



**Northern Ireland
Assembly**

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

MINUTES OF PROCEEDINGS

**TUESDAY 1 DECEMBER 2015, ROOM 21, PARLIAMENT BUILDINGS,
BALLYMISCAW, STORMONT**

Present: Mr Pat Sheehan (Deputy Chairperson)
Mr Danny Kennedy
Mr Raymond McCartney
Ms Caitriona Ruane
Ms Paula Bradley
Mr Sean Rogers
Mr Alastair Ross
Mr Gregory Campbell

In Attendance: Ms Claire McCanny (Senior Assistant Assembly Clerk)
Ms Pamela Carson (Assistant Assembly Clerk)
Mr Jim Nulty (Clerical Supervisor)

The Deputy Chairperson opened the meeting at 10.09am in closed session.

1. Assembly and Executive Reform (Assembly Opposition) Bill – Legal Advice

Mr Jonathan McMillen, Head of Legal Services, joined the meeting at 10.09am

Mr McMillen presented his Legal Advice requested by the Committee on the Assembly and Executive Reform (Assembly Opposition) Bill. This was followed by a question and answer session.

Mr Rogers joined the meeting at 10.11am.

Mr McCartney joined the meeting at 10.13am

Mr Rogers left the meeting at 10.16am.

Mr Campbell joined the meeting at 10.19am.

Mr Rogers rejoined the meeting at 10.22am.

2. Apologies

Mr Stephen Moutray

3. Draft Minutes

Agreed: The Committee agreed the minutes of the Committee meeting held on Tuesday 24 November 2015.

4. Matters Arising

The Committee considered a request from OFMDFM to provide a pre-introductory briefing on the proposed Assembly Members (Reduction of Numbers) Bill and an explanation for it to progress via accelerated passage.

Agreed: The Committee agreed to a briefing from OFMDFM on the proposed Assembly Members (Reduction of Numbers) Bill.

The Committee also considered a request from Assembly Research to provide the opening remarks at a Knowledge Exchange Seminar (KESS) on Public Service Reform on 2 December 2015. Unfortunately, due to other commitments, none of the Members were able to facilitate this request.

Agreed: RaISe to be informed that the Committee Members will not be attending the KESS event.

5. Assembly and Executive Reform (Assembly Opposition) Bill – Committee Deliberations on the Bill including Review of Evidence

John McCallister and Peter Hutchinson joined the meeting at 10.38am

The Deputy Chairperson referred the Committee to the report on the Bill produced by the Examiner of Statutory Rules, Mr Gordon Nabney, which focusses on Clause 21 which provides for Departments to be a single legal entity.

The Committee commenced its deliberations on a clause-by-clause basis by focussing on a table containing a summary of responses received under the Call for Evidence and the Sponsor's responses to the issues raised and his policy intention for each clause. Further correspondence from the Bill Sponsor, and his amendments to the Bill, were also considered.

Clause 1

The Committee considered the submissions from stakeholders in respect of Clause 1 of the Bill and sought clarification from the Bill Sponsor on issues raised by stakeholders regarding clause 1(c).

Agreed: The Committee agreed that it would not pursue an amendment to Clause 1.

Clause 2

The Committee considered the submissions from stakeholders in respect of clause 2 of the Bill and the draft proposed amendments put forward by the Bill Sponsor. The Committee discussed with the Bill Sponsor the proposal for Technical Groups to form part of an Opposition as provided in Clause 2.

Agreed: The Committee agreed that it would not pursue an amendment to Clause 2.

Clause 3

The Committee considered the submissions from stakeholders in respect of Clause 3 and the draft proposed amendments put forward by the Bill Sponsor. The Committee noted concerns expressed in relation to the timing of the formation of the Opposition and the Sponsor's response to these.

Agreed: The Committee agreed that it would not pursue an amendment to Clause 3.

Clause 4

The Committee considered the submissions from stakeholders in respect of Clause 4 and the draft proposed amendments put forward by the Bill Sponsor. The Committee noted concerns expressed by stakeholders that clause 4 (2) provides that all parties and independent MLAs will automatically form of any Opposition which is formed. The Sponsor advised Members that, due to concerns raised, he has inserted an 'opt out' option.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 4.

Clause 5

The Committee noted that this clause proved to be uncontentious with stakeholders and the clarification provided by the Sponsor in respect of one stakeholder query. The Committee also considered the draft proposed amendments put forward by the Bill Sponsor.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 5.

Clause 6

The Committee considered the submissions received by stakeholders in respect of this clause and the concerns expressed in relation to the proposal for the Leader and Deputy Leader to have the first opportunity for questions during topical questions to the First Minister and deputy First Minister. The Committee also considered the draft proposed amendments put forward by the Bill Sponsor to address some of the concerns previously expressed by the Committee and in stakeholder submissions to the Committee. Finally the Committee discussed with a Bill Sponsor a proposed amendment put forward by a stakeholder in respect of Clause 6(3).

