

**Assembly and Executive Review Committee**

# **Report on the operation of the provisions of parts 3 & 4 of the NI Act 1998**

**Together with Written Submissions**

**Ordered by the Assembly and Executive Review Committee  
to be printed 14 April 2015**

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**THE REPORT REMAINS EMBARGOED UNTIL  
COMMENCEMENT OF THE DEBATE IN PLENARY.**



# Membership and Powers

## 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 eleven members including a Chairperson and Deputy Chairperson with a quorum of five. The membership of the Committee is as follows:

Stephen Moutray (Chairperson)  
 Pat Sheehan (Deputy Chairperson)  
 Alex Attwood<sup>1</sup>  
 Paula Bradley<sup>2</sup>  
 Gregory Campbell  
 Trevor Lunn<sup>3</sup>  
 Raymond McCartney  
 Seán Rogers <sup>4 5 6</sup>  
 Alastair Ross <sup>7 8</sup>  
 Caitríona Ruane <sup>9 10</sup>  
 Robin Swann <sup>11</sup>

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| 1  | With effect from 4 September 2013 Mr Conall McDevitt resigned as a Member; with effect from 7 October 2013 Mr Alex Attwood replaced Mr Conall McDevitt |
| 2  | With effect from 3 February 2014 Ms Paula Bradley replaced Mr Simon Hamilton   |
| 3  | With effect from 1 October 2013 Mr Trevor Lunn replaced Mr Stewart Dickson   |
| 4  | With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Mike Nesbitt   |
| 5  | With effect from 23 April 2011 Mr John McCallister replaced Mrs Sandra Overend   |
| 6  | With effect from 04 March 2013 Mr Seán Rogers filled the vacancy created by the departure of Mr John McCallister from the Committee                    |
| 7  | With effect from 1 December 2014 Mr Sammy Douglas replaced Mr Paul Givan   |
| 8  | With effect from 8 December 2014 Mr Alastair Ross replaced Mr Sammy Douglas  |
| 9  | With effect from 12 September 2011 Mr Pat Doherty replaced Mr Paul Maskey  |
| 10 | With effect from 10 September 2012 Ms Caitríona Ruane filled the vacancy created by the resignation of Mr Pat Doherty from the Assembly                |
| 11 | With effect from 9 February 2015 Mr Robin Swann replaced Mr Roy Beggs  |
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## List of Abbreviations & Acronyms Used

AERC	Assembly and Executive Review Committee
DUP	Democratic Unionist Party
NI	Northern Ireland
OFMdFM	Office of the First Minister and deputy First Minister
SDLP	Social Democratic and Labour Party
UUP	Ulster Unionist Party
RPA	Review of Public Administration
TUV	Traditional Unionist Voice

## Executive Summary

The Northern Ireland (St Andrew's Agreement) Act 2006 inserted a new section 29A into the Northern Ireland Act 1998 which provided for the establishment and function of the Assembly and Executive Review Committee (hereafter referred to as the "Committee").

Section 29A (3) of the NI Act provides that:

The Committee shall, by no later than 1 May 2015, make a report on the operation of the provisions of Parts 3 and 4 of this Act—

- (a) to the Secretary of State;
- (b) to the Assembly; and
- (c) to the Executive Committee.

Standing Order 59 provides that in order to make this report, the Committee shall "consider 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 such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly".

From its establishment in 2007, the Committee has undertaken and produced ten reports on a number of matters relating to the operation of the provisions of Parts 3 and 4 of the Assembly and on matters relating to policing and justice which were referred to it by the Assembly.

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 sessions and commissioned briefing papers from Assembly Research and Information Services.

In order to complete this Report, the Committee undertook a broad overview of the sixty provisions provided for under Parts 3 and 4 of the Northern Ireland Act. As part of this overview, the Committee took into account the conclusions from previous Committee reports, correspondence from political parties and the Stormont House Agreement which relate to the provisions of Parts 3 and 4 of the Northern Ireland Act. The Committee acknowledged that a number of commitments relating to institutional reform, as provided for under the Stormont House Agreement, were previously the subject of AERC reports and that the Committee's work in these reviews proved to be a useful tool in helping to achieve these commitments.

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 commitments relating to the provisions of Parts 3 and 4 of the Northern Ireland Act 1998.

The Committee agreed that the Chairperson and Deputy Chairperson should meet with the First Minister and deputy First Minister to discuss the impact of the Stormont House Agreement on the future work of the Assembly and Executive Review Committee. The Committee further agreed that it would return to consider a number of provisions of Parts 3 and 4 of the Northern Ireland Act following the publication of this Report.

# Introduction

## Background to the Review.

1. The Northern Ireland (St Andrews Agreement) Act 2006 inserted section 29A into the NI Act 1998 to require the Assembly to establish a Committee to review the functioning of the Assembly and the Executive Committee.

### **Northern Ireland Act 1998- Section 29A**

29A Committee to review functioning of Assembly and Executive Committee.

- (1) Standing orders shall make provision -
    - (a) for establishing a committee to examine such matters relating to the functioning of the Assembly and the Executive Committee as may be specified in the standing orders;
    - (b) in relation to the membership of the committee; and
    - (c) for regulating proceedings of the committee.
  - (2) Standing orders shall provide for the committee to make reports—
    - (a) to the Assembly; and
    - (b) to the Executive Committee.
  - (3) The committee shall, by no later than 1 May 2015, make a report on the operation of the provisions of Parts 3 and 4 of this Act— .
    - (a) to the Secretary of State;
    - (b) to the Assembly; and
    - (c) to the Executive.
2. The detailed practical arrangements for the Committee's operation are provided for in Standing Order 59.

### **Standing Order 59: Assembly and Executive Review Committee provides:**

- (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; and
  - (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.



3. Section 29A(3) requires the new Committee to make a report on the operation of the provisions of Parts 3 and 4 of the NI Act 1998 to the Secretary of State, the Assembly and the Executive Committee by 1 May 2015.

**Parts 3 and 4 of the Northern Ireland Act 1998**

4. 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.
5. 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.
6. Parts 3 and 4 of the NI Act 1998 as enacted were amended by the introduction of subsequent primary legislation. As part of its consideration for this Report, the Committee noted the key amendments to Parts 3 and 4 as provided for in the following pieces of legislations: Disqualification Act (2000); Northern Ireland (Monitoring Commission etc) Act 2003; Northern Ireland (St Andrew's Agreement Act) 2006 & 2007; Northern Ireland (Miscellaneous Provisions) Act 2006; Justice and Security (Northern Ireland) Act 2007; Northern Ireland Act 2009; Northern Ireland Assembly Members Act 2010; and Northern Ireland (Miscellaneous Provisions) Act 2014.

## Committee's Approach to the Review

7. In order to inform its consideration of such matters relating to the operation of the provisions of Parts 3 and 4 of the NI Act 1998, the Committee wrote to political party leaders and independent MLAs on a number of occasions. The letters requested that they submit to the Committee their priorities in respect of the provisions of Parts 3 and 4 of the NI Act 1998. The Committee's consideration of the responses received informed its deliberations as to the topic for each review. Details of the correspondence from political parties and independent MLAs in respect of future review topics can be found in (Appendix 4).
8. In addition, as part of its approach to each review, the Committee wrote to the leaders of all political parties to request their detailed views in respect of each review topic. The Committee then considered the responses received as part of its deliberations prior to the production of each report. Details of the responses received from the political parties and independent MLAs can be found in the appendices of each of the reports completed.
9. In accordance with its statutory obligation to consider such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act as enable it to make this report, the Committee has carried out inquiries, and published ten reports thereon from 2007 to 2015 (Appendix 3). These include reports relating to:
  - The Devolution of Policing and Justice (February 2008; January 2009 & February 2010);
  - The Operation of Sections 16A to 16C of the Northern Ireland Act 1998 (January 2011);
  - The Initial Ministerial Provision in relation to the Department of Justice and the arrangements of 1 May 2012 (November 2011);
  - The Number of Members of the Northern Ireland Legislative Assembly (June 2012);
  - Reduction in the Number of Northern Ireland departments (November 2012);
  - A Review of D'Hondt, Community Designation and Provisions for Opposition (June 2013);
  - A Review of Petitions of Concern (March 2014); and
  - Women in Politics and the Northern Ireland Assembly (February 2015).
10. At the Committee meeting of 4 November 2014, the Committee agreed to seek legal advice in respect of the Committee's statutory obligation to make a report on the operation of the provisions of Part 3 and 4 of the NI Act 1998. The Committee considered this legal advice, in closed session, at its meeting on 9 December 2014.
11. At the same meeting the Committee agreed to write, once again, to the leaders of all political parties and independent MLAs to ask if there were any further provisions of Parts 3 and 4 of the NI Act 1998 which the Committee should consider. The letter was issued on 9 December 2014 with a closing date of 20 January 2015. Parties did not indicate any further issues which the Committee should consider.
12. Following the conclusion of the Stormont House Agreement, which dealt with issues relating to Parts 3 and 4 of the 1998 Act the Committee considered the scope and approach for the May 2015 report. At this meeting on 27 January 2015, Members agreed that the Committee should write again to the leaders of the political parties and independent MLAs. Parties did not indicate any further issues which the Committee should consider.
13. At the meeting of the 27 January 2015, the Committee also agreed to commission research to assist the Committee in their consideration of this Report. Assembly Research and Library Services produced a paper (Appendix 5) for the Committee which provided:
  - details of judicial reviews or challenges which have been made under Parts 3 and 4 of the NI Act 1998 since 2007; and

- details of work undertaken on Parts 3 and 4 of the NI Act 1998 by Assembly groups or committees and independent statutory bodies.
14. At the meeting of 10 February 2015, the Committee agreed its approach to reviewing and reporting on the operation of the provisions of Parts 3 and 4 of the NI Act. It was agreed that in order to complete this Report, on the operation of the provisions of Parts 3 and 4 of the Act, the Committee would consider:
- the conclusions and recommendations from previous AERC reports;
  - the requests received from the leaders of political parties and independent MLAs to review Parts 3 and 4;
  - the outcome of the Stormont House Agreement; and
  - briefing papers from Assembly Research Services and the Committee Clerk in respect of Parts 3 and 4.
15. In addition to the ten reports noted above, the Committee also considered the issue of multiple mandates and the review of functions relating to judicial appointments and removals as provided for under Section 29C. In respect of this latter review, it was agreed at its meeting of 28 June 2011, that responsibility for this review should pass to the Committee for Justice and Standing Orders were amended accordingly.
16. From 2007- 2011, the Committee commissioned papers from Assembly Research and Information Services and also sought the views of political parties in respect of dual/multiple mandates. The Committee did not undertake a full review on the issue of multiple mandates owing to delays relating to the Review of Public Administration and the mandate from the Assembly to undertake reviews relating to the arrangements for the devolution of policing and justice matters.

## Engagement with Political Parties

### **First Mandate 2007-2011**

17. In July 2007 and April 2008, the Committee wrote to the leaders of all political parties to seek their views on multiple mandates and potential conflicts of interest. At the meeting of 1 July 2008, the Committee considered the responses received from all political parties. The Committee agreed that as the issue of dual/multiple mandates was closely linked with the Review of Public Administration (RPA), it would consult with the Minister for the Environment before proceeding. The RPA process was suspended in 2010 by which time the Committee had moved on to consider issues relating to policing and justice which were referred to it by the Assembly. At the meeting of 10 March 2010, the Committee agreed to forward all the information it collated on the issue of multiple mandates to the Committee for the Environment to assist it in its scrutiny of the Local Government (Disqualification) (Amendment) Bill.
18. In September 2008, the Committee wrote to the leaders of all political parties represented in the Assembly seeking their views on those issues the Committee should consider in its work on the devolution of policing and justice matters. The responses received from political parties were included as part of a composite list of twenty six issues which the Committee subsequently considered as part of its two reports on the Arrangements for the Devolution of Policing and Justice Matters (January 2009 & February 2010). Details of the responses received can be found in Appendix 3 of the First Report on the Arrangements for the Devolution of Policing and Justice Matters (January 2009).
19. In March 2010, the Committee agreed to provide proposals as to what items should be considered on the Committee's forward work programme. The Committee considered the responses received from the political parties at its meeting of 29 June 2010 and agreed to commission research on the legislative requirements relating to each of the issues. At its first meeting in September 2010, the Committee decided to take forward two issues: the size of the Assembly in terms of the number of MLAs and the operation of sections 16A to 16C of the NI Act 1998.
20. In October 2010, the Committee wrote to the leaders of political parties and independent MLAs to seek their views in respect of sections 16A to 16C and a reduction in the number of Assembly Members and Executive Departments. The responses received from the political parties formed part of the Committee's deliberations as part of its Review of the Operation of Sections 16A to 16C of the NI Act 1998. Details of the responses received can be found in Appendix 3 of the Report on the Review of the Operation of Sections 16A to 16C of the NI Act 1998.

