



Assembly and Executive Review Committee

Legacy Report (NIA 310/11-16)

Powers

The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which states:

- (1) There shall be a standing committee of the Assembly to be known as the Assembly and Executive Review Committee.
- (2) The committee may -
 - (a) exercise the power in section 44(1) of the Northern Ireland Act 1998;
 - (b) report from time to time to the Assembly and the Executive Committee.
- (3) The committee shall consider -
 - (a) such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as enable it to make the report referred to in section 29A(3) of that Act; and
 - (b) such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly.

Membership

The Committee has 11 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Stephen Moutray MLA, Chairperson
- Pat Sheehan MLA, Deputy Chairperson
- Caitríona Ruane MLA ^{1,4,5}
- Gregory Campbell MLA
- Seán Rogers MLA ^{2,3,6}
- Alex Attwood MLA ⁷
- Trevor Lunn MLA ⁸
- Paula Bradley MLA ⁹
- Alastair Ross MLA ^{10,11}
- Raymond McCartney MLA
- Danny Kennedy MLA ^{12,13}

Further information on the Membership and changes to the membership can be found at **Appendix 1**.

Committee Work Areas

Over the course of the mandate, the Committee has considered, and reported on, the following key issues:

- Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012 (November 2011);
- Number of Members of the Northern Ireland Legislative Assembly and the Reduction of the Number of Northern Ireland Departments (June 2012): Part 2 - Reduction in the Number of Departments (November 2012);
- D'Hondt, Community Designation and Provisions for Opposition (June 2013);
- Petitions of Concern (March 2014);
- Women in Politics and the Northern Ireland Assembly (February 2015);
- Operation of the Provisions of Parts 3 and 4 of the NI Act 1998 (April 2015);
and
- Assembly & Executive Reform (Assembly Opposition) Bill (January 2016).

Committee Approach

Prior to agreeing each review topic, the Committee consulted with political parties in order to identify the priorities which the Committee should take forward. During the course of each review, the Committee sought and considered the views of political parties in respect of each review topic. In addition, where appropriate, the Committee sought the views of independent stakeholders, held a number of evidence and commissioned briefing papers from Assembly Research and Information Services. When necessary, the Committee sought and considered legal advice from Assembly Legal Services.

Visits and Stakeholder Events

As part of the Committee's Review of D'Hondt, Community Designation and Provisions for Opposition in 2013, the Committee visited the Scottish Parliament in April 2013 and met with representatives of the Scottish Parliamentary Corporate Body and the Parliamentary Bureau.

To assist the inquiry into Women in Politics and the Northern Ireland Assembly, in June and September 2014, the Committee undertook two study visits to Wales and Iceland to explore models of good practice that aim to increase the number of women in politics. During its visit to Wales, the Committee visited the National Assembly for Wales and took evidence from the Presiding Officer, Dame Rosemary Butler, Members of the Welsh Assembly's Cross Party Women's Caucus, NGOs and academics. In September 2014, representatives from the Committee visited Iceland. Iceland was ranked first for the past five years with 40% of parliamentary seats held by women in the Global Gender Gap Index, published by the World Economic Forum. During the visit, Members met with the Minister responsible for gender equality, the Chairperson and Members of the Committee with responsibility for overseeing the delivery of the gender equality programme.

In October 2014, the Committee also held a roundtable event Stakeholder Event which was opened by the two junior Ministers from OFMDFM, Jonathan Bell MLA and Jennifer McCann MLA. Each of the tables was chaired by a Member of the AERC, the Chairperson of the OFMDFM Committee and the gender spokespersons from the

five parties represented in the Executive. Over sixty stakeholders attended the event from bodies representing women and young people, equality organisations, academics and trade unions. To set the context for the roundtable discussions, four guest speakers were invited to present on a number of issues which had emerged during the Committee's call for Evidence.



Members of the AERC with Dame Rosemary Butler AM, Presiding Officer of the Welsh Assembly, Antoinette Sandbach AM and Rebecca Evans AM from the Welsh Assembly's Cross Party Women's Caucus. The Committee visited the National Assembly for Wales from 4-5 June 2014.