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 6.

Clause 7

The Committee noted that there was a mixed response from stakeholders in respect of

this clause. The Committee considered these responses and the draft proposed amendments put forward by the Bill Sponsor.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 7.

Clause 8

The Committee considered the calls by a number of stakeholders for greater clarity in respect of the ‘enhanced speaking rights’ and ‘opposition days’. The Committee noted the response received from the Sponsor in respect of this issue. The Committee also considered the Sponsor’s draft proposed amendment to this clause.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 8.

Clause 9

The Committee noted the responses from stakeholders and the findings from the Assembly Research paper on the practice in other legislatures for the Chair and Deputy Chair of the Public Accounts Committee to be members of the Opposition or by parties not in government.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 8.

Clause 10

The Committee noted that there was no real opposition to the Clause but that the Business Committee did caveat their response by stating that clarification was required on Clause 10 before an assessment of this clause could be made.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 10.

Clause 11

The Committee noted that the proposal in this clause was welcomed by some stakeholders whilst others expressed concern about the possible impact on the resources provided to the Assembly by the Assembly Commission at a time of cuts and additional pressure to the existing time. The Committee considered the Sponsor’s response to the issues raised by the Committee, stakeholders and Assembly Research. Following discussions, Sponsor assured the Committee that this provision would be in line with the ‘Fresh Start’ document and would be cost neutral.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 11.

Clause 12

The Committee noted that many of the views expressed by stakeholders in Clause 11 also apply to Clause 12.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 12.

Clause 13

Clause allows the Assembly to pass an Assembly and Executive Reform Motion calling for Westminster legislation to reform the Assembly and Executive. The Committee considered the response received on this matter from the Speaker and the Secretary of State among others.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 13.

Clause 14-15

The Committee noted that there were no issues raised by stakeholders on Clauses 14 and 15.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clauses 14-15.

Clause 16

The Deputy Chairperson outlined that this Clause allows for the formation of technical groups by smaller parties and independents. The Committee noted that there was a mixed response from the two political parties who responded and there was a note of caution sounded by the Speaker about the need to have mechanisms in place to deal with any disagreements that may arise in the technical groups. The Sponsor, in his response to Clause 2, outlined how the concerns of the Speaker would be addressed.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 16.

Clause 17

The Deputy Chairperson outlined that this Clause provides that members of the Opposition are entitled to be represented on the Business Committee. There was no real opposition to this Clause from stakeholders, but the Business Committee did caveat their response by stating that clarification was required on clause 8 before an assessment of clause 10 could be made.

Following discussion, the Sponsor clarified the tabling of motions and decisions on how and what was tabled was the responsibility of the Technical Group.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 17.

Clause 18

The Deputy Chairperson outlined that this Clause provides that during topical questions to Ministers the first question is to come from the chairperson of the committee established to advise and assist that Minister. The Committee noted that there was no real opposition to this clause expressed by Stakeholders. Following discussion with the Sponsor, the Committee did agree that it would seek more

information on instances when the Minister and the Committee Chair have both come from the same party.

Agreed: The Committee agreed to seek clarification on instances and that it would not pursue an amendment to Clause 18.

Clause 19

The Committee considered the response from the Committee for Finance and Personnel following its recent three stage 'Inquiry into the Role of the Northern Ireland Assembly in Scrutinising the Executive's Budget and Expenditure'. The Committee also considered the draft proposed amendments from the Bill Sponsor.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 19.

Clause 20

The Deputy Chairperson outlined that this Clause provides for the renaming of the Office of the First Minister and deputy First Minister to the Office of the First Ministers. Members noted that, whilst a number of stakeholders expressed their support for this proposal, there was also concern that it could be in breach of Section 16 of the NI Act 1998 and alternative proposals were put forward.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 20.

Clause 21

The Deputy Chairperson outlined that this Clause provides that each Northern Ireland Department is to be a single legal entity. The Committee noted that, whilst there was support for this clause, it noted the concerns expressed by a number of stakeholders in respect of this Clause.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clause 21.

Clauses 22-24

The Deputy Chairperson outlined that there were no substantive stakeholder comments received in respect of clauses 22-24.

Agreed: The Committee agreed that no further information was required and that it would not pursue an amendment to Clauses 22-24.

Mr Campbell left the meeting at 11.02am.

Mr Rogers left the meeting at 11.05am.

Ms Bradley left the meeting at 11.34am.

Ms Ruane joined the meeting at 11.38am.

6. Any Other Business

There was no other business.

7. Date, Time and Place of Next Meeting

The next meeting will take place on Tuesday 8 December 2015 at 10.00am in Room 21.

The Chairperson adjourned the meeting at 11.38am.

**Mr Pat Sheehan, Deputy Chairperson
Assembly and Executive Review Committee**