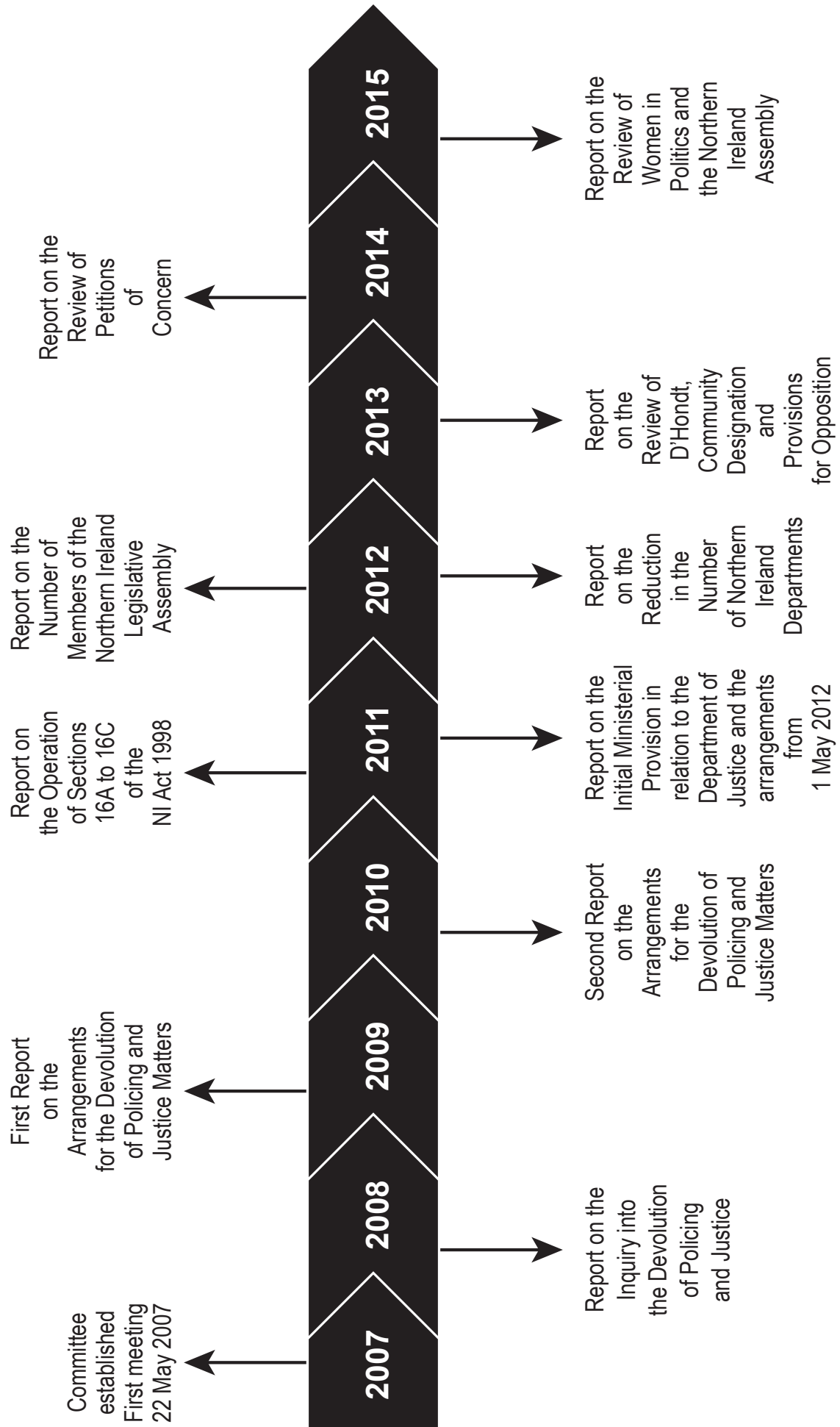
### **Second Mandate 2011-2015**

21. In order to further inform its consideration of such matters relating to the operation of the provisions of Parts 3 and 4 of the NI Act 1998, from June 2011 to March 2015, the Committee wrote to political party leaders and independent MLAs on four separate occasions. The letters requested that they submit to the Committee their priorities in respect of the provisions of Parts 3 and 4 of the NI Act 1998. The Committee's consideration of the responses received informed its deliberations as to the topic for each review.
22. In addition, when undertaking each Review, the Committee wrote to the political party leaders to seek their detailed views in respect of the specific review topic. Details of the responses received from the political parties and independent MLAs are included in the appendices of each report.
23. At its first meeting of the new mandate, on 7 June 2011, the Committee agreed to write to the leaders of the five parties represented on the Committee requesting that they provide the Committee with their priorities for the Committee's forward work programme. At the meeting

of 28 June 2011, the Committee noted the responses received from the Alliance Party, Sinn Féin, the SDLP and the UUP. At the same meeting the Committee agreed that the Chairperson and Deputy Chairperson should meet the First Minister and the deputy First Minister prior to finalising its forward work programme.

24. At its meeting of 11 October 2011, the Committee agreed that following receipt of a letter from the then Secretary of State for Northern Ireland, it would write to political parties to request their priorities for the Committee's review of the provisions of Parts 3 and 4 of the NI Act 1998. The Committee considered the responses received from political parties at its meeting 17 January 2012 and agreed that the Committee's next review would be the size of the Assembly and the number of Northern Ireland departments. Following the completion of this Review in November 2012, the Committee agreed that its next priorities for review were the issues of D'Hondt, Community Designation and Provisions for Opposition.
25. At its meeting of 21 May 2013, the Committee acknowledged that it was coming to the end of its Review of D'Hondt, Community Designation and Provisions for Opposition. It agreed that it would write to party leaders and independent MLAs requesting information on what issue or issues they would like to see prioritised for review by AERC in the coming autumn 2013 session.
26. At its meeting of 25 June 2013, the Committee noted the responses received from the Alliance Party, Sinn Féin, the UK Independence Party, the Ulster Unionist Party and the TUV. The Committee agreed to return to this issue at its next meeting, pending receipt of responses from the DUP and the SDLP. At its meeting of 2 July 2013, the Committee considered the responses received from DUP and SDLP. The Committee agreed that secretariat staff should compile information on the topics discussed and present the information at the Committee's next meeting.
27. At the meeting of 10 September 2013, the Committee considered topics for its next review. The Committee received research briefings from the 'The Civic Forum' and 'Women in the Northern Assembly'. Following consideration of the research papers, the Clerk's briefing paper and the responses received from political parties and independent MLAs, the Committee agreed that secretariat would provide further information on the subject of Petitions of Concern as its immediate review topic for the autumn 2013 session.
28. Following agreement on the Committee's Report on the Review of Petitions of Concern, the Committee agreed at the meeting 25 March 2014, that the Committee would write to the leaders of political parties to seek an update from party leaders of the Assembly on their preferences on topics for the Committee's future work programme.
29. The Committee received one response from Sinn Féin which the Committee considered at its meeting of 8 April 2014. At the same meeting, the Committee agreed that the topic of its next Review would be Women in Politics and the Northern Ireland Assembly. This Review was completed in February 2015.
30. At the meeting of 9 December 2014, the Committee received a briefing from Assembly Legal Services in respect of the May 2015 Report. The Committee agreed to write to all Northern Ireland Assembly party leaders and independent MLAs to ask if there were any further provisions of Parts 3 and 4 of the NI Act 1998 which the Committee should consider. Parties did not indicate any further issues which the Committee should consider.
31. Following the conclusion of the Stormont House Agreement on 23 December 2014, the Committee agreed, at its meeting of 27 January 2015, to write again to all Northern Ireland Assembly parties and independent MLAs. Parties were asked to identify if there were any further provisions of Parts 3 and 4 of the NI Act 1998 which the Committee should consider. Again, parties did not indicate any further issues which the Committee should consider.

## Timeline of AERC Reports 2007-2015



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## Summary of Reports

1. **Report on the Inquiry into Devolution of Policing and Justice Matters – (February 2008)**
32. This Report was prepared in accordance with the terms of section 18 of the Northern Ireland (St Andrews Agreement) Act 2006 which requires the Assembly to make a report to the Secretary of State before 27 March 2008, on progress towards the devolution of policing and justice matters. Following the restoration of the Northern Ireland Assembly, at its first meeting on 22 May 2007, the Assembly and Executive Review Committee agreed to table a motion seeking the agreement of the Assembly to the Committee undertaking the work on preparing a report on progress towards devolution of policing and justice matters. On 4 June 2007, the Assembly resolved that the task of preparing a report on progress towards the devolution of policing and justice should be a matter for the Assembly and Executive Review Committee.
33. The Committee agreed its terms of reference on 3 July 2007, at which time it agreed to public advertisements calling for the receipt of written submissions. In addition, the Committee agreed to write, directly, to a number of specific organisations to invite views. The Committee met on twenty occasions between 11 September 2007 and 26 February 2008 during which time it considered written and oral evidence from a range of individuals and organisations, including the Northern Ireland Office, as well as submissions from two expert witnesses. The political parties also made submissions during the course of the inquiry.
34. The Report deals with the range of policing and justice powers which would cease to be reserved matters in circumstances where there was a request by the Assembly for devolution. It addresses issues associated with the ministerial model and procedures for filling the ministerial post/s for any new Department with responsibility for policing and justice powers, as well as the timing of devolution. In particular, the Report makes specific recommendations on the range of policing and justice powers which would cease to be reserved matters as well as the further preparations which need to be made to facilitate devolution.
35. The Report discusses issues to do with the structure, relationships, governance and accountability of any new department which would exercise powers in relation to policing and justice matters and it acknowledges concerns related to the funding for, and timing of, devolution.
36. The Report calls on the political parties to commit to further discussions to produce recommendations on a range of outstanding issues associated with the ministerial model and procedures for filling the ministerial post/s for any department, including how any such department would be accommodated in the Executive, and the timing of devolution. The Report also acknowledges that, once such agreement is reached, the detail of that agreement be conveyed, immediately thereafter, to the Secretary of State for Northern Ireland.
37. The Committee agreed the Report on 26 February 2008 and the Report was debated in Plenary on 8 March 2008.



## 2. First Report on the Arrangements for the Devolution of Policing and Justice Matters - (January 2009)

38. In September 2008, the Committee agreed to seek a fresh mandate from the Assembly relating to the devolution of policing and justice matters. The Committee agreed the terms of reference for this work as follows:
- a review of progress on the implementation of the recommendations of, and the resolution of outstanding issues identified in, the Report on the Inquiry into the Devolution of Policing and Justice Matters; and
  - consideration of any other matter relating to the devolution of policing and justice matters.
39. Over the month of September 2008, the Committee sought the views of the First Minister and deputy First Minister and the leaders of all the political parties represented in the Assembly on the specific matters which the Committee should consider in relation to policing and justice. On 14 October 2008, the Committee agreed to extend observer status to those parties represented in the Assembly, but not represented on the Committee. At that same meeting, the Committee decided on a list of twenty six issues, which it subsequently allocated to one of three categories as follows:
- Category One Issues - to be resolved, within the Committee, pre-devolution.
  - Category Two Issues - to be resolved by the Committee, pre-devolution but which might require wider consultation and consideration.
  - Category Three Issues - to be resolved, post-devolution.
40. Following the meeting on 14 October 2008, the Committee met on a further ten occasions up to, and including, 6 January 2009, to give detailed consideration to the category one list of issues. In the course of these deliberations, Members had available to them responses from the political parties, correspondence from the First Minister and deputy First Minister and Secretary of State for Northern Ireland and a number of other briefing papers from the Assembly Research and Information Services and the Committee Clerk. The Committee agreed the final report at its meeting of 6 January 2009.

## 3. Second Report on the Arrangements for the Devolution of Policing and Justice Matters - (February 2010)

41. At its meeting of 13 January 2009, the Committee proceeded to consider the category two list of issues with a view to publishing a second report before the end of 2009. At the same meeting, the Committee agreed the appointment of a specialist advisor to assist in its deliberations on the financial implications of devolving policing and justice powers. In relation to these financial matters, the Committee also sought written submissions from all agencies and organisations within the policing and justice sector and conducted twelve oral evidence sessions.
42. Throughout 2009, the Committee also commissioned a number of research papers related to its work. To aid in its consideration of the category two list of issues, the Committee made visits to Westminster, Scotland and Dublin and spoke with a range of individuals. In total the Committee held twenty seven meetings.
43. During the course of this Review, the Agreement at Hillsborough Castle on 5 February 2010 set out, among other things, a proposed timetable for the devolution of policing and justice matters. In accordance with Section 4 of the Northern Ireland Act 1998, the first stage of the process was to be the tabling, jointly by the First Minister and deputy First Minister, of a resolution requesting devolution. In advance of the debate on the resolution and cross community vote which took place in the Assembly on 9 March 2010, the Committee decided



to publish its Second Report on the Arrangements for the Devolution of Policing and Justice Matters in time to inform Members of its consideration of relevant matters.

44. The Second Report considered a number of matters including the financial implications of the devolution of policing and justice matters; the role of the Attorney General; the arrangements for the appointment, and removal, of judicial office holders; North/South policing and justice agreements; parading; the Public Prosecution Service; and the Justice Minister's position in the Northern Ireland Executive.
45. The Committee agreed the Second Report on the Arrangements for the Devolution of Policing and Justice Matters at its meeting of 25 February 2010 and it was published on 9 March 2010.

#### 4. Review of the Operation of Sections 16A to 16C of the NI Act 1998 – (January 2011)

46. At its first meeting in September 2010, the Committee decided to take forward two issues: the 'size' of the Assembly in terms of the number of MLAs; and the operation of sections 16A to 16C of the Northern Ireland Act 1998. In October 2010, the Committee wrote to political parties and independent MLAs seeking their views in respect of sections 16A to 16C of the NI Act 1998 and the reduction in the number of Assembly Members and Departments.
47. While it awaited the outcome of the passage of the Parliamentary Voting System and Constituencies Bill through Westminster which would impact on the 'size' of the Assembly, the Committee decided to focus on reviewing the operation of sections 16A to 16C of the NI Act which was a specific requirement under section 29 of the NI Act 1998 and Standing Order 59 (3) (a) and (b).
48. Over a period of several weeks the Committee considered the issues outlined in the submissions received from political parties and independent MLAs. The submissions indicated a diverse range of opinions on what action should be taken in respect of sections 16A to 16C ranging from recommending that the Secretary of State make an order that would have the effect as if the executive selection amendments had not been made, to maintaining the executive selection amendments in total in the absence of a consensus on how to move forward. The Committee sought legal advice on two occasions to clarify its role, the relevance of the date of 1 February 2011 and scope to report after this date.
49. The Committee acknowledged the importance of trying to move forward on this issue on the basis of consensus. Following consideration of the issues raised in the submissions the Committee acknowledged that a consensus could not be reached.
50. It was proposed that the Committee should recommend that the Secretary of State should make an order amending the Northern Ireland Act 1998 and any other enactment so far as may be necessary to secure that they have effect, as from the date of the election of the 2011 Assembly, as if the executive selection amendments had not been made. The Committee divided on this proposal which was defeated (7 votes to 3 with no abstentions).
51. A second proposal was made that the Committee should write to the Secretary of State indicating that Section 16C(6) should be removed from the Northern Ireland Act 1998. The Committee divided on this proposal which was subsequently supported (6 ayes, 3 noes and 1 abstention).
52. The Committee agreed to write to the Secretary of State outlining its position and acknowledging that the decision had been taken on the basis of a simple majority.
53. The Committee met on nine occasions up to, and including, 18 January 2011, to give detailed consideration to issues relating to the review of the operations of Sections 16A to 16C of the NI Act 1998. The Committee agreed the final Report on the Review of the Operation of Sections 16A to 16C of the NI Act 1998 at its meeting of 18 January 2011.

