

13 October 2021

Emer Boyle  
Committee on Procedures  
Room 247  
Parliament Buildings  
Ballymiscaw  
Stormont  
BELFAST  
BT4 3XX

**RE: Inquiry into Private Members' Bills Response  
Sent Via Email**

Dear Emer

Alliance believes passionately in the ability of members being able to introduce legislation and the importance of ensuring 'good law'.

We are incredibly fortunate to have the Non-Executive Bills Unit in the Assembly as an excellent resource to ensure that robust legislation is proposed.

To this end, we would support making it mandatory for all Private Members Bills to go through the Supported Private Members' Bill Service, including privately drafted bills. This will ensure drafting of robust legislation with mandatory consultation.

As part of consultation exercises it should be a mandatory requirement for engagement with the Minister and department officials of the relevant department, and where necessary, multiple Ministers and officials should the proposed bill cross over more than one department.

Additionally, this consultation should include the Human Rights Commission and the Equality Commission. If a Bill is to be brought to the Assembly floor, it is vital these groups have been consulted.

Much time of the Assembly and Committees can be taken up by amending Bills to make them fit for purpose, especially privately drafted bills. By requiring that all Private Members' Bills go through the Supported Private Members' Bills Service, this will ensure that Assembly and committee time is used most effectively.

It is vital that all Private Members' Bills should undertake a period of consultation before being tabled. The Supported Private Members' Bills Service will ensure that this period takes place for all Private Members' Bills and we would advocate that the outcomes of all consultations are formally documented in a agreed manner detailing feedback received and how this has been dealt with.

With an unlimited amount of Private Members' Bills available to come before the Assembly, huge amounts of business time have the potential to be devoted to this area. We would propose that a ballot system, such as in the Welsh Parliament is introduced but with a more generous allocation beyond that of the Welsh Senedd where the bills ballot only permits 20 members to bring forward a Bill within the Mandate.

Checks and balances should also be introduced to ensure that smaller parties and single members are not discriminated against such as, for example, allowing a member to introduce at least one Private Members Bill per mandate.

The capacity and ability for members to bring forward legislation must be balanced against the need to allocate time for Executive Legislation, the lack of such from certain Ministers has been notable in current and previous Mandates, hence, perhaps, the focus on Private Members Bills.

In order to make the best use of Private Members Bills, it is important that consideration is given to how to differentiate between Bills seeking to legislate for what are essentially key policy matters which do not technically require legislation.

In some cases Private Members' Bills have only sought to achieve what are policy objectives via legislation. The initial proposal and development stage of Supported Private Members' Bills service should ensure that each Bill goes through this consideration, examination and, if it then reaches the floor of the Assembly, clarification that the outcome sought could also be achieved if, indeed, the Minister is willing to effect required policy decision.

It is highly disappointing that once a Private Members' Bill reaches Committee stage, smaller parties are at a disadvantage when scrutinising the Bill. Non-Committee members are unable to access certain papers meaning that when the Bill moves to Consideration and Further Consideration stage, many members are lacking in the detail that the larger parties can easily access. Therefore, committee papers should be available to all MLAs for all Committees, demonstrating that we are an open and transparent government body.

The Alliance Party supports the proposals that the sponsor of a Private Members' Bill be an ex-officio member of that committee during the appropriate stages of the passage of the Private Members' Bill.

In terms of the financial implications of any Private Members' Bill, the Alliance Party is conscious of the current arrangements whereby a Private Members' Bill is accompanied by a Financial Memorandum whereas in other legislatures a Money Resolution or Money Bill is required, for example. The Alliance Party recommends the Committee on Procedures further explores how members can be more fully acquainted with the financial implications of any Private Members' Bill with enhanced mechanisms to give approval for such financial implications separate to or in addition to the actual Private Members' Bill.

Lastly, It should also be a requirement where a Minister has agreed to fulfil the policy change or bill intention of a tabled Private Members' Bill that a timescale is put in place to implement that commitment.

As an example, the Defamation Private Members' Bill is now being processed after being on hold due to assurances from the Minister of Finance that the department would bring forward the relevant legislation. Whilst we accept the three-year hiatus and focus upon the pandemic contributed to the inability of the Department to bring forward legislation, commitments given by Departments to take forward legislation should be fulfilled.

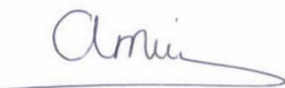
The Apartment Developments' Management Reform Bill also reached Committee Stage but was then withdrawn following Departmental assurances to legislation. Such assurances have not, however, been fully fulfilled.

If a Minister commits to fulfilling the objectives set out within a Private Member's Bill, they should fulfil this commitment within a 24 month timeframe. Failure to do so should entitle the member, or another, to re-introduce the Private Members' Bill.

Please do not hesitate to contact me if you have any queries.

Kind regards

Yours sincerely

A handwritten signature in blue ink that reads "A Muir". The signature is written in a cursive style and is underlined with a horizontal line.

Andrew Muir MLA  
Alliance Party Chief Whip