Members of the AERC with Eygló Hardardóttir, Minister of Social Affairs & Housing, Iceland. The Committee visited Iceland from 24-26 September 2014.



Members of the Assembly and Executive Review Committee and the Chairperson of the OFMDFM Committee chair the roundtable discussions during the Women in Politics Stakeholder event held on 23 October 2014 in the Long Gallery.

Issues for Incoming Mandate

The powers and remit of the Assembly and Executive Review Committee are clearly set out in Section 29A (3) of the Northern Ireland Act and Standing Order 59. Standing Order 59(3) provides that:

(3) The committee shall consider-

- a) Such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as enable it to make the report referred to in section 29A(3) of that Act; and
- b) such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly.

Part 3 of the Northern Ireland Act 1998 relates to the Executive Authorities. It contains 32 provisions which are grouped under the following six headings: Authorities; Functions; Ministerial Code; Power to Refer Ministerial decision to Executive Committee; Executive Committee: further provisions; and Miscellaneous.

Part 4 of the Northern Ireland Act 1998 relates to the Northern Ireland Assembly. It contains 28 provisions which are grouped under the following five headings: Elections etc.; Disqualification; Presiding Officer and Commission; Proceedings etc.; Remuneration and Pensions; and Miscellaneous.

In February 2015, the Assembly and Executive Review Committee published its report on Women in Politics and the Northern Ireland Assembly. The report made a number of recommendations for the political parties represented in the Assembly, the Assembly Commission and the Northern Ireland Executive. Among the conclusions of the report was the need to review the institutional environment of the Assembly and the political parties' candidate selection process to make it easier for women to both seek election and to succeed as a member of the NI Assembly. In considering this legacy report, and following on from the 2016 elections to Dáil Éireann, the Committee agreed that, in looking at the recommendations from the Women in Politics Report, a future AERC may wish to commission research on the impact of

the introduction of legislation which penalises political parties should they fail to meet an agreed gender quota.

In April 2015, the Committee published its report on the Review into the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as referred to in section 29A(3) of the NI Act 1998 and Standing Order 59(3)(a). During the course of this review, the Committee agreed that it would return to consider a number of provisions of Parts 3 and 4 of the NI Act 1998 following the publication of its Report.

In particular, the Committee agreed that it would return to consider issues relating to the nomenclature and the method of election of the First Minister and deputy First Minister (Sections 16A - 16C); the Ministerial Code (Section 28a); and strategies relating to the Irish language and Ulster Scots language etc. (Section 28D).

In concluding its report on the Operation of the Provisions of Parts 3 and 4 of the NI Act 1998, Members recognised that the work undertaken by AERC, since its inception and in particular during the 2011-2015 mandate helped inform the outcomes reached on institutional reform in the Stormont House Agreement and the subsequent 'A Fresh Start' document. The Committee recognised the pledge by the Secretary of State for Northern Ireland to work with the political parties in the Assembly to put into effect the commitments in the Stormont House Agreement, and in particular those relating to the provisions of Parts 3 and 4 of the Northern Ireland Act 1998. The Committee acknowledged that, in accordance with Standing Order 59(3)(b), matters relating to institutional reform as provided for in the Stormont House Agreement and A Fresh Start may be referred to it by the Assembly at some point in the future.

On 1 March 2016, the Assembly and Executive Review (Assembly Opposition) Bill successfully passed Final Stage and is current awaiting Royal Assent. Clause 13 of the Bill provides that the Assembly and Executive Review Committee is responsible for ensuring that an Assembly and Executive Transfer or Responsibilities Motion is tabled within 5 days of the Bill coming into operation. Clause 12 and the Schedule of the Bill provides that an Assembly and Executive Transfer of Responsibilities Motion is a motion, passed with cross community support in the Assembly, requesting that

the Secretary of State (SoS) bring forward legislation that the arrangements and time frames for agreeing the terms of the Programme for Government are dealt with as reserved rather than excepted matters.