## 5. Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012 – (November 2011)

54. At its second meeting of the new mandate on 28 June 2011, the Assembly and Executive Review Committee held discussions in relation to options for its forward work programme. It was agreed that the Chairperson and Deputy Chairperson should meet with the First Minister and deputy First Minister and that, during this meeting, views should be sought on reviewing the arrangements for the appointment of the Minister for Justice.
55. On 10 October 2011, the Northern Ireland Assembly approved a motion under Standing Order 59(4) b to refer to the Assembly and Executive Review Committee the matter of the Review of the Initial Ministerial Provision of the Department of Justice and to make recommendations relating to the provision that should exist from 1 May 2012. The Committee subsequently agreed its terms of reference for this Review on this basis.
56. The timescale for the Review provided for the possibility that a 'second Act' will be required by 1 May 2012. The Committee agreed that its stakeholders for this Review would be the Assembly's political parties and independent MLA, OFMdFM and the Department of Justice, including their respective Assembly Committees. All were issued a detailed stakeholder options paper which set out possible options arising from the legislation that could be developed but may not necessarily be a practical or viable way forward. The paper sought views from stakeholders on the suitability and adequacy of the initial ministerial provision and in relation to the arrangements from 1 May 2012.
57. Stakeholders were asked to indicate their preferred option(s), reasons for these preference(s) and unacceptable options. Four stakeholder responses provided comments on the initial ministerial provision and seven stakeholders provided a substantive response on the arrangements from 1 May 2012.
58. On the latter, the Alliance Party favoured Option A, that is the Assembly resolves that the Department of Justice is to continue operating from May 2012, while the DUP described Option A as 'worthy of further consideration'. Option B3, that is, a second Act under the Northern Ireland Act 2009 (before 1 May 2012), which repeals the 'Initial Ministerial Provision', with all Northern Ireland Ministers losing their offices (including the Minister for Justice) and these offices being filled by the D'Hondt process, was favoured by the Green Party (NI), the SDLP and Sinn Féin – with the DUP stating that this option was 'worthy of further consideration ...subject to a reduction of the number and reorganisation of departments'. No stakeholder selected Option C - to resolve that the Department is to continue operating from 1 May 2012 with a subsequent Act, or Option D – an Act dissolving the Department of Justice pre 1 May 2012, or Option E – 'do nothing'.
59. A number of stakeholder responses (DUP, Green Party (NI), SDLP and UUP) raised the issue that the review of arrangements in relation to the Department of Justice provides an opportunity to simultaneously review and reduce the number of Government departments in Northern Ireland.
60. On the basis that there was no broad consensus on any of the options, the Committee agreed to draft a Report that outlined all the different opinions, summarised the consultation outcome in terms of who endorsed which options and why, and any other comments.
61. The Committee agreed the final Report on the Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012 at its meeting of 22 November 2011.

6. **Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments: Part 1 - Number of Members of the Northern Ireland Legislative Assembly – (June 2012)**
62. In September 2011, the then Secretary of State for Northern Ireland wrote to the former Speaker to advise that he intended to bring forward a Northern Ireland Bill in the Third Session of Parliament. The then Secretary of State advised that the Bill would provide an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Assembly parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998.
63. In October 2011, the Committee requested the political parties submit their priorities for the Committee's immediate review of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998, within the available timescale set out by the Secretary of State for his proposed Northern Ireland Bill. Following consideration of the responses, the Committee agreed that its immediate review would be the size of the Assembly and the number of Northern Ireland departments.
64. At the meeting of 14 February 2012, the Committee agreed the terms of reference for the Review, a stakeholder 'call for evidence' paper and a stakeholder list which included all political parties registered in Northern Ireland. It was agreed that Part 1 of the Review would consider and report on the number of MLAs by early June 2012.
65. The Committee received and considered 25 stakeholder responses to the Review, focusing on the views submitted on the five key issues set out in the Committee's 'call for evidence' paper. The key issues were:
  - a) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link;
  - b) The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting Systems and Constituencies Act 2011) and any further reduction in the number of MLAs;
  - c) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
  - d) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
  - e) The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.
66. The Committee received oral evidence from Professor Rick Wilford (Queens University Belfast), the Northern Ireland Local Government Association (NILGA) and the Clerk/ Director General of the Northern Ireland Assembly (Mr. Trevor Reaney).
67. Members considered that the five key Issues were very much interlinked and that a holistic approach to reaching a view on the size of the Assembly in terms of the number of MLAs should be taken. That being said, the Committee could not reach consensus on the size of the Assembly
68. The Report therefore set out in some detail the particular position of the political parties represented on the Committee on the four key issues under the first part of the Review.

69. The Committee agreed the final Report on Part 1 of the Review of the Number of Members of the Northern Ireland Legislative Assembly and of the Reduction in the Number of Northern Ireland Departments be printed at the meeting 12 June 2012.

## 7. Part 2: Reduction in the Number of Northern Ireland Departments – (November 2012)

70. Following the completion of the Part 1 Report, the Committee began work on the Part 2 Report on the Reduction in the Number of NI Departments. In undertaking the Part 1 Report, the Committee had already agreed the terms of reference for the Review, a stakeholder ‘call for evidence’ paper and a stakeholder list which included all political parties registered in Northern Ireland.
71. The Committee received and considered the 21 stakeholder responses relating to this Part 2 Review, which focused on the fifth key issue set out in the Committee’s ‘call for evidence’ paper, that is:
- The reduction in the number of NI Government Departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.
  - How many Departments are required to effectively discharge the current range of devolved functions?
  - In broad terms, what functions should be grouped in the reduced number of Departments and what factors informed your decisions on grouping functions together in a Department?
72. The Committee considered the previous oral evidence on the reduction in the number of Departments provided by Professor Rick Wilford (Queens University Belfast) at its meeting of 28 February 2012.
73. Although Members did not reach agreement on how many Northern Ireland Government departments there should be, the Committee did agree the underlying objectives, broad areas of commonality within the Committee, and underpinning principles for any reorganisation of departments.
74. The Report sets out the particular position of the political parties represented on the Committee in relation to the reduction of the number of departments considered in this Review, and also details the objectives, areas of commonality and underpinning principles for any reorganisation of departments agreed by the Committee.
75. The Committee agreed the final Part 2 Report on the Reduction in the Number of Northern Ireland Departments at the Committee meeting of 20 November 2012.

## 8. Review of D’Hondt, Community Designation and Provisions for Opposition – (June 2013)

76. In August 2012, the then Secretary of State for Northern Ireland launched a consultation entitled, ‘Consultation on measures to improve the operation of the Northern Ireland Assembly’, one of the key areas of which was “Government and Opposition”. In February 2013, the Secretary of State published a draft version of the Northern Ireland (Miscellaneous Provisions) Bill, which was formally introduced in Westminster in May 2013. The Bill did not include any provisions relating to opposition, with the introduction to the draft legislation stating:
77. *“While the Government would welcome moves towards a system of government and opposition, we remain clear that such changes could only come about with the agreement of parties in the Assembly. In addition, such moves must be consistent with the principles of inclusivity and of power-sharing that are central to the Belfast Agreement. We do not believe that there*

*is sufficient consensus for statutory change at present which is why the draft Bill includes no provision on this issue.*

78. *However, the consultation document also drew attention to the possibility of procedural change within the Assembly aimed at providing for a more effective opposition. The Government notes that the Assembly and Executive Review Committee is examining these questions, amongst other institutional issues."*
79. Following the completion of the Part 2 Review in November 2012, the Committee agreed that its next priorities for review were the issues of D'Hondt, community designation and provisions for opposition. In February 2013, the Committee agreed the terms of reference for its Review of D'Hondt, Community Designation and Provisions for Opposition, a stakeholder 'call for evidence' paper and a stakeholder list that included all political parties registered in Northern Ireland.
80. The Committee received and considered 22 stakeholder responses to the Review. The Committee heard oral evidence from leading academics and civil society groups. The Committee also visited the Scottish Parliament in April 2013, when Members met representatives of the Scottish Parliamentary Corporate Body and the Parliamentary Bureau, in order to inform the Review.
81. The Committee did not reach consensus on ceasing to use/replacing the current D'Hondt system as the mechanism for allocating Ministerial positions or Committee Chairperson/Deputy Chairperson.
82. In its Report the Committee concluded that there was no consensus, at that time, to move to a formal Government and Opposition model, such as exists in Westminster. It also concluded that there is no consensus to move from the current opt-out model, whereby Parties can exercise their right to opt-out of taking up their Ministerial post or withdraw from the Executive, based on existing Assembly provisions.
83. However, the Committee did reach some consensus in relation to financial support, speaking rights, speaking order and speaking time, and in relation to a Heads of Agreement of a Programme for Government. Details on these are included in the Report on the Review.
84. The Committee recommended that the facility for technical groups be reviewed. The Committee concluded that there was no consensus for replacement of community designation by, for example, a weighted-majority vote in the Assembly of 65%. Following the evidence that was presented to the Committee regarding Petitions of Concern, the Committee concluded that further detailed work in relation to Petitions of Concern needs to be carried out.
85. The Committee agreed the final report on 18 June 2013 and it was debated in the Assembly on 2nd July 2013, and the Assembly noted the Report.

## 9. Review of Petitions of Concern – (March 2014)

86. In September 2013, the Committee agreed that its next review would look at Petitions of Concern, as its June 2013 Report on its 'Review of D'Hondt, Community Designation and Provisions for Opposition' concluded that *"further detailed work in relation to Petitions of Concern needs to be carried out."* The Committee then spent some time considering the scope of the Review and key issues related to the Review – in particular, the issue of Ad Hoc Committees on Conformity with Equality requirements and Petitions of Concern. The Committee also commissioned and received briefings from Assembly Research and Legal Services that informed Members' discussions and views on the issues arising from this Review.
87. Following these briefings, the Committee discussed its initial approach to the Review and agreed to draft a specific 'Options Paper' which was sent to the leaders of the parties represented on the Committee in October 2013. The Options Paper related specifically to

the issue of voting on the establishment of an ad-hoc Committee on Conformity with Equality Requirements prior to a vote on a Petition of Concern. The Committee considered and discussed the party responses at its November 2013 and December 2013 meetings.

88. In January 2014, the Committee agreed the terms of reference for its Review of Petitions of Concern. As set out in the terms of reference, the Review considered evidence on Petitions of Concern in relation to:

- Provisions for voting on an Ad Hoc Committee on Conformity and Equality Requirements prior to the vote on a Petition of Concern;
- The possibility of restricting the use of Petitions of Concern to certain key areas, and mechanisms that might facilitate this;
- Whether the current threshold of 30 signatures required for a Petition of Concern should be adjusted; and
- Whether the Petitions of Concern mechanism should be replaced with an alternative mechanism, such as a weighted-majority vote.

89. Rather than issue a fresh 'Call for Evidence' for this Review, the Committee agreed that it would consider relevant sections of the submissions and the Hansard Reports from oral evidence sessions to its previous Review of D'Hondt, Community Designation and Provisions for Opposition as these specifically addressed the issue of Petitions of Concern. The Committee's Report is structured to specifically address the Committee's considerations and conclusions in respect of the four key issues identified in the terms of reference above.

90. At its meeting of 25 March 2014, the Committee ordered that its Report on the Review of Petitions of Concern Report be printed. The Report set out six conclusions and notes that the Committee did not achieve consensus for most of its conclusions on the complex subject of Petitions of Concern. The Report sets out in some detail the policy options for the change considered, together with the individual Party positions on specific options. The Committee considered that the Report provides valuable information for the Assembly to reach a way forward on this matter.

## 10. Review of Women in Politics and the Northern Ireland Assembly – (February 2015)

91. On 25 March 2014 the Committee engaged with the political parties of the Assembly to identify their views on priority issues for future Reviews by AERC. The Committee received one response from Sinn Féin which the Committee considered at its meeting of 8 April 2014. At the same meeting, the Committee agreed that the topic of its next review would be Women in Politics and the Northern Ireland Assembly

92. At its meeting of 24 June 2014, the Committee agreed the terms of reference for this Review. As set out in the terms of reference, the Review considered evidence on Women and the Northern Ireland Assembly in order to:

- Analyse the key challenges / barriers facing women in relation to entry into politics in Northern Ireland and in particular this Assembly;
- Examine potential existing initiatives which would assist women in relation to entry into politics in this Assembly;
- Examine what are the merits of 'positive actions' that have been successful within the United Kingdom and Ireland and within other jurisdictions, and to consider their potential impact in the context of Northern Ireland and in particular this Assembly; and
- Provide recommendations / conclusions on i to iii above, including initiatives / mechanisms to enhance the role of women already active in the political arena in Northern Ireland and in particular this Assembly.



- The Committee agreed that alternative electoral systems/models were outside the scope of this Review.
93. In July 2014, the Committee issued a ‘call for evidence’ paper and received twenty substantive responses. The Committee heard oral evidence from representatives from the women’s sector, academia and the former MLA and Deputy Speaker, Ms Jane Morrice. 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. The Committee held a roundtable stakeholder event in October 2014 which was attended by over sixty stakeholders and was opened by the two junior Ministers from OFMdfM. Finally the Committee commissioned seventeen research papers from Assembly Research and Information Services which helped inform its discussions on the barriers and models of positive.
94. The Report on Women in Politics and the Northern Ireland Assembly set out five conclusions which recognised the role of political parties, the Assembly, civil society and the media in encouraging more women to get involved in politics in Northern Ireland. The Report also contained 29 recommendations for political parties, the Northern Ireland Assembly and the Executive.
95. The Committee agreed the final Report on Women in Politics and the Northern Ireland Assembly at its meeting of 17 February 2015 and it was debated in the Assembly on 9 March 2015.

