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Carál Ní Chuilín MLA Chairperson of the Committee on Procedures C/O Room 247 Parliament Buildings

11 May 2021

Carál a chara,

Thank you for your letter of 31 March 2021, in which you set out detail of the work the Committee on Procedures has undertaken in relation to permanent arrangements for proxy voting. You have written to me both as Chairperson of the Business Committee and as Speaker in my wider procedural capacity. I am replying to you in my own right.

As you know, I originally wrote to the Committee about this issue and I am therefore very pleased to hear that there was consensus that any proposal to introduce proxy voting on a permanent basis should include parental leave and long-term illness. I believe that introducing arrangements for parental leave would be a positive step in supporting Members who are new parents and who wish to be able to spend time at home with their children without having to lose their vote. Such a step would make the Assembly more family friendly and hopefully help encourage a further increase in the representation of women in the Assembly.

Arrangements to facilitate those with serious and long term illness are also an appropriate compassionate measure for Members in vulnerable circumstances when they need support.

In relation to the issue of whether proxy voting should apply in any unforeseen circumstances, I would suggest that this is an area which the Committee needs to give serious consideration and approach cautiously.

In early 2020, I had discussions on the issue of proxy voting with the Speakers and Presiding Officers of Westminster, Scotland and Wales. The other legislatures were all at different stages of taking steps in this direction and I thought it was right that the Assembly should also do so. However, in those discussions there was clear agreement that while extenuating circumstances such as parental leave and serious illness should be facilitated, restrictions on proxy voting were required to prevent abuse. Since then, the pandemic created a new context in which proxy voting has been extremely helpful but looking to the longer term when the public health situation hopefully improves, the issue of restrictions on proxy voting and potential abuse does need to be taken into account.

Taking part in a vote at the Assembly is a significant matter, particularly when dealing with the passage of legislation. The public have a legitimate expectation that when a Member votes at the Assembly, they do so on the basis of having considered and understood the

question under consideration. That is why issues are subject to debate rather than going straight to the vote. When a Member is in Parliament Buildings, it is understood that he/she has the opportunity to follow proceedings in the Chamber or elsewhere in the Building. If Members are able to vote by proxy on any occasion for unforeseen circumstances without definition that principle is undermined. In extreme circumstances, there could be the potential for abuse that a Member could have a full voting record through proxy voting but rarely attend proceedings and/ or Parliament Buildings themselves.

In addition, constituents give Members a mandate to represent them, including in votes. In normal circumstances beyond the pandemic, there is likely to be less understanding if votes are cast regularly by a whip or another nominated Member without good reason.

Furthermore, there is the longstanding expectation that when the Assembly is sitting, Members should give that priority. I have made that point to Ministers on a number of occasions to ensure that they are available for Assembly business if required. Allowing proxy voting in any circumstance has the potential to inadvertently undermine the importance Members give to Assembly business.

These are just some of the issues and risks that arise if proxy voting is allowed for any Member without definition or justification of what constitutes unforeseen circumstances.

If the Committee is interested in the issue of wider reform in relation to voting, the potential for electronic voting in the Chamber would be a valuable area to be explored by the Committee. The current arrangements for divisions – provided for in Standing Orders – require Members to pass through division lobbies in order to cast their votes. It is not unusual for a single division to take more than ten minutes. When there are multiple divisions (for example during the amending stage of a bill) this can considerably extend the length of a sitting. This is likely to be a particular issue with the amount of legislation which has to go through the Assembly in the remainder of this mandate.

I appreciate that moving to electronic voting would be a significant departure from established practice and there would be a range of procedural and practical considerations to be addressed. However, in the past year the Assembly has made significant reforms at speed, including the introduction of proxy voting and the introduction of remote participation. Before the pandemic, there may have been more scepticism about such developments and the time and way in which they might be introduced. With the Assembly having demonstrated how reforms can assist how we carry out our business, I believe it is worth exploring whether electronic voting could bring further improvements and efficiencies.

Of course if the Assembly was to agree any new electronic system of voting, it would have to be designed in such a way to facilitate whatever proxy voting arrangements are to be agreed and it may also provide opportunities in that regard.

I have made the Business Committee aware of the issues I have raised in this letter. The Business Committee are content that no separate response from the Business Committee is necessary. Should individual parties have further points of view on these issues they will raise them directly with the Committee through their party responses.

I appreciate that the Committee is seeking to anticipate all scenarios and provide flexibility to deal with unusual situations. However, it is important that any system for proxy voting does not undermine public confidence in the integrity of our votes or create the potential to bring the Assembly into disrepute.

Therefore, it is important to ensure that there is a sound rationale and public interest justifying any proxy voting arrangements. Public safety during a pandemic is one such reason. Providing that a constituency should not be unrepresented because of a Member's parental leave or long-term illness is another. It is less clear to me whether undefined unforeseen circumstances generally provide a sufficient justification for any Member to be able to vote by proxy.

I hope these views are helpful and again thank the Committee for the important work it is undertaking.

Is mise le meas

A handwritten signature in cursive script that reads "Alex Maskey". The signature is written in black ink and includes a long horizontal flourish extending to the right.

ALEX MASKEY MLA