The Bill (Clause 14) further provides that where the Assembly has passed an Assembly and Executive Transfer of Responsibilities Motion, standing orders must provide that for the Assembly and Executive Review Committee make reports to the Assembly on progress made by the SoS in bringing forward this legislation. The Bill provides that the AERC must ensure that these reports are laid before the Assembly at least every three months until the legislation has been made.

A Fresh Start document (para 61) provides that changes to Westminster legislation (as soon as time permits) could extend the time available to resolve the draft Programme for Government after an election from seven days to fourteen days. A Fresh Start states that '*The necessary changes to Westminster legislation will be brought forward as soon as there is a suitable legislative vehicle.*' The Northern Ireland (Stormont Agreement and Implementation Plan) Bill that was introduced to the House of Commons on 10 February 2016 gives effect to a number of provisions contained in A Fresh Start, including the extension of period for appointment of Ministers from seven to fourteen days.

Summary of Final Session

During the final session of this mandate, the Committee looked at the following:

- [Assembly & Executive Reform \(Assembly Opposition\) Bill](#)

During the Committee Stage of the Bill, Members considered written evidence from 25 organisations and undertook 6 oral evidence sessions and held an additional 5 formal meetings to deliberate on the Bill and agree the Committee report. Additionally, the Committee sought and received legal advice and considered two research papers on the Bill from Assembly Research and Information Services. The Committee also participated in a Politics Plus legislative scrutiny session on the Bill which was facilitated by Mr Daniel Greenberg.

A key issue discussed during the Committee's consideration of the Bill was whether provisions for an official Opposition in the Assembly could, or should, be put in place by administrative, or other, means not requiring primary legislation. Discussion also focused on the implications of the Bill and compatibility with the principles of the Good Friday Agreement and whether certain provisions of the Bill were within the legislative competence of the Assembly. The Committee took the opportunity to raise and explore these concerns with both stakeholders and the Bill Sponsor on a number of occasions during the Committee Stage of the Bill.

Following the formal clause-by-clause scrutiny of the Bill, the Committee divided and agreed that it was content with Clause 1 which sets out the purpose of the Bill. The Committee divided on the remainder of the 23 clauses and the 1 paragraphs of the Schedule and was not content with them as drafted. The Committee agreed to one of the Sponsor's thirty-five proposed amendments to the Bill which related to the Sponsor's intention to oppose Paragraph 12 (Leaving the Opposition and re-joining the Executive) at Consideration Stage. The Committee divided on all other proposed amendments.

- [Assembly Members \(Reduction of Numbers\) Bill - Accelerated Passage](#)

The Assembly and Executive Review Committee carried out a detailed review into the number of members of the Assembly in 2012. Although the Committee did not reach a consensus on the size of Assembly, the options considered by the Committee were seen as very useful in terms of future Northern Ireland constituency numbers and the number of MLAs per constituency in future elections.

On 12 January 2016, the Junior Ministers briefed the Committee on the Assembly Members (Reduction of Numbers) Bill and explained the rationale for seeking accelerated passage for the Bill. During this briefing Members explored with the Junior Ministers the potential long or medium term implications on boundaries and on fair and equal representation in terms of proportions, populations and the electorate. The Committee made it clear that the Bill needed to be mindful of representativeness not just in respect big and small parties and independent MLAs but also in respect of gender.

The Committee indicated its support for the broad principles of the Bill, although there was some dissent about when the Bill should commence. The Committee was content for the Bill to progress via the accelerated passage procedure.

Changes in Membership

Over the course of current mandate the Committee has had a number of membership changes. These are detailed below:

Democratic Unionist Party	Mr Stephen Moutray MLA, Chairperson Mr Gregory Campbell MLA Ms Paula Bradley MLA ⁹ Mr Alastair Ross MLA ^{10, 11}
Sinn Féin	Mr Pat Sheehan MLA, Deputy Chairperson Mr Raymond McCartney MLA Ms Caitríona Ruane MLA ^{1, 4, 5}
Social Democratic and Labour Party	Mr Seán Rogers MLA ^{2, 3, 6} Mr Alex Attwood MLA ⁷
Ulster Unionist Party	Mr Danny Kennedy MLA ^{12, 13}
Alliance Party	Mr Trevor Lunn MLA ⁸