## Stormont House Agreement

96. On 23 December 2014, after 11 weeks of talks at Stormont, Northern Ireland's political parties reached an agreement on a number of key issues, including provisions to help the institutions at Stormont to work better. At the time of the Stormont House Agreement, the Secretary of State, pledged to work closely with the political parties to put into effect what was set out in the Agreement.
97. The Stormont House Agreement included a number of commitments relating to institutional reform and the provisions of Parts 3 and 4 of the NI Act 1998. Below is an extract of the relevant provisions:
- The number of Assembly members should be reduced to five members per constituency, or such other reduction as may be agreed, in time for the 2021 Assembly election, and the Assembly will legislate accordingly. (*para 56*)
  - The threshold for Petitions of Concern should remain at 30 members. (*para 57*)
  - Changes will be made to the operation of the Petition of Concern mechanism through a protocol agreed between the parties. (*para 58*)
  - Arrangements will be put in place by the Assembly by March 2015 to enable those parties which would be entitled to ministerial positions in the Executive, but choose not to take them up, to be recognised as an official opposition and to facilitate their work. These measures will include:
    - Provision for financial and research assistance (from within existing Assembly budgets keeping these changes cost neutral); and
    - Designated speaking rights including the opportunity to ask questions and table business sufficient to permit the parties to discharge their opposition duties. (*para 59*)
  - A reduction in the number of departments from twelve to nine should be made in time for the 2016 Assembly election, with the new allocation of departmental functions to be agreed by the parties. (*para 60*)
  - After the Assembly meets following an election and before the FM/DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government. Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days. The draft Programme would, once the Executive was formed be passed to the Assembly for approval. (*para 61*)
  - To promote greater efficiency in the conduct and discharge of Executive business, the following practice shall be observed in line with the Northern Ireland Act 1998 (*para 62*):
    - a) Agenda circulated one day in advance of an Executive meeting;
    - b) Inclusion of papers as substantive agenda items no later than the third meeting following initial circulation;
    - c) Areas for resolution to be recorded in the list of "Executive papers in circulation" against those papers still outstanding after the third meeting;
    - d) Any three Ministers should have the facility to request a meeting of the Executive and the First and deputy First Minister would normally convene within three days (subject to the timing of the next scheduled Executive meeting);
    - e) Any Minister would be entitled to have a matter put on the agenda under 'Any other Business';



- f) Any three Ministers would be entitled to put a matter on the substantive agenda for discussion and decision; and
- g) A protocol shall be developed to this effect.
- Where a Minister intends to make a statement to the Assembly they should also make clear at the start of the statement whether the statement reflects an agreed Executive position. (para 63)
- A new process will be brought forward for a more transparent and robust system for Members' salaries and expenses. (para 64)
- The maximum consultation requirement on policy will be reduced from twelve weeks to eight. (para 65)
- The UK Government also stands ready to consider potential further areas of devolution and changes to intergovernmental machinery, which are under discussion elsewhere in the UK and likely to command broad support among parties in Northern Ireland. (para 66)

## Committee Conclusions

98. At the meeting of 10 February 2015, the Committee agreed that in order to complete its Report on the Operation of the Provisions of Parts 3 and 4 of the NI Act 1998, it would undertake a broad overview of the sixty sections provided for under Parts 3 and 4 of the NI Act 1998.
99. At the meeting of 24 February 2015, the Committee commenced its broad overview of the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998. In doing so, the Committee recognised the work already undertaken by the Committee in respect of these provisions from 2007 to 2015. The Committee met on a further three occasions to give consideration to the sixty sections contained in Parts 3 and 4 of the NI Act 1998. The minutes of proceedings of the Committee can be found in (Appendix 1).
100. In the course of these deliberations the Committee had available to it: the conclusions from the previous ten reports produced by the Committee; the responses received from political parties and independent MLAs in respect of the review of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 (Appendix 4); the Stormont House Agreement (Appendix 6); a research paper provided by the Assembly Research Service (Appendix 5) and a number of briefing papers provided by the Committee Clerk.
101. The Committee noted the work undertaken by Assembly groups and committees and independent organisations relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998. In particular, Members noted the work undertaken by the Committee Review Group in respect of committee systems and structures; the Chairperson's Liaison Group in respect of the administration of the oath; the Committee on Procedures in respect of standing orders and proposals for a principal deputy Speaker, the Committee on Standards and Privileges in respect of Members' interests, the Independent Financial Review Panel in respect of members' salaries, allowances and pensions.
102. At the meeting of 24 February 2015, **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 Irish language and Ulster Scots language etc. (Section 28D) following the publication of the Committee Report in May 2015**
103. During its discussions, the Committee acknowledged that a number of commitments relating to institutional reform provided for in the Stormont House Agreement were previously the subject of AERC reports. At the meeting of 24 February 2015, **the Committee agreed that the Chair and Deputy Chair should meet with the First Minister and deputy First Minister to discuss the impact of the Stormont House Agreement on the future work of the Assembly and Executive Review Committee.**
104. At the meeting of 24 March 2015, the Committee recognised that the work undertaken by the AERC in each of the ten reports produced from 2007-2015 helped inform the outcomes reached on institutional reform during the Stormont House negotiations. **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.**



Northern Ireland  
Assembly

Appendix 1

# Minutes of Proceedings



# Minutes of Proceedings Links

Date	Links to Minutes of Proceeding when the Assembly and Executive Review Committee Considered Responses to Review Topics Identified by Political Parties
03/07/07	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2006-2007/3-july-2007/">http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2006-2007/3-july-2007/</a>
27/11/07	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2007-2008/27-november-2007/">http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2007-2008/27-november-2007/</a>
01/07/08	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2007-2008/01-july-2008/">http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2007-2008/01-july-2008/</a>
16/03/10	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2009-2010/16-march-2010/">http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2009-2010/16-march-2010/</a>
29/06/10	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2009-2010/29-june-2010/">http://www.niassembly.gov.uk/assembly-business/committees/2007-2011/assembly-and-executive-review/minutes-of-proceedings/session-2009-2010/29-june-2010/</a>
28/06/11	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/28-june-2011/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/28-june-2011/</a>
27/09/11	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/27-september-2011/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/27-september-2011/</a>
15/11/11	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/15-november-2011/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/15-november-2011/</a>
22/11/11	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/22-november-2011/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/22-november-2011/</a>
17/01/12	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/17-january-2012/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/17-january-2012/</a>
31/01/12	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/31-january-2012/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/31-january-2012/</a>
26/06/12	<a href="http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/26-june-2012/">http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/Minutes-of-Proceedings/session-2011-2012/26-june-2012/</a>
23/10/12	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2012-2013/20121023.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2012-2013/20121023.pdf</a>
02/07/13	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2012-2013/20130702.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2012-2013/20130702.pdf</a>

Date	Links to Minutes of Proceedings when the Assembly and Executive Review Committee Considered the Report on Parts 3 and 4 of the Northern Ireland Act 1998
04/11/14	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/041114.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/041114.pdf</a>
09/12/14	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/091214-minutes.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/091214-minutes.pdf</a>
27/01/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/270115-minutes-27-january-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/270115-minutes-27-january-2015.pdf</a>
24/02/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-24-feb-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-24-feb-2015.pdf</a>
03/03/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-3-march-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-3-march-2015.pdf</a>
10/03/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-10-march-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-10-march-2015.pdf</a>

<b>Date</b>	<b>Links to Minutes of Proceedings when the Assembly and Executive Review Committee Considered the Report on Parts 3 and 4 of the Northern Ireland Act 1998</b>
24/03/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-24-march-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-24-march-2015.pdf</a>
14/04/15	<a href="http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-14-april-2015.pdf">http://www.niassembly.gov.uk/globalassets/documents/assembly-and-executive-review-2011---2016/minutes/2014-2015/minutes-14-april-2015.pdf</a>



Northern Ireland  
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Appendix 2

# Minutes of Evidence





# 14 April 2015

## Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)  
 Ms Paula Bradley  
 Mr Trevor Lunn  
 Mr Raymond McCartney  
 Mr Seán Rogers

1. **The Deputy Chairperson (Mr Sheehan):**  
 I propose that we move, in the presence of Hansard, to agree the final text of the draft report, section by section. Are members agreed?

*Members indicated assent.*

2. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the executive summary section of the report?

*Members indicated assent.*

3. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the introduction section?

*Members indicated assent.*

4. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the “Committee’s Approach to the Review” section?

*Members indicated assent.*

5. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the “Timeline of Assembly and Executive Review Committee Reports” section?

*Members indicated assent.*

6. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the “Summary of Assembly and Executive Review Committee Reports” section?

*Members indicated assent.*

7. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the “Engagement with Political Parties” section?

*Members indicated assent.*

8. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with the “Committee Conclusions” section?

*Members indicated assent.*

9. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with appendix 1 to the report, “Links to Minutes of Proceedings”?

*Members indicated assent.*

10. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with appendix 2 to the report, the minutes of evidence?

11. **The Senior Assistant Assembly Clerk:**  
 That is the minutes of evidence from today’s session, which Hansard is reporting. It will be available and included in the report later. It will be the only Hansard report included in this report.

*Members indicated assent.*

12. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with appendix 3, “Links to Assembly and Executive Committee Reports”?

*Members indicated assent.*

13. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with appendix 4, “Correspondence from Political Parties re Future Topics for Review”?

*Members indicated assent.*

14. **The Deputy Chairperson (Mr Sheehan):**  
 Are members content with appendix 5, “Links to Assembly Research Papers”?

*Members indicated assent.*

15. **The Deputy Chairperson (Mr Sheehan):**  
 Finally, are members content with appendix 6, “Stormont House Agreement”?

*Members indicated assent.*

16. **The Deputy Chairperson (Mr Sheehan):**  
This will be the seventh report of the Assembly and Executive Review Committee to the Assembly. The final version of the report will be proofread a final time before the report is ordered to be printed. Are members content that the Committee secretariat make any changes to typing errors and the format of the report where necessary? These will have no effect on the substance of the report and are purely related to the formatting and accuracy of the text.

*Members indicated assent.*

17. **The Deputy Chairperson (Mr Sheehan):**  
The extract of minutes of proceedings and minutes of evidence for today's meeting will have to be included in the report. Are members content that I, as Deputy Chair, approve the extract of the minutes of proceedings for today's meeting for inclusion in the report?

*Members indicated assent.*

18. **The Deputy Chairperson (Mr Sheehan):**  
Are members content that the Hansard report of this meeting be included in the report, as there is insufficient time for members to review the transcript before publication?

*Members indicated assent.*

19. **The Deputy Chairperson (Mr Sheehan):**  
I propose that the Secretary of State, the First Minister and the deputy First Minister and the leaders of the parties of the Assembly be forwarded a copy of the final embargoed report as soon as it is available. Are members agreed?

*Members indicated assent.*

20. **The Deputy Chairperson (Mr Sheehan):** Are members content that the Committee secretariat forward an embargoed electronic version of the report, with an appropriate covering letter from me as Deputy Chair, to the Secretary of State, the First Minister and deputy First minister and the leaders of the parties of the Assembly?

*Members indicated assent.*

21. **The Deputy Chairperson (Mr Sheehan):**  
We now move to consideration of the draft motion for a debate on the report in Assembly plenary. It reads:

*"That this Assembly notes the report of the Assembly and Executive Review Committee on the Operation of the Provisions of Parts 3 and 4 of the Northern Ireland Act 1998 (NIA 242/11-16), made under Section 29A (3) of that Act."*

22. Are members content?

*Members indicated assent.*

23. **The Deputy Chairperson (Mr Sheehan):**  
Are members content that the Committee should order its report on the operation of the provisions of Parts III and IV of the NI Act 1998 to be printed following today's meeting and that hard copies be kept to a minimum in the interests of efficiency?

*Members indicated assent.*

24. **The Deputy Chairperson (Mr Sheehan):**  
Are members content that a note be put to the Business Office today, signalling that two embargoed manuscript copies of the report are laid in the Business Office by close tomorrow?

*Members indicated assent.*

25. **The Deputy Chairperson (Mr Sheehan):**  
I inform members that the report should be returned by the printer and distributed to all MLAs once printed. The report will, of course, be embargoed until the commencement of the plenary debate. The debate is pencilled in for Monday 27 April.

26. **The Senior Assistant Assembly Clerk:**  
That is going to the Business Committee for agreement today. We will send the motion to it, and it will meet today to agree that date. That is when it looks likely to happen.



Northern Ireland  
Assembly

Appendix 3

# Links to Assembly and Executive Committee Reports



# Links to Reports

## Session 2007/2008

### **Report on the Inquiry into the Devolution of Policing and Justice Matters Volume 1**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2007-2008/report-on-the-inquiry-into-the-devolution-of-policing-and-justice-matters/>

### **Report on the Inquiry into the Devolution of Policing and Justice Matters Volume 2**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2007-2008/report-on-the-inquiry-into-the-devolution-of-policing-and-justice-matters-volume-2/>

## Session 2008/2009

### **First Report on the Arrangements for the Devolution of Policing and Justice Matters**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2008-2009/first-report-on-the-arrangements-for-the-devolution-of-policing-and-justice-matters/>

## Session 2009/2010

### **Second Report on the Arrangements for the Devolution of Policing and Justice Matters Volume One**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2009-2010/second-report-on-the-arrangements-for-the-devolution-of-policing-and-justice-matters-volume-1/>

### **Second Report on the Arrangements for the Devolution of Policing and Justice Matters Volume Two**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2009-2010/second-report-on-the-arrangements-for-the-devolution-of-policing-and-justice-matters-volume-two/>

## Session 2010/2011

### **Review of the Operation of Sections 16A to 16C of the NI Act 1998**

[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/reports/2010/Report\\_36\\_10\\_11R.htm](http://archive.niassembly.gov.uk/assem_exec/2007mandate/reports/2010/Report_36_10_11R.htm)

### **Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012**

<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/reports/session-2010-2011/review-of-the-operation-of-sections-16a-to-16c-of-the-ni-act-1998/>

## Sessions 2012-2013

### **Number of Members of the Northern Ireland Legislative Assembly**

<http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/number-of-members-of-the-northern-ireland-legislative-assembly/>

### **Reduction in the Number of Northern Ireland Departments**

<http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/review-of-the-number-of-members-of-the-northern-ireland-legislative-assembly-and-of-the-reduction-in-the-number-of-northern-ireland-departments/>

### **Review of D'Hondt, Community Designation and Provisions for Opposition**

<http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/review-of-dhondt-community-designation-and-provisions-for-opposition/>

## **Sessions 2014-2015**

### **Review of Petitions of Concern**

<http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/review-of-petitions-of-concern/>

### **Report on Women in Politics and the Northern Ireland Assembly**

<http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/report-on-women-in-politics-and-the-northern-ireland-assembly/>



Northern Ireland  
Assembly

#### Appendix 4

# Correspondence from Political Parties regarding Future Topics for Review





# Party Responses and Committee Consideration

## Correspondence between AERC and Political Parties re Future Topics for Review 2007- 2015 Party Responses and Committee Consideration

