:** The Committee agreed to seek legal advice as to whether the current iteration of Standing Order 45A is sufficient to comply with the requirements of section 3 of 2016 Act.



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### **Dissolution of Opposition**

**Agreed:** The Committee confirmed that it is content to bring forward new draft Standing Orders that would give effect to this provision and that this matter is referred to legal services for the purposes of drafting Standing Orders and for any associated legal advice.

The Committee further agreed to seek legal advice on the effect, if any, of the relevant provisions of the Northern Ireland (Ministers, Elections and Petitions of Concern) Bill may have on the issue of any standing orders necessary to give effect to sections 3 and 4 of the 2016 Act.

### **Leadership of the Opposition**

**Agreed:** The Committee agreed to refer the issue of amending Standing Orders to provide for the offices in the leadership of the Opposition to legal services for the purposes of drafting Standing Orders and associated legal advice prior to taking a decision. The Committee also agreed that options in relation to potential alternative titles be brought forward prior to the Committee taking a final decision on the matter.

### **Topical Questions from the Leadership of the Opposition: Sections 6 and 15(1) and 15(2)**

**Agreed:** The Committee asked that a draft Standing Order to provide that both the first and second questions put to the First Minister and deputy First Minister during topical questions should come from the leadership of the Opposition be prepared and the legal advice associated with it be sought from Legal Services. The Committee agreed to return to its consideration of amending Standing Orders in relation to Topical Questions by the Opposition on receipt of the legal advice.

**Agreed:** The Committee agreed to defer its consideration of whether to amend the existing SO 20A(6) to provide that the first topical question to a Minister comes from the Chairperson of the statutory committee (with the exception of the first and second question to the First Minister and deputy First Minister) or whether the existing arrangements for the first topical question to come from the opposition should remain. Committee agreed to



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return to this question having received the legal advice on this issue and the matter referred to above.

### **Speaking Rights in the Assembly**

**Agreed:** The Committee agreed to seek legal advice on whether the existing provisions in Standing Orders 17(4) and (5) are sufficient for the purposes of giving effect to section 7 of the 2016 Act.

### **Enhanced Speaking Rights for the Opposition**

**Agreed:** The Committee agreed that Standing Orders should now make provision for the enhanced speaking rights for the Opposition as set out in AERC report and agreed by the Assembly, that this should include a minimum of 10 days per year set aside for Opposition business, and that this matter is referred to legal services for the purposes of drafting Standing Orders and for any associated legal advice.

### **Opposition right to Chair the Public Accounts Committee**

**Agreed:** The Committee agreed to refer the issue of amending Standing Orders to provide for the rights of the Opposition to nominate the chair and (and deputy chair where appropriate) of PAC to legal services for the purposes of drafting Standing Orders and associated legal advice prior to taking a decision.

### **Membership of the Business Committee for the Opposition**

**Agreed:** The Committee agreed that an amendment be made to Standing Orders to provide for membership for the Opposition on the Business Committee and that this be referred to legal services for the purposes of drafting and associated legal advice.

### **Executive legislative timetable.**

The Committee noted that section 15(3) of the 2016 Act provides that Standing Orders must make provision for an annual debate on the Executive legislative timetable.





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**Agreed:** The Committee agreed that Standing Orders should make provision for this but that the detail of how this might work would be considered within the context of its ongoing PMB Inquiry.

**Agreed:** The Committee agreed that further consideration of all the above issues will take place on receipt of the associated legal advice and proposed draft Standing Orders.

### **8. NI (Ministers, Elections and Petition of Concern) Bill – Update**

The Committee noted a briefing note from the Clerk which detailed the Committee's consideration to date and the issues arising from its previous meeting on 13 October 2021.

**Agreed:** The Committee agreed to defer its consideration of this agenda item and for all Committee Members to provide a written response to the issues by Wednesday 24 November 2021 for consideration at the next meeting.

### **9. Standing Orders: Temporary Provisions – Review of Provisions**

The Committee noted that the current position with the temporary provisions was that they would cease to have effect at the end of the current mandate.

The Committee noted a paper from the Clerk which provided a number of options for the Committee to consider.

**Agreed:** The Committee agreed to write to the Business Committee to seek its views on the options before making a decision on the way forward.

### **10. Correspondence**

There were no items of correspondence.



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### **11. Forward Work Programme**

The Committee agreed the draft forward work programme.

### **12. Chairperson's Business**

The Chairperson reminded the Committee that the House of Commons' Public Administration and Constitutional Affairs Committee would be visiting the Assembly on 22 November.

**Agreed:** Members agreed to inform the Clerk of their availability to attend.

### **13. Any Other Business**

There was no other business.

### **14. Date and Time of Next Meeting**

**Agreed:** It was agreed that the next meeting of the Committee would take place on Wednesday, 1 December 2021 at 2.30pm.

The meeting was adjourned at 4.11pm.

**Carál Ní Chuilín MLA**  
**Chairperson, Committee on Procedures**  
**1 December 2021**