

Assembly and Executive Reform (Assembly Opposition) Bill

Assembly and Executive Reform (Assembly Opposition) Bill – Assessing the Costs

Response John McCallister, MLA.

30 November 2015

Clause 2 of the Bill details the manner in which the Opposition may be formed, however, neither the Bill nor EFM clearly details whether technical groups should receive remuneration. This in turn raises a question whether such remuneration would be available under the Assembly's Financial Aid for Political Parties (FAPP) mechanism. Does the Sponsor intend that technical groups be treated in the same manner as larger political parties and would receive additional remuneration under the FAPP mechanism? If so, how would this be done and what would the likely costs be?

It is not our intention that a technical group should receive additional remuneration under the FAPP mechanism.

In light of our proposed amendment to acknowledge the leader of the technical group as an office holder of the Opposition, said leader would be due remuneration under Clause 12.

Clause 8 of the Bill states that Standing Orders must make provision for enhanced speaking rights. How does the Sponsor expect this to be provided i.e. whether from within current plenary arrangements or whether it would require an additional time slot?

As outlined in my paper of the 9 November I intend to bring forward the following amendment:

New clause 7A

After clause 7, insert new clause –

Speaking rights in the Assembly

7A Standing Orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.

Clause 8, page 3, line 39,

At end insert – 8

'(2A) After the formation of an Executive and an Opposition, enhanced speaking rights for the Opposition shall be calculated as rights enhanced by 20% at the expense of Government speaking rights.'

The purpose of these proposed amendments is to ensure that Standing Orders stipulate that speaking rights in the Assembly are conferred via party strength which is most likely to mean d'Hondt, creating a legal framework around the current convention of the Business Committee.

The second amendment would increase the Opposition's speaking rights by d'Hondt plus 20%, with the additional time being removed from Government parties to ensure that additional time and resources are not required by the NI Assembly to complete its business. The Committee will note that if a technical group consists of six members, d'Hondt plus 20% will not be a hugely significant increase in speaking time and in my opinion would be proportionate for the task of holding the Executive arm of Government to account.

Clause 11 of the Bill requires Financial Assistance for Opposition Parties through the revision of the Financial Assistance for Political Parties (Northern Ireland) Act 2000 (FAPP). How does the Sponsor intend to provide additional payments to members of the Opposition? Does the Sponsor envisage that the funds distributed via the FAPP mechanism would be increases to accommodate the additional payments to the Opposition? How does the Sponsor envisage that this should be done and how much would be reasonable? Alternatively, would current funding be redistributed and, if so, how would it occur and what impact would it have?

In the Bill I have made an express attempt to ensure that the level of payment of financial assistance for Opposition parties is left to the Financial Review Panel under the Financial Assistance for Political Parties (Northern Ireland) Act 2000. It has correctly been acknowledged that it is inappropriate for politicians to have a direct say in the level of monies they receive for political support and directly via salary. I do, however, acknowledge that the current levels of financial support to political parties in the Northern Ireland Assembly are relatively generous, and I would envisage additional support to Opposition parties being relatively modest.

How the Northern Ireland Assembly pays for those additional costs - i.e. if it is redistributed within the current FAPP monies or additional monies added to FAPP - is again not something I think it is entirely appropriate for an individual member to dictate. If the Assembly supported the Bill, this is something the Assembly Commission would have to decide. I would, however, bring to the attention of the Committee the evidence submission of the Speaker when he said:

"there is also a need to consider the financing of an Opposition in light of the current budget setting mechanism for the Assembly. Unlike other legislatures where the required independence of the legislature is recognised in the budget setting process,

in the current process DFP and the Executive ultimately propose the budget allocation to the Assembly. I believe that an independent budget setting process for the Assembly should be accompanied by the principle that the Assembly budget should reflect the position in wider public sector. However, if we remain with the current budget setting process for the Assembly, there is at least the potential for it to be perceived that DFP and the Executive could reduce the Assembly's budget if the Assembly and its committees, or the Opposition had caused it difficulties. Therefore while the Executive will not directly decide the funding for the Opposition, it will have an influence indirectly through setting the Assembly's overall budget. Given that the Government parties may well have a majority on the Assembly Commission and in the Assembly as a whole some consideration of safeguards would be required".

Clause 12 of the Bill would require the amendment of the Assembly Members (Independent Financial Review and Standards) Act 2011 to allow for the payment of higher salaries to office holders of the Opposition. What would the Sponsor consider reasonable for officeholders of the Opposition? Alternatively, which current officeholder or Minister would the Sponsor consider equivalent to the proposed Opposition officeholders?

Again I do not think it entirely appropriate for an individual member to comment directly on the level of remuneration for Office holders. However, in my personal opinion I think it would be appropriate for the offices of the Opposition to fall between that of a Chair of a Committee and a Minister.

Clause 19 of the Bill refers to the establishment of a Budget Committee, what support does the Sponsor consider necessary for the committee to operate as he envisages (potential costs are outlined in the Research Paper attached). In addition, how does the Sponsor envisage the provision of this support i.e. through the apportionment of existing resources or securing additional budget?

I intend to move the following amendment in relation to Clause 19:

Clause 19, page 5, line 37

At end insert –

'() That committee may –

- (a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,*
- (b) review the delivery of the budget, for example by matching spending against outcomes,*
- (c) examine the financial memorandum of each Bill introduced into the Assembly,*
- (d) examine the implications of any changes to powers to raise taxes.'*

This would require the additional staffing costs as set out in Tables 1 and 2 of the Bill Costing paper. I would envisage that the current Public Finance and Scrutiny Unit (PFSU) could provide support to the Budget Committee. A Budget Committee would allow the PFSU to increase its focus and expertise on budgetary issues.

The Committee will be aware that plans outlined in the Fresh Start agreement propose to reduce the number of Government Departments from 12 to nine in 2016. Based on the costings outlined in the Bill Costing paper, in Table 2, this will result in a saving of £567,261 when the Assembly reduces its number of scrutiny Committees from 12 to nine. If the Assembly was to introduce an additional Budget Committee the Assembly would still be £378,174 better off per annum than it currently is.

Independence of the Speaker relates to the future revised role of the Speaker. The Research paper details potential costs of this revised role – would the Sponsor detail how he sees this going forward.

I broadly agree with the costings as outlined in the Bill Costings paper, however, it does appear to have left out the additional salary a Speaker receives. I would suggest that in light of the stature and responsibility of the Office of the Speaker an additional salary on top of the £48,000 would be appropriate, it currently sits at £44,000. However, the Committee should note that under the proposals in the Bill, a future Speaker would not have the responsibility of managing his/her constituency office and therefore this additional salary may wish to be revisited by the Review Panel.

I would also suggest that the methodology for calculating the stationery requirements of the Speaker may need to be revisited, as under the proposal in the Bill, a future Speaker would not have a constituency office to run and therefore their stationery requirements may be considerably reduced.

In light of the fact that if the Bill passed, as currently proposed, the Speaker would not be allowed to run for election in the Assembly again, it may be also appropriate for the Review Panel to examine the Speaker's pension arrangements, with a view to different access rights.

Conclusion

Examining the costings outlined in the Bill Costings paper, I believe the significant majority of the costs associated with the proposals in the Bill could be covered by the reduction in the number of Committees in line with the proposed reduction in the number of Executive Departments.