Date Letter Issued by AERC	Party / Individual Member	Topics / Issues raised in responses received	Date Discussed by Committee
<b>31 July 2007 – Letter Issued re multiple mandates</b>	Alliance Party	<ul style="list-style-type: none"> <li>Dual/triple mandates to be reduced and eventually eliminated either voluntarily or through legislation</li> <li>Prohibition on ministers holding dual/triple mandates outside the context of the Assembly,</li> <li>As part of RPA consideration should be given to a prohibition on dual mandates</li> </ul>	27/11/07
	DUP	<ul style="list-style-type: none"> <li>Support the reduction in multiple mandates but should be phased and not rushed</li> <li>In the context of RPA there is merit in considering the principle adopted by the European Parliament</li> <li>Considered greatest risk of conflict of interest arises where a MLA also serves as a local councillor.</li> </ul>	27/11/07
	PUP	<ul style="list-style-type: none"> <li>One person to one mandate</li> <li>Multiple mandates should be phased out in the coming elections</li> </ul>	27/11/07
	Sinn Fein	<ul style="list-style-type: none"> <li>Supported the recommendation under RPA that a member of the Assembly could not stand for election for new Council structures.</li> <li>Any dual mandate should not in any way undermine the smooth running and efficiency of the Assembly</li> <li>Dual mandates should not lead to a conflict of interest</li> </ul>	27/11/07
	SDLP	<ul style="list-style-type: none"> <li>Priority should be given to limit the multiple mandates held by Ministers</li> <li>Dual Assembly/District Council mandates should end with establishment of new Councils under RPA</li> <li>Parties should agree date for end of dual mandate in respect of Assembly/Westminster elections</li> <li>Consideration given to reduction/removal of the availability of remuneration and some allowances in respect of second mandates prior to proscription of dual mandates.</li> </ul>	27/11/07
	UUP	<ul style="list-style-type: none"> <li>Multiple mandates not conducive to effective representation</li> <li>Potential for conflicts of interest to arise is increased</li> <li>Multiple mandates to be eliminated by legislation and within the lifetime of this Assembly</li> <li>Agreement amongst the parties is essential</li> </ul>	27/11/07
<b>15 April 2008 – multiple mandates</b>	DUP	<ul style="list-style-type: none"> <li>See memo enclosed</li> </ul>	1/7/08
	UUP	<ul style="list-style-type: none"> <li>See memo enclosed</li> </ul>	1/7/08
	Alliance Party	<ul style="list-style-type: none"> <li>See memo enclosed</li> </ul>	1/7/08
	PUP	<ul style="list-style-type: none"> <li>See memo enclosed</li> </ul>	1/7/08

<b>Date Letter Issued by AERC</b>	<b>Party / Individual Member</b>	<b>Topics / Issues raised in responses received</b>	<b>Date Discussed by Committee</b>
<b>23 March 2010- Memo issued from Chair to Committee Members re Party views on future review topics</b>	DUP	<ul style="list-style-type: none"> <li>• Review of Mandatory Coalition</li> <li>• Consider the size of the Assembly, Number of MLAs and Multiple Mandates</li> <li>• Number of Departments</li> <li>• Consider matters associated with the proposed Efficiency Review Panel</li> </ul>	29/6/10
	Sinn Fein	<ul style="list-style-type: none"> <li>• Efficiency review panel</li> <li>• Multiple mandates</li> <li>• Assembly voting system, designation and Cross Community Voting</li> <li>• Review of the Operation of the Ministerial Code</li> <li>• Review of the Operation of the Power to Refer Ministerial Decisions to the Executive Committee</li> </ul>	29/6/10
	SDLP	<ul style="list-style-type: none"> <li>• Issue of multiple mandates</li> <li>• ERP (briefing paper)</li> <li>• Operation of the Ministerial Code</li> <li>• Executive Function</li> </ul>	29/6/10
	UUP	<ul style="list-style-type: none"> <li>• Multiple Mandates</li> <li>• The size of the Assembly and Number of MLAs</li> <li>• Review the number of Ministerial Offices held and the functions</li> <li>• Review the operation of the power to refer Ministerial Decisions</li> <li>• Consider matters associated with the proposed Efficiency Review Panel</li> <li>• Consider Assembly voting system, designation and cross-community voting</li> <li>• Review of the operation of Ministerial Code</li> </ul>	29/6/10
<b>7 June 2011 24 October 2011 8 December 2011 Letters sent re priorities for future AERC Reviews</b>	Alliance	<ul style="list-style-type: none"> <li>• Better collaboration and co-operation between Departments</li> <li>• Size of Assembly and number of Departments</li> <li>• First Minister's position over Deputy First Minister</li> <li>• System to replace D'Hondt</li> <li>• Furthering links between North-South and East-West</li> </ul>	28/6/11
	UUP	<ul style="list-style-type: none"> <li>• Review of government structures; including official opposition;</li> <li>• A full efficiency Review</li> </ul>	28/6/11
	Sinn Féin	<ul style="list-style-type: none"> <li>• Matters associated with the proposed Efficiency Review Panel</li> <li>• Arrangements for the appointment of the Minister for Justice beyond May 2012</li> </ul>	28/6/11
	SDLP	<ul style="list-style-type: none"> <li>• Review of the devolution of Policing and Justice</li> <li>• The Operation of the Ministerial Code</li> <li>• Matters Associated with the Proposed Efficiency Review Panel</li> </ul>	28/6/11

<b>Date Letter Issued by AERC</b>	<b>Party / Individual Member</b>	<b>Topics / Issues raised in responses received</b>	<b>Date Discussed by Committee</b>
	DUP	<ul style="list-style-type: none"> <li>• Size and operation of the Assembly with regards to the UK Government legislation in relation to specific matters relating to Northern Ireland.</li> </ul>	
	UUP	<ul style="list-style-type: none"> <li>• No separate NI Bill of Rights</li> <li>• Opportunity to provide for a proper government and opposition structure within the NI Assembly</li> <li>• Reduction of Departments and Members</li> <li>• Assembly to run for 5 years.</li> </ul>	17/1/12
	Green Party	<ul style="list-style-type: none"> <li>• Petitions of Concern</li> <li>• Review the number of Members</li> <li>• Voting systems and constituency boundaries</li> <li>• Junior Ministers</li> </ul>	17/1/12
	TUV	<ul style="list-style-type: none"> <li>• Official Opposition</li> <li>• Dissolve the joint First Ministers office</li> <li>• Reduce the number of departments</li> <li>• Reduce the number of MLAs</li> </ul>	17/1/12
	Alliance	<ul style="list-style-type: none"> <li>• Removals of labels of MLAs</li> <li>• Identify methods by which better levels of collaboration and co-operation between Departments</li> <li>• Size of the Assembly</li> <li>• Review the method through which individual Ministers are allocated by D'Hondt</li> <li>• Position of the First Minister and deputy First Minister</li> </ul>	17/1/12
	SDLP	<ul style="list-style-type: none"> <li>• Cutting MLAs</li> <li>• Reducing the number of Departments</li> <li>• Reforming OFMdfM</li> <li>• Create an Economy Department and Energy and Sustainability, Learning, Communities, Housing and Local Government department</li> <li>• Remove Jr. Minister positions.</li> <li>• Relocate functions of OFMdfM</li> <li>• Change titles of dFM</li> <li>• Parties use the D'Hondt system for appointment of all ministries post election</li> </ul>	17/1/12
	DUP	<ul style="list-style-type: none"> <li>• Moving towards voluntary coalition</li> <li>• All Party Commissions</li> <li>• Greater scrutiny through Committees</li> <li>• Voting in the Executive</li> <li>• Justice Arrangements</li> <li>• Civic Forum</li> <li>• Number reorganisation of departments</li> <li>• North-South arrangements</li> <li>• Resignation of Ministers</li> <li>• Voting Arrangements</li> <li>• Designation</li> </ul>	17/1/12

<b>Date Letter Issued by AERC</b>	<b>Party / Individual Member</b>	<b>Topics / Issues raised in responses received</b>	<b>Date Discussed by Committee</b>
	Sinn Féin	<ul style="list-style-type: none"> <li>• Size of the Assembly and number of Departments</li> <li>• Dual Mandates</li> <li>• Length of Mandates</li> </ul>	31/1/12
<b>21 May 2013 Letter sent</b>	Alliance Party	<ul style="list-style-type: none"> <li>• Civic Forum</li> <li>• Progress Report</li> </ul>	2/7/13
	David McNarry MLA (UKIP)	<ul style="list-style-type: none"> <li>• Reduce the number of MLAs</li> <li>• Reduce the number of Departments</li> </ul>	2/7/13
	UUP	<ul style="list-style-type: none"> <li>• Ways to introduce a formal or informal Opposition in the NI Assembly</li> <li>• The purpose and functions of Statutory Committees</li> <li>• The use of Petitions of Concern</li> </ul>	2/7/13
	SDLP	<ul style="list-style-type: none"> <li>• Civic Forum</li> <li>• North-South Consultative Forum</li> <li>• All Island Inter-Parliamentary arrangements</li> <li>• St Andrew's Review</li> </ul>	2/7/13
	DUP	<ul style="list-style-type: none"> <li>• Consideration of non-statutory arrangements to facilitate those who do not wish to take up places to which they are entitled in the Executive in forming an opposition</li> <li>• Consideration of whether there should be legislative change to allow the NI Assembly to legislate to amend Parts 3 and 4 of the NI Act 1998 subject to the approval of the Secretary of State</li> </ul>	2/7/13
	TUV	<ul style="list-style-type: none"> <li>• Transparency in donations and loans to political parties</li> <li>• Double-jobbing:</li> <li>• Security of Tenure for Justice Minister;</li> <li>• Five year fixed terms and expending current Assembly term one year:</li> <li>• Reducing the number of MLAs:</li> <li>• Potential devolution of additional functions:</li> </ul>	2/7/13
	Sinn Fein	<ul style="list-style-type: none"> <li>• Review of the Assembly Commission in terms of its remit and voting arrangements</li> <li>• Gender Equality - Consideration of measures which the Assembly &amp; Executive can initiate to ensure balanced gender equality in the Assembly.</li> </ul>	2/7/13
<b>27 March 2014 Letter sent</b>	Sinn Fein	<ul style="list-style-type: none"> <li>• Gender Equality in the Assembly</li> <li>• Assembly Commission Remit and its voting arrangements</li> <li>• Civic Forum</li> </ul>	To be held until further responses – no more received despite resending the letter and an email reminder

<b>Date Letter Issued by AERC</b>	<b>Party / Individual Member</b>	<b>Topics / Issues raised in responses received</b>	<b>Date Discussed by Committee</b>
<b>9 December 2014</b> <b>Letter sent</b>		• No responses	
<b>27 January 2015</b> <b>Reminder letter sent</b>	Sinn Féin	• Stormont House Agreement and working with the Ministers	10/03/2015

## Letter from Chair to party leaders re multiple mandates

Rt Hon Jeffrey Donaldson MP MLA  
Chairperson of the Assembly and  
Executive Review Committee  
c/o Room 428  
Parliament Buildings  
Stormont Estate  
Belfast BT4 3XX

31 July 2007

Party Leader

Dear Party Leader,

### **Assembly and Executive Review Committee - Multiple Mandates**

You may recall that the issue of multiple mandates was one of the matters considered by the Committee on the Preparation for Government. In its report on Institutional Issues, that Committee recommended that multiple mandates should be phased out and that the timing for doing so should be considered in the context of the then proposed institutional review. On that basis, the Assembly and Executive Review Committee has been considering the issue and has been discussing, in particular, the potential conflicts of interest, and possible conflicts of time, which can arise as a consequence of Assembly Members holding more than one mandate. In this regard, some data on the extent of dual/multiple mandates within the Northern Ireland Assembly is attached at Appendix 1.

My purpose in writing is to seek views from each of the political parties represented in the Northern Ireland Assembly on the proposal that multiple mandates should be phased out and, if agreed, how this might be achieved, and in what timeframe.

The Committee is also interested to establish -

- the preferred method for phasing out such mandates, if agreed (e.g. by self regulation, by legislation or through the inclusion of provisions in the Ministerial Code); and
- the most appropriate timeframe and order of priority for phasing out the holding of multiple mandates.

I would be grateful if your response could be emailed to **the Committee Clerk, Mr Stephen Graham, Room 428, Parliament Buildings, Stormont, BT4 3XX by 31 August 2007.**

Further information on the work of the Committee can be accessed on the following webpage:  
<http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/>

If you have any queries, please get in touch with either Stephen Graham on 028 9052 1784 or Roisin Donnelly on 028 9052 1845.

Yours sincerely

**Rt Hon Jeffrey Donaldson MP**

Chairperson  
Assembly and Executive Review Committee

# Amended Multiple Mandates

## Alliance Party of Northern Ireland

### Assembly and Executive Review Committee

#### Response to Inquiry into the Dual/Triple Mandates

August 2007

The Alliance Party recognises that it would be desirable for dual/triple mandates to be reduced and eventually eliminated.

However, there is a separate issue regarding whether this should be allowed to evolve naturally, or whether all dual mandates or particular dual mandates should be prohibited under law. By contrast, dual/triple mandates could be regulated by parties themselves voluntarily. Ultimately, it can be argued that the electorate have the power to determine whether or not individuals should hold multiple mandates through the ballot box. It should be noted that public pressure has resulted in the virtual elimination of the dual mandate in Scotland and Wales (MPs-MSPs/AMs).

There are three particular problems that arise out of dual mandates:

1. Conflicts of interest;
2. Conflicts of time; and
3. The concentration of elective office in a smaller number of people.

Of these, the first is by far the most serious problem. It is most acute in relation to Ministers of the Northern Ireland Executive who are also councillors. Given that Ministers exercise functions in relation to local government, both individually and collectively as an Executive, there is the potential for conflicts of interest.

The conflicts of interest between individual MLAs, MPs, and councillors are much less severe, and can probably be readily handled through declarations of interests in the respective bodies.

With respect to conflicts of time, this is most problematic with respect to MPs who are also MLAs due to the time and distance in relation to travel between Northern Ireland and Westminster. This is much less of an issue with respect to councillors who are also MLAs, but nonetheless can still be a problem. It should be noted that the current arrangements for local government do not envisage that councillors are full-time. Whilst for many councillors, their allowances may be their main or sole source of income there are others who work in additional full or part-time employment. Indeed, with MLAs who are councillors having a degree of overlap in their work and also a greater freedom with their time, it can be argued that it is easier for MLAs to serve as councillors than those in other full-time employment. Of course, this situation may change, if there is a move towards full-time local representatives under the Review of Public Administration.

In addressing the third problem, it is preferable that there should be as wide a pool of people as possible, serving as elected representatives. Accordingly, parties should seek to avoid elective office being over-concentrated. However, there is considerable local government experience vested within some MLAs, and difficulties may arise

with the Review of Public Administration, if MLAs cease to be councillors at the same time as many other experienced councillors opt to take a package rather than run for election to new councils.

Alliance believes that the primary action that needs to be taken in the short-term is the prohibition on ministers holding dual/triple mandates outside the context of the Assembly.

The issue should be left for parties to address voluntarily in the medium-term with a second review in four years time.

As part of the Review of Public Administration, especially if there is an increase in the range of responsibilities and time commitments for councillors, particular consideration should be given to a prohibition on dual mandates in this respect.