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- ¹ With effect from 12 September 2011 Mr Pat Doherty replaced Mr Paul Maskey
² With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Mike Nesbitt
³ With effect from 23 April 2012 Mr John McCallister replaced Mrs Sandra Overend
⁴ With effect from 02 July 2012 Mr Pat Doherty is no longer a Member
⁵ With effect from 10 September 2012 Ms Caitríona Ruane was appointed as a Member
⁶ With effect from 04 March 2013 Mr Seán Rogers replaced Mr John McCallister
⁷ With effect from 04 September 2013 Mr Conall McDevitt resigned as a Member; with effect from 07 October 2013 Mr Alex Attwood replaced Mr Conall McDevitt
⁸ With effect from 01 October 2013 Mr Trevor Lunn replaced Mr Stewart Dickson
⁹ With effect from 03 February 2014 Ms Paula Bradley replaced Mr Simon Hamilton
¹⁰ With effect from 01 December 2014 Mr Sammy Douglas replaced Mr Paul Givan
¹¹ With effect from 08 December 2014 Mr Alastair Ross replaced Mr Sammy Douglas
¹² With effect from 09 February 2015 Mr Robin Swann replaced Mr Roy Beggs
¹³ With effect from 14 September 2015 Mr Danny Kennedy replaced Mr Robin Swann

Assembly and Executive Review Committee

Committee meetings & visits

Session	Number of meetings held	Percentage minutes public / closed	Number of meetings held outside Parliament Buildings	Number of committee visits
2011-2012	22	66.85% Public 31.30% Closed	0	0
2012-2013	22	41.32% Public 58.68% Closed	0	1
2013-2014	17	44.71% Public 55.29% Closed	0	1
2014-2015	15	70.92% Public 29.08% Closed	0	1
2015-2016	11	77.27% Public 22.73% Closed	0	0

Bills

Session	Name of Bill	Committee report (Ordered to print)
2015/2016	Assembly & Executive Reform (Assembly Opposition) Bill	19 January 2016

Committee Inquiries

Session	Name of report	Committee Report (ordered to print)	Date debated in Plenary
2011-2012	Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012.	22 Nov 2011	29 Nov 2011
	Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments:	12 June 2012	26 June 2012

	Part 1 - Number of Members of the Northern Ireland Legislative Assembly.		
2012-2013	Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments: Part 2 - Number of Members of the Northern Ireland Legislative Assembly.	20 November 2012	10 December 2012
	Review of D'Hondt, Community Designation and Provisions for Opposition.	18 June 2013	2 July 2013
2013-2014	Review of the Petitions of Concern.	25 March 2014	7 April 2014
2014-2015	Review - Women in Politics and the Northern Ireland Assembly.	17 February 2015	9 March 2015
2014-2015	Report on the Operation of the Provisions of Parts 3 and 4 of the NI Act 1998	14 April 2015	27 April 2015

Committee Reports (excluding Bill and Inquiry reports)

Session	Name of report	Date (date approved by Committee)	Date debated in Plenary (if appropriate)
2011-2012	End of Session Report	12 Nov 2012	
2012-2013	End of Session Report	19 Nov 2013	
2013-2014	End of Session Report	17 Nov 2014	
	End of Session Report	7 Oct 2015	

Witnesses

Session	Number of Organisations who give evidence to the committee
2011/2012	1
2012/2013	4
2013/2014	2
2014/2015	4
2015/2016	6

EXPENDITURE

Assembly & Executive Review Committee

Expenditure for the period of 1 September 2015 - 1 March 2016

Budget Area	Details	Expenditure
Committee Travel - Committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings.	-	-
Printing of Committee Reports	-	-
Advertising - the cost of public notices relating to Committee inquiries, the Committee stage of Bills and meetings held outside Parliament Buildings	Assembly & Executive Reform (Assembly Opposition) Bill - Call for Evidence	£637.87
Consultancy Support - The cost of specialist advisers appointed by the Committee and commissioned research.	-	-
General Expenses	Refreshments provided at Committee Meetings	£212.85
Total		£850.72