## MULTIPLE MANDATES

Submission to Assembly and Executive Review Committee

by Democratic Unionist Party

The Democratic Unionist Party recognises that in order to develop the overall political capacity of the community in Northern Ireland it is desirable to move to a situation where the number of individuals holding political office in multiple Parliaments or institutions is addressed. We expect that as the new local political institutions become more stable this practice will inevitably decrease. In terms of potential conflicts of interest, we feel the greatest risk of any such conflict exists where Assembly Members are also serving as local councillors.

While we support the reduction of multiple mandates, we believe it is essential that any process of replacing representatives is phased and not rushed. The issue of capacity is important. In light of ongoing reform of local government, we believe experienced councillors will have a vital role to play in upcoming years and that it would be unwise for a large swathe of experienced elected representatives to be excluded from serving in the early transitional years of new Councils.

We note the principle adopted for the European Parliament where those who are currently elected are not forced to step down, but newly elected members cannot hold office in another institution. In the context of RPA reform, this may be an option worthy of consideration for Northern Ireland.



THE  
**Progressive** UNIONIST PARTY

EAST BELFAST CONSTITUENCY

299 Newtownards Road,  
Belfast, BT4 1AG

Phone: 028 90225040

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Dawn Purvis  
Room 258  
Parliament Buildings  
Stormont Estate  
Belfast  
BT4 3XX

29<sup>th</sup> August 2007

Dear Jeffrey Donaldson MP

I write regarding your letter dated 31<sup>st</sup> July 2007 re The Assembly and Executive Review – Multiple Mandates.

It is my view that there should be one person to one mandate. This would insure the people of Northern Ireland get a public servant 100% dedicated to the specific purpose they were elected and capable of doing the job to the best of their ability.

It is my hope that those carrying multiple mandates would be phased out over the coming elections starting as soon as possible. Legislation may be necessary to insure this process is finished by a specific date.

I would envisage that at each coming election, those holding multiple mandates would decide which to pursue and only seek re-election for that single mandate.

I trust this illustrates my view and that of the Progressive Unionist Party.

Yours sincerely

Dawn Purvis MLA

DEDICATED TO AN ANTI-SECTARIAN, PLURALIST AND EQUITABLE SOCIETY



### **Dual Mandates**

#### **Sinn Féin's submission to the Assembly/Executive Review Committee**

In general terms the matter of dual mandates is a matter which individual parties regulate.

Sinn Féin supported the recommendation under the Review of Public Administration that a member of the Assembly could not stand for election for the new Council structures.

We did so because it was Sinn Féin's belief that membership of both could have a negative impact on the smooth and efficient running of the Assembly and the new Councils.

We now await the outcome of the Review by the Minister of the Environment to ascertain if this proposal will remain.

It is Sinn Féin's belief that any dual mandate should not in any way undermine the smooth running and efficiency of the Assembly.

Sinn Féin also believes that dual mandates should not lead to a conflict of interest. This is not to state that dual mandates in themselves are a conflict of interest. However it is something which requires some discussion in relation to the re-establishment of the Assembly and the Executive.

---

**From:** REG EMPEY [mailto:reg.empey@btinternet.com]  
**Sent:** Tuesday, September 25, 2007 12:09  
**To:** Graham, Stephen  
**Cc:** =cllrdanny.kennedy@btinternet.com - Redirect  
**Subject:** multiple mandates

Hi Stephen

Response from the UUP to Jeffrey Donaldson's letter received 9th August 2007.

The UUP believes that multiple mandates are not conducive to effective representation, and the potential for conflicts of interest to arise is increased.

The most effective way of eliminating them is legislation.  
The time frame should be within the lifetime of this Assembly.

To successfully deliver on these policies, agreement amongst the parties would be essential. In the case of Local Government, an understanding that co-options would be permitted along with other DoE related matters, could promote an earlier start to be made.

Reg Empey MLA.

# Multiple mandates SDLP



## Paper on Multiple Mandates to the Assembly and Executive Review Committee

- 1) The SDLP considers the practice of political representatives holding multiple mandates should be ended. The principle that any individual should only hold one elected position, at a given time, should be the accepted practice. The reasons are well established, including potential conflicts of interest and the capacity to properly discharge elected responsibilities and enabling persons with political interest and commitment to secure elected positions.
- 2) There are therefore sound reasons for curbing multiple mandates by District Councilors, Members of the Legislative Assembly, Members of Parliament and Members of the European Parliament respectively. However, the SDLP also believes that rules governing multiple mandates would then also have to go further and extend to the membership of other bodies, such as the House of Lords, Dail and Seanad respectively, if such membership arises.
- 3) Given the political environment that previously prevailed, particular arguments were advanced why the timing of the ending of multiple mandates was questionable. Matters have now moved on. In the present environment, where there is a higher degree of political stability and certainty than heretofore, the SDLP believes that it is now appropriate and timely to determine how and the timeframe over which multiple mandates should be ended.
- 4) The SDLP considers, at this time, that priority should be given to how to address the multiple mandates held by Ministers – be it Westminster/Assembly, Westminster/Assembly/Council or Assembly/Council. There are particular reasons why this should now be addressed, including the demand on ministerial time and conflicts of interest. The SDLP considers that a decision and implementation of limits on the multiple mandates of Ministers would be an appropriate starting point.
- 5) The SDLP further considers that, in respect of Assembly/Westminster mandates generally, parties should be encouraged to agree a date or a point in the electoral cycle that the dual mandate would end. In the absence of either the SDLP will work towards the outcome of the end of the dual mandate.
- 6) Turning to District Council/Assembly dual mandates, this is an issue that is open to resolution. The SDLP considers that dual Assembly/District Council mandates should be ended no later than the establishment date of the Councils created further to the Review of Public Administration. An earlier agreed termination date should be considered in the lead in period to their formation.
- 7) Consideration should also be given to reducing or removing the availability of remuneration and some allowances in respect of second mandates prior to proscription of dual mandates. This could involve tapers or disqualifications in respect of either local government allowances for councillors who are MLAs or MLA entitlements for those who are also MPs.

## Letter to Parties

Mr Jimmy Spratt  
Chairperson of the Assembly and  
Executive Review Committee  
c/o Room 428  
Parliament Buildings  
Stormont Estate  
Belfast BT4 3XX

15 April 2008

### **Assembly and Executive Review Committee - Multiple Mandates**

As you will be aware, the Assembly and Executive Review Committee wrote to you in July 2007 to seek your views on the proposal to phase out multiple mandates.

The papers received from each of the parties indicated that there was general consensus that multiple mandates should be reduced or phased out.

As you will be aware, the recent announcements in relation to the Review of Public Administration have confirmed that there will be a reduction in the number of Councils from 26 to 11. This will have a significant impact on the nature of representation at the local level.

At its meeting on Tuesday 8 April 2008, the Committee agreed that, in view of the recent decisions in relation to the Review of Public Administration, it would be appropriate to write to each of the political parties to invite them to submit a revised position paper on the issue of multiple mandates.

In particular the Committee is keen to obtain more detailed comment on how to achieve the phasing out or reduction of multiple mandates, how each level of mandate should be dealt with and in what timeframe, and, more specifically

- The preferred method for phasing out of multiple mandates for example, by way of legislation or self regulation.
- Any priorities or time frames for phasing out multiple mandates.
- How each of the various levels of multiple mandate should be dealt with e.g.
  - Ministers also serving as Councillors
  - Members also serving as Councillors
  - Ministers also serving as Westminster MPs
  - Members also serving as Westminster MPs
- The scope for employing co-option arrangements in circumstances where Ministers or Members might choose to resign as Councillors.

I have copied this letter to the leaders of each of the political parties represented in the Assembly and to the relevant Chief Whips.

I would be grateful if your response could be emailed to **the Committee Clerk, Mr Stephen Graham, Room 428, Parliament Buildings, Stormont, BT4 3XX by 29 April 2008.**

If you have any queries, please get in touch with Stephen Graham on 028 9052 1784.

**Mr Jimmy Spratt**

Chairperson  
Assembly and Executive Review Committee

# Multiple Mandate - Party Positions

## Multiple Mandates - 2008

**On the 15th April 2008, Mr Jimmy Spratt, as Chair of the Assembly and Executive Review Committee, wrote to all Parties requesting their views on the proposed ending of multiple mandates.**

- Party position papers have been received from the Alliance Party, DUP, PUP and UUP
- The general consensus amongst parties was for a gradual phasing out of multiple mandates.
- The DUP, PUP and UUP agreed that the ending of multiple mandates should be done on a voluntary basis whilst the Alliance Party felt that the decision should be the responsibility of the individual Parties.
- During the phasing out period, the Unionist Parties felt that co-options would be the favorable choice of replacement for outgoing councilors, as opposed to costly by-elections.
- However the Alliance Party questioned the Democratic value of appointing a co-opted representative who may not have been elected under normal electoral circumstances.
- Both the DUP and UUP have indicated that legislation which could be set at Westminster would support this process of ending Multiple Mandates.
- However the Alliance Party believe this process to be “over-complex and unnecessary.”

## Memo from Chair to Members re Party Priorities for FWP 23 March 2010

Mr Jimmy Spratt  
Chairman  
Assembly & Executive Review Committee  
c/o Room 428  
Parliament Buildings  
Stormont Estate  
Belfast  
BT4 3XX

23 March 2010

Dear Member,

### **Forward Work Programme**

Further to today's meeting, and the consideration of the Committee's Forward Work Programme, Members gave an undertaking to prepare and present papers on their respective parties' views, for consideration at the Committee's next meeting, on priorities and handling arrangements for the issues on the Forward Work Programme. A copy of a memo to Members from the Clerk, dated 18 March 2010, is enclosed for information.

Given that the paper from the Ulster Unionist party has already been lodged, I would ask Members of the three remaining parties represented on the Committee, to provide relevant papers to the Committee Clerk by Wednesday 7 April 2010, for inclusion in the Committee pack to be issued to Members on Thursday 8 April 2010.

Yours sincerely

**Jimmy Spratt**  
Chairman



## Tabled Papers – Party submissions to FWP



TABLED PAPERS

Oifig Shinn Féin  
Foirgnimh an Tionóil  
Stormont  
Béal Feirste  
BT4 3XX

Fón: (028) 90 521471  
Facs: (028) 90 521488

29 Meitheamh 2010

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE  
FORWARD WORK PROGRAMME

Mr Jimmy Spratt  
Chairperson,  
AERC  
c/o Room 234 Parliament Buildings  
Stormont

A chara,

I wish to submit the following as representing the views of Sinn Féin regarding the proposed Forward Work Programme to be considered by the AERC.

As you are aware Sinn Féin has previously argued our preference to consider those matters associated with the proposed Efficiency Review Panel as soon as it is possible to do so. This remains our party position.


The committee is also aware that a number of issues have previously been identified, agreed and included within the Forward Work Programme for the period from 2010 until 2013 with no priorities attached to those issues.

As an aide to the committee considerations I would suggest that we schedule the following matters to be discussed in the period after the summer recess:

- Efficiency Review Panel
- Multiple Mandates
- Assembly Voting System, Designations and Cross Community Voting
- Review the Operation of the Ministerial Code
- Review the Operation of the Power to Refer Ministerial Decisions to the Executive Committee.

My colleagues and I look forward to considering all the party submissions in the hope of securing agreement on the next tranche of the Forward Work Programme.

Is mise,

A handwritten signature in black ink, appearing to read 'Alex Maskey'.

Alex Maskey

Sinn Féin

Page 1 of 2

**Magee, Andrienne**

**From:** McKee, Tara  
**Sent:** 27 April 2010 14:25  
**To:** Magee, Andrienne  
**Subject:** FW:

Tara McKee

Assembly and Executive Review Committee  
Room 402  
Parliament Buildings  
Stormont  
BT4 3XX

[tara.mckee@niassembly.gov.uk](mailto:tara.mckee@niassembly.gov.uk)  
Ext: 21928

**From:** Alex Attwood [mailto:[attwoodalex@yahoo.co.uk](mailto:attwoodalex@yahoo.co.uk)]  
**Sent:** 19 April 2010 13:33  
**To:** james\_spratt19@hotmail.com; McKee, Tara  
**Subject:**

19 April 2010

Mr. Jimmy Spratt, MLA.,  
Chairperson,  
Assembly and Executive Review Committee,  
Room 428,  
Parliament Buildings,  
Belfast, BT4 3XX.

Dear Jimmy,

**Re: Forward Work Programme**

I refer to the above and confirm that the SDLP considers:

- 1) The issue of multiple mandates requires early attention and creation of certainty. Attention to the issue now and immediately after the election appears appropriate. An inquiry would not be necessary.
- 2) A briefing paper may be required on the proposed ERP to determine the role and responsibilities of AERC in respect of the matter.
- 3) It may be timely to consider in the short-term the operation of the Ministerial Code, given that it is three years since restoration, the DSD case, the recent legal advice to the First Minister (etc.)

29/06/2010

- 4) Given the work of the group on Improving Executive Functions, the issue of reference of decisions to the EC may be addressed. In any case, AERC may wish to consider the matter in current circumstances and the content of the Hillsborough document.
- 5) The SDLP would wish to hear the views of the other parties on the above and on the others matters listed for consideration.

I trust this is satisfactory.

Yours sincerely,

ALEX ATTWOOD,  
SDLP ASSEMBLY MEMBER,  
WEST BELFAST.

Alex Attwood MLA  
SDLP West Belfast  
60 Andersonstown Road  
Belfast  
BT11 9AN

02890 807808/9

29/06/2010



Received 23 March 08:50 hrs  
P. 23/1/10

Stephen Graham  
Assembly Executive Review Committee  
Room 428  
Parliament Buildings  
Belfast BT4 3XX

Dear Stephen

The Chairman requested that we forward to you our thoughts on the forward work programme. The Ulster Unionist Party believes that outstanding items should be dealt with in the following order:

1. **Consider the issue of multiple mandates**

The issue of Councillor – MLA/MP dual mandates is likely to be dealt with by the Environment Committee under the settling of RPA. The EU has already set out rules preventing dual mandate for MEPs. There remains therefore the issue of whether you can be an MLA and an MP. Our examination is likely therefore to centre on that issue. Despite all parties agreeing that dual mandates should be phased out, agreement is likely only after parties have obtained maximum political advantage from such double tasking.

2. **Consider the size of the Assembly and the number of MLAs.**

In order to maximize the number of parties likely to win seats in the Assembly post April 1998, the number of MLAs was set at six per constituency. There are clearly pressures on this figure to be reduced. The issue is essentially a political one and the view of different parties may change, depending on how they see their future electoral prospects. It is expected this will be a hotly debated topic, but essentially one for the political parties rather than a wider evidence gathering exercise.

3. **In conjunction with FM and dFM review the number of Ministerial Offices held and the functions exercisable by the holder of each office. Prior to next Assembly elections.**

The other major issue that will have economic and political implications is the reduction in the number of departments. In the past all parties have expressed a recognition that there are too many. The recent economic review suggested that DETI and DEL amalgamate. With the introduction of RPA, it is likely that the Department of Environment will have key elements removed from it to local councils. The introduction of a Department of Justice has increased the number therefore it is opportune to examine whether the number of departments can be reduced.

First Floor | T: 028 904 2000  
14A Albert Road | F: 028 9045 7499  
Belfast | E: info@uup.co.uk  
BT5 4GS | www.uup.co.uk

4. **Review the operation of the power to refer Ministerial Decisions to the Executive Committee.**

Many parties have been frustrated, most notably with the Education Minister, that contentious issues are not able to be referred to the Executive for the wider discussion. It is our view that a solution to this difficulty is key to the stable working of the Executive. It is likely to be a contentious political issue.

5. **Consider matters associated with the proposed Efficiency Review Panel.**

It is not clear yet what these matters may be, so it is difficult to identify how wide an evidence gathering process may be.

6. **Consider Assembly voting system, designations and cross-community voting.**

Over the past 4 years the parties have given views on this issue, most particularly the Alliance Party during the Preparation for Government discussions in 2006. In essence, this is again a political issue, directly related to the level of trust and confidence between the parties and it may be difficult to get agreement at this time.

7. **Review the operation of Ministerial Code.**

The Ministerial Code has already been modified from the original 1999 version but political parties are likely to have differing views about its effectiveness. In particular, in relation to the ability of the Executive to challenge wayward Ministers. Again, this is likely to need cross-party political agreement.



Alan McFarland MLA  
Ulster Unionist Party

22 March 2010

Simon Hamilton MLA

**26 April 2010**

Mr Stephen Graham  
Clerk of the Assembly and Executive Review Committee  
Room 428  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

Dear Stephen

**Re: Forward Work Programme**

The DUP would prioritise the issues to be dealt with by the Assembly and Executive Review Committee as follows:

1. Review of Mandatory Coalition
2. Consider the size of the Assembly, Number of MLAs and Multiple Mandates
3. Number of Departments
4. Consider matters associated with the proposed Efficiency Review Panel

Yours sincerely,

**Simon Hamilton MLA.**

*www.simonhamilton.org*

## Stephen Moutray - Request to Party Leaders for FWP Submissions

Party Leader

Our Ref: C 005 /11

7 June 2011

Dear

The Assembly and Executive Review Committee (AERC) met today to consider its priorities for the year ahead. As you are aware, the AERC considers matters relating to the operation of the provisions of Parts III and IV of the Northern Ireland Act 1998. The Committee is required to make a report to the Secretary of State, the Assembly and the Executive, by no later than 1 May 2015, on the operation of these provisions. The AERC shall also consider any such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

At the Committee meeting of the 7 June 2011, the Committee noted that the previous Committee had recommended in its Legacy Report that “the incoming Committee should review the “size” of the Assembly in the context of the Parliamentary Voting System and Constituencies Act 2011”. In addition, the Committee noted the Forward Work Programme of the previous Committee which had identified the following as further specific issues which needed to be considered:

- The Assembly voting system, designations and cross-community voting;
- The operation of the Ministerial Code;
- The operation of the power to refer Ministerial decisions to the Executive Committee;
- The number of Ministerial Offices held and the functions exercisable by the holder of each office (to be reviewed in conjunction with First Minister and deputy First Minister);
- The issue of Multiple Mandates; and
- Matters associated with the proposed Efficiency Review Panel.

The Committee also noted that in its ‘First Report on the Arrangements for the Devolution of Policing and Justice’, the previous Committee had recommended that, following a period of operation, and prior to May 2012, the interim arrangements in relation to the appointment of the Minister of Justice should be reviewed and that permanent arrangements must then be put in place. However, in its Legacy Report, the previous Committee had not envisaged that such a review would be carried out by this Committee.

I would be grateful if you would advise me of the issues that your party would like to see prioritised by AERC. I would appreciate a response by **no later than Tuesday 14 June 2011**.

A copy of this letter has also been sent to members of your party who sit on the Assembly and Executive Review Committee for their information.

Yours sincerely

**Mr Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee

CC Committee Party Colleagues



## Alliance Submission 14 June 2011

*Ref. 2/6/11*



**Northern Ireland  
Assembly**

**David Ford MLA**

**Leader of the Alliance Party of Northern Ireland**

Mr Stephen Moutray MLA,  
Chairperson, Assembly and Executive Review Committee,  
Room 375,  
Parliament Buildings,  
Ballymiscaw,  
Stormont,  
Belfast,  
BT4 3XX

14<sup>th</sup> June 2011

Dear Stephen

**A & E R C**

**14 JUN 2011**

**RECEIVED**

Thank you for an opportunity for Alliance to give its views on the matters set out in your letter of 7<sup>th</sup> June. I have outlined the areas below that we would like to see prioritised by the Assembly and Executive Review Committee. I have put the issues in order, beginning with those that we would like the Committee to immediately begin work on.

In your letter you state that it is currently not envisaged that the Committee will review the interim arrangement for the appointment of the Minister of Justice and what permanent arrangements will be made for after May 2012. Alliance is of the view that the Committee should look into their role in regards to this review and any such duty that it has with whoever does carry it out. The Committee could also look into ensuring that this review is carried out in a timely manner.

Alliance supported the Good Friday Agreement and the institutions set up by it. But we have reservations on the system of communal designations and related voting system in the Assembly. We believe the Committee should look into the abolition and reform of these systems during the lifetime of this Assembly.

One of the current weaknesses of the Assembly and Executive system has been the lack of co-operation between Departments on cross cutting issues. The tendency by some Departments and Ministers to act within silos has been a barrier to movement on a number of issues in the previous Assembly mandate. We would like to see the Committee look into how better collaboration and co-operation between the Departments could be achieved.

The Alliance Party Offices, room 220, Parliament Buildings, Stormont, Belfast, BT4 3XX  
Email: david.ford@mla.niassembly.gov.uk  
Telephone: +44 (0) 28 9052 1314 Fax: +44 (0) 28 9052 1313

Consequently there could be a greater sense of collectivity amongst the Ministers appointed under the D'Hondt method if a cross community vote is taken once all appointments are made. This could ensure that they feel some allegiance to the Assembly and not just their Party's nominating officer. This suggestion could also be applied after the appointment of the First and deputy First Ministers. These votes could increase the authority of the incumbents.

Another way in which there is a lack of co-operation and collaboration is due to the lack of an Executive formed through negotiation. It is possible for parties to negotiate a balanced Executive, with an agreed programme for government, based on collective responsibility. The Committee could look into whether it is possible for this to be in place for when the next Executive is formed after the next Assembly election.

The previous Assembly and Executive Review Committee began to look into the size of the Assembly and the number of Departments. This investigation should rightly be continued by the current Committee. Any such reduction should not prevent any work to improve collaboration and co-operation between Departments and Ministers as mentioned above. The size of the Assembly should be considered at the same time.

The debate on the First Minister's position over the deputy First Minister's could be resolved by the committee who could investigate this issue. Alliance believes that these two positions are co-equal in law and formal status. This should be reflected in terms of nomenclature used. It would de-politicise what could become a potentially polarising contest over which party has a claim to First Minister. OFMDFM should remain a joint office.

Regarding how Committee Chairs and Vice-Chairs are allocated, we are of the opinion that the current method of D'Hondt favours the larger parties and does not work when it involves so many parties. The Committee could investigate a proposal to replace the D'Hondt method with a different system such as Single Transferable Vote to determine the order for party allocation of these positions. Short of a wider reform to the system of creating an Executive, this approach could also be applicable to the nomination of Ministers.

Regarding North-South and East-West co-operation, Alliance believes that these links are currently not being fully taken advantage of. The Committee could investigate how Departments and Ministers, as well as the Assembly itself could improve themselves by furthering links both North-South and East-West.

The Alliance Party Offices, room 220, Parliament Buildings, Stormont, Belfast, BT4 3XX  
Email: [david.ford@mla.niassembly.gov.uk](mailto:david.ford@mla.niassembly.gov.uk)  
Telephone: +44 (0) 28 9052 1314 Fax: +44 (0) 28 9052 1313

I hope these comments are useful and will help the Committee form its forward work programme. My colleagues and I would be happy to elaborate on any issue as the Committee takes them up during the current mandate.

Yours Sincerely



David Ford MLA

The Alliance Party Offices, room 220, Parliament Buildings, Stormont, Belfast, B14 3XX  
Email: [david.ford@mla.niassembly.gov.uk](mailto:david.ford@mla.niassembly.gov.uk)  
Telephone: +44 (0) 28 9052 1314 Fax: +44 (0) 28 9052 1313

## SDLP



Thursday 23<sup>rd</sup> June 2011

Our Ref: SDLP/C/R/2/11

Mr Stephen Moutray MLA  
Chairperson  
Assembly Executive and Review Committee  
Parliament Buildings

A & E R C  
24 JUN 2011  
RECEIVED

Dear Stephen

The SDLP would like to prioritise the following issues for the AERC work programme:

- Review of the devolution of Policing and Justice
- The operation of the Ministerial Code
- Matters Associated with the proposed Efficiency Review Panel

Yours sincerely,

Head Office  
121 Ormeau Road  
Belfast BT7 1M  
Margaret Ritchie MP MLA  
Leader, SDLP

Phone  
+44 (0)28 9024 7700

Fax  
+44 (0)28 9023 6699

Email  
info@sdip.ie

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Leader  
Margaret Ritchie

Deputy Leader  
Patsy McGlone

Páirtí Sóisialta Daonlathach an Lucht Oibre  
Member of the Party of European Socialists and Socialist International



## UUP Submission 14 June 2011



**A & E R C**  
**14 JUN 2011**  
**RECEIVED**

**Room 216**  
**Parliament Buildings**  
**Ballymiscaw**  
**Stormont**  
**Belfast**  
**BT4 3XX**

14<sup>th</sup> June 2011

Mr Stephen Moutray MLA  
Chairperson, Assembly & Executive Review Committee  
Room 375  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

Dear Stephen

I refer to your letter of 7<sup>th</sup> June 2011 and advise that the issues the Ulster Unionist Party would like to see prioritised by the Assembly & Executive Review Committee are:

- Review of government structures; including official opposition
- A full efficiency review

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Tom Elliott'.

Tom Elliott MLA  
**Leader, Ulster Unionist Party**

## FAO Stephen Moutray Chairperson Assembly and Executive Review Committee

Stephen, a chara

Thank you for your letter of June 7th in which you list a number of issues from the Forward Work Programme of the previous Committee which may need further consideration.

Sinn Féin is content for any of these matters to be considered by the new AERC Committee in due course. However, it is our view that the priority issues requiring immediate consideration by the Committee are:

- Matters associated with the proposed Efficiency Review Panel, and
- Arrangements for the appointment of the Minister of Justice beyond May 2012.

I therefore suggest that the above matters are prioritised by AERC.

Is mise le meas

**Gerry Adams TD**

Sinn Féin Party President

## Green Party

57, Garvey Manor  
Lisburn  
BT27 4DQ  
Northern Ireland

Dear John,

The Green Party understands that the Assembly and Executive Committee has been seeking the views of political parties in respect of the parties' priorities for the committee's work to review Parts III and IV of the Northern Ireland Act.

While not represented on the committee the Green Party nonetheless is happy to highlight the following areas as our priorities for review:

(1) Section 42 : Petitions of concern. We believe that at any review should consider whether there is continued necessity for the mechanism provided to trigger a cross-community community vote. We believe that the review should consider the threshold for triggering a petition of concern and would argue that a different mechanism, such as a weighted majority vote, should be used in resolving any matter so raised.

(2) Section 33,34. We believe the committee should review the number of members for the Assembly but also examine alternative voting systems and constituency boundaries. The Green Party believes that a regional list system would offer significant benefits in achieving proportionality should a decision be chosen to move to a smaller Assembly. Any examination should consider the merit in breaking the link between Westminster and Assembly boundaries as already been done in Wales and Scotland.

(3) Sections 19: Junior Ministers. We believe that a review should look at the continued necessity for junior ministers, their mechanism of appointment, responsibilities and their role within the Executive Committee.

Kind Regards,

Mr Conor Quinn  
Chair, Green Party in Northern Ireland

T: 028 9266 0317  
M: +44 77 177 177 55  
E: [conor.quinn@talktalk.net](mailto:conor.quinn@talktalk.net)

DUP

AERC  
27 SEP 2011  
RECEIVED

Mr Stephen Moutray  
Chairman  
AERC Committee  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

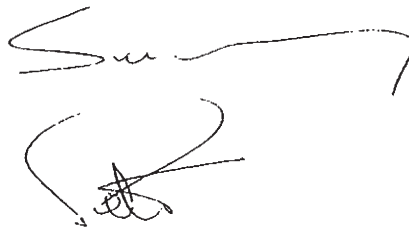
September 2011



The UK Government intends to legislate during the third session of this Parliament in relation to specific matters relating to Northern Ireland.

This could include issues relating to the size and operation of the Assembly. In order for proposals to be considered for inclusion in this Bill, realistically the Assembly would need to have agreed a position by next summer.

We therefore believe that the Assembly and Executive Review Committee should take forward the report provided for in Section 29A (3) of the Northern Ireland Act 1998 as a matter of urgency.



RT HON PETER D ROBINSON MLA



# Reminder request for priorities 24 October 2011

24 October 2011

Dear

You will recall that the Assembly and Executive Review Committee (AERC) issued a letter to Political Parties in June 2011, requesting their views on what the Committee's priorities should be in relation to its Forward Work Programme.

In summary three broad areas were identified from this exercise ie:

- a) Future arrangements for the appointment of the Justice Minister;
- b) Efficiency and the Efficiency Review Panel; and
- c) Specific matters relating to Parts III and IV of the Northern Ireland Act 1998.

As you are aware, the AERC considers matters relating to the operation of the provisions of Parts III and IV of the Northern Ireland Act 1998. The Committee is required to make a report to the Secretary of State, the Assembly and the Executive, by no later than 1 May 2015, on the operation of these provisions.

At its meeting of 27 September 2011, the Committee noted correspondence of 5 September 2011 (copy attached) from the Secretary of State that was forwarded to the Committee by the Speaker.

The letter set out how the NIO intend to bring forward a Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the institutions where there is broad support among the parties and where primary legislation would be required. The letter goes on to set out some areas that the Bill could implement changes in relation to the size of the Assembly, length of mandate, dual mandates, supplementary rights for Northern Ireland and the AERC review of Assembly and Executive structures.

With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, we now know that to implement AERC recommended/Assembly approved changes to provisions of the NI Act prior to 2015, the Committee would have to take these forward much earlier than originally planned. That is because, as we understand it, this proposed Bill will be the only opportunity to make institutional changes prior to the next Assembly election and the Secretary of State is seeking Assembly agreed changes before the summer recess of 2012.

At its meeting on 11 October 2011, the Committee agreed that I should write to Political Parties to request their priorities for the Committee's immediate review of the provisions of Parts III and IV of the NI Act, within the available timescale set out in the Secretary of State's recent letter for a proposed Northern Ireland Bill (copy attached).

I would be grateful if you would advise me of your party's priorities in relation to the above review by AERC. I would appreciate a response by **7 November 2011**.

A copy of this letter has also been issued to all Members of the Assembly and Executive Review Committee for their information.

Yours sincerely

**Mr Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee

## Reminder Letter to Parties (December)

December 2011

Dear

You will recall that the Assembly and Executive Review Committee (AERC) issued a letter to Political Parties on 24 October 2011, to request their priorities for the Committee's immediate review of the provisions of Parts III and IV of the NI Act, within the available timescale set out in the Secretary of State's recent letter for a proposed Northern Ireland Bill (copies of all relevant correspondence are attached for reference purposes).

As we understand it, this proposed Bill will be the only opportunity to make institutional changes prior to the next Assembly election and the Secretary of State is seeking Assembly agreed changes before the summer recess of 2012.

To date, only two Political Parties have responded and I would be grateful if you would advise me of your Party's priorities in relation to the above review by AERC. I would appreciate a response as soon as possible and ideally by **Thursday 15 December 2011** please.

A copy of this letter has also been issued to all Members of the Assembly and Executive Review Committee for their information.

Yours sincerely



**Mr Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee

## UUP Response

Mr Stephen Moutray MLA  
Chairman  
Assembly Executive and Review Committee  
Parliament Buildings  
Stormont

7th November 2011

Dear Stephen,

Further to your letter to me dated 24th October 2011 seeking Ulster Unionist Party views regarding correspondence from Secretary of State for Northern Ireland, Owen Paterson.

This correspondence mentioned the potential of a Bill in the Third Session of Parliament. The Bill is intended to effect changes relating to political donations in Northern Ireland. It may also be used to make changes on other issues where primary legislation may be needed.

A wide range of issues were mentioned in the correspondence, to which I make the following comments –

The Ulster Unionist Party accepts the merits of having a UK Bill of Rights, but believes there is no requirement for a separate NI Bill of Rights. We also support legislation to end members dual mandates of being a Member of Parliament and the Northern Ireland Assembly at the same time.

We also believe there is an opportunity to provide for a proper government and opposition structure at the Northern Ireland Assembly. If the current boundary proposals go ahead it will result with the current number of MLA's being reduced from 108 to 96. It would be appropriate that the number of government departments would reduce as well. We would recommend that consideration be given to the reduction of the current 12 Executive departments to approx. 8. This will deliver efficiencies yet enable effective committee scrutiny. The exact number and responsibility of each would require further discussion however the principle of a reduction should be accepted. Considering the new constituencies enlarged geographical area and electorate, we believe that these new arrangements should be allowed to bed in before contemplating any further reductions in the number of MLA's.

Mention has been made of this Northern Ireland Assembly term running for five years with the next assembly elections being suggested for 2016. We believe the option of a five year Assembly term requires further discussion as to the reasoning for such a move. However there are obvious sensitivities about 2016 of which we have concerns.

I trust you will find these comments helpful.

Yours sincerely,

**Tom Elliott MLA**

Leader, Ulster Unionist Party

## Alliance Submission

### **AERC review of the provisions of Parts 3 and 4 of the NI Act**

The Alliance Party are grateful for the opportunity to contribute to the Assembly and Executive Review Committee review of the provisions of Parts 3 and 4 of the Northern Ireland Act. As we previously outlined in our letter of 14th June 2011 to the Committee Chair, there are a number of aspects of these parts of the Act we would like to see examined by the Committee.

In order to build a truly shared society, it is necessary that institutionalised division is removed from the Assembly, through the removal of the sectarian designation system, which labels MLA's Unionist, Nationalist or Other. A review of the communal designation system could be followed by a review of the cross community voting system and evaluation of Petition of Concerns, which have been used for votes unrelated to cross community issues. At the very least there could be a mechanism by which the Speaker would have the ability to reject a Petition of Concern to prevent the continued misuse of this system.

A key weakness of the Assembly and Executive system is the lack of co-operation between Departments on cross-cutting issues. The 12 Departments tend to exist within silos, and there is insufficient joined-up government and collaboration over cross-cutting issues. This leads to increased bureaucracy, difficult experiences for service users, higher administration costs, issues with those subjects for which responsibility falls between a number of Departments and potentially negative effects of spending decisions in one Department upon the operation of another. During its review the Committee should consider methods by which better levels of collaboration and co-operation between Departments could be achieved.

We would also welcome the Committee review the method through which individual Ministers are allocated by D'Hondt, once a final set of nominations are in place, this package could be subject to a cross-community vote in the Assembly. This system of collective legitimisation would contribute to the authority of the incumbents and also create a greater sense of collectivity across the team. A negative vote could lead to a re-run of D'Hondt. However, all parties would have a massive interest in ensuring that the cohort of ministers for endorsement by the Assembly would meet with Agreement. A further benefit of this approach may help to address the point made previously, that it may combat the tendency for some Ministers to treat their Departments as independent silos. We would also like to see the Committee investigate the forming of an Executive through negotiation. We believe it is possible for parties to negotiate a balanced Executive, with an agreed Programme for Government based on collective responsibility.

We are aware that the previous Assembly and Executive Review Committee looked into the size of the Assembly, and the number of Departments and we would welcome this being continued by the current Committee. The recent Boundary Review represents a good opportunity to look again at this issues and brings with it the ability to reduce the number of MLAs elected to the Assembly. On basis of the proposed 16 constituencies the Assembly would be reduced to 96 MLAs. It could be possible to further reduce the number of MLAs and make the Assembly more in keeping with the size of Northern Ireland whilst maintaining proportionality which is critical in a society such as ours.

Discussion around the position of First Minister over deputy First Minister could also be resolved by the committee. These two positions are co-equal in law and formal status and this should be represented in the nomenclature used – depoliticising a potentially polarising contest over which party has a claim to the position of First Minister.

In relation to the allocation of Committee Chairs and Vice Chairs we believe that D'Hondt favours the larger parties. The Committee could review the possibility of replacing D'Hondt with a different system such as Single Transferable Vote to determine the order of party allocation. Short of wider reform around the creation of an Executive the approach could also be applicable to the nomination of Ministers.

I hope that these comments are useful and assist the Committee in undertaking its review. The Alliance Party look forward to playing a full role in this review.

## TUV Response



Mr Stephen Moutray MLA,  
Chairman Executive Review Committee,  
NI Assembly

14<sup>th</sup> December 2011

Dear Mr Moutray,

I note you did not write to Traditional Unionist Voice seeking our views on future reform of the present dysfunctional system of government at Stormont.

Nonetheless, here are our views:-

- The present arrangements, centred on mandatory coalition, have abjectly failed and are incapable of ever producing good government.
- Any system to work and give durable and workable government must restore respect for the fundamental democratic imperatives of the electorate being permitted to change their government - which mandatory coalition denies - and being permitted to have within the Assembly an Official Opposition.
- The 1998 Act needs to be radically amended so that after each election those parties who can agree a programme for government and command the requisite majority in the Assembly, form the government, and those who cannot fulfill the vital role of Opposition. In consequence the filling of ministerial posts by D'Hondt should be abandoned.
- The office of the joint First Ministers should be dissolved as it has proven to be a dysfunctional disaster.
- The number of government departments should be radically reduced to in or about six.
- The number of MLAs should be cut by at least a third.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Allister".

James H Allister QC MLA

38 Henry Street Ballymena BT42 3AH T: (028) 2564 0250 E: [info@tuv.org.uk](mailto:info@tuv.org.uk)

## DUP Stormont Work Better

DUP POLICY PROPOSALS



**REFORMING** GOVERNMENT – **STREAMLINING** STORMONT

# MAKING STORMONT **WORK BETTER**



⏪ Details on how you can respond to these proposals can be found on the back page

**DUP: MAKING STORMONT WORK BETTER**

[ 2 ]

The Assembly elected in 2007 is the first to complete a full term of devolved government for over 40 years. This is a considerable achievement in light of the failure of previous attempts to establish devolution.

However, in the next four years it will be tangible delivery by the Executive, rather than mere survival, on which we will be judged.

We believe that reforming and streamlining Stormont can help us deliver for the people of Northern Ireland.





DUP: MAKING STORMONT WORK BETTER

[ 3 ]

## DUP – THE CHAMPION OF REFORM

In 1998 the DUP opposed the arrangements provided for by the Belfast Agreement and when we won a mandate for change in 2003 we insisted on a number of fundamental amendments before we would agree to form an Administration. These amendments were negotiated at St Andrews and legislated for at Westminster.

As a first step these have operated effectively but further changes would be beneficial. At St Andrews in 2006 it was agreed and subsequently enshrined in legislation that there would be a review of the Devolved Institutions by 2015. This will be a key task for the next Assembly and that work should be completed in the early part of the term.

In the first days of the new Assembly we believe that Party Leaders should meet to map out how this work can best be taken forward in conjunction with the Assembly and Executive Review Committee.

While the present arrangements have proven durable, no one could credibly suggest that the existing Institutions are best devised to provide the best government for Northern Ireland. Indeed, even the authors of the Belfast Agreement accepted that it was an interim structure rather than a long-term solution. The challenge for us now will be to agree changes which can command support across the community and which will deliver better government.

The DUP has always been the champion of political reform in Northern Ireland. While the current framework is a marked improvement on the Belfast Agreement, it is still far from the best means of operation. We are committed to bringing about change to the existing arrangements, but in so doing, we will not risk the future of devolution altogether. Instead, we will work to build political consensus to bring about change.



DUP: MAKING STORMONT WORK BETTER

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## OUR AGENDA FOR CHANGE

We have a clear long-term goal to normalise the political arena in Northern Ireland. Indeed, we are the only Unionist party that is in any position to help bring this about. Improved political arrangements can help to enhance the functioning of devolution, but we must remember that for most, the key concern is how devolution can help them, rather than the detail of how it is structured. Ultimately the willingness of political parties to operate government will have as much to do with the success of devolution as the precise nature of the arrangements themselves.

The political reality is that change to the way in which devolution operates in Northern Ireland will only come about by agreement. It has been suggested that the only way to change the present arrangements is to refuse to operate them and then force a renegotiation. This would be a recipe for constitutional instability, inevitably leading to a breakdown of the Institutions and years of Direct Rule with Dublin interference. It would be deeply damaging to Northern Ireland and would also set a dangerous precedent in that whenever a Party wanted some future change, it would threaten the collapse of devolution. Such circumstances would not be good for the short or long-term operation of Government in Northern Ireland.

Nevertheless, it is clear that there is an emerging consensus for change to the current structures. While it will require widespread agreement to bring about change in the devolved arrangements, it is also the case that cross-community agreement will be required to replace existing All-Island Implementation Bodies or to amend the present responsibilities of the North South Ministerial Council. We believe that with some goodwill, changes can be made which are to the benefit of all the people of Northern Ireland.

Whilst there will need to be widespread agreement to normalise politics in Northern Ireland, no single Party should have a veto on progress. In terms of the long-term arrangements we believe that, on the basis of the Assembly and Executive Review Committee's report and the level of support that each proposal was able to attract, the UK Government should bring forward legislation to normalise politics in Northern Ireland before the 2015 Assembly election.



### ST ANDREWS CHANGES – HOW THEY HAVE OPERATED

#### Ministerial Accountability

The amendments to the Northern Ireland Act brought about by the Northern Ireland (St Andrews Agreement) Act 2006 and the creation of a statutory Ministerial Code have transformed the way decisions are taken in Northern Ireland. Instead of a Minister being able to take decisions regardless of the view of the Executive, Executive approval is now required for all important decisions.

While, on occasion, this has made taking decisions more difficult, it has ensured that all important decisions have commanded cross-community support and Ministers are not free to do as they wish. Though it has taken some time for the new arrangements to bed down, they have proven effective and have been upheld by the courts in Northern Ireland.

#### Election of First Minister and deputy First Minister

The mechanism to appoint the First Minister and deputy First Minister, as agreed at St Andrews, was not faithfully implemented in the ensuing legislation. Pending more fundamental changes to the operation of OFMdFM we will continue to press for the effecting of arrangements as per the St Andrews Agreement, namely that the nominee of the largest Party from the largest Designation should become First Minister. The arrangements provided for in the Belfast Agreement are merely a recipe for an impasse following an election.

### HILLSBOROUGH CASTLE AGREEMENT

Arising out of the Hillsborough Castle Agreement an Executive sub-committee was set up to propose improvement to the functioning of the Executive. As a result of this process, the Executive has now agreed that a Minister can insist on a paper being tabled for consideration by the Executive. It was also agreed that Party Leaders would meet following the election to discuss and seek to agree a Programme for Government.

### PROPOSALS FOR REFORM

Since 1998 we have tabled proposals for how the devolution processes could be improved. Many of these were addressed through the St Andrews Agreement while others will be considered over the next Assembly mandate. For that reason many of the proposals tabled in this paper are not new. However, the review of the arrangements provided for in the Northern Ireland (St Andrews Agreement) Act 2006 will provide the ideal opportunity for these to be considered.



### LONG-TERM ARRANGEMENTS – MOVING TOWARDS A VOLUNTARY COALITION

We believe that in the long-term, the best means of governing Northern Ireland would involve a voluntary coalition Executive and weighted majority voting of around 65% in the Assembly, resulting in an end to Community Designation. This system could provide for both an Executive and an official Opposition which would be consistent with normal democratic institutions while accepting the particular circumstances of Northern Ireland.

This should be the long-term goal of all of the Parties in Northern Ireland. However, we must be realistic about the ability to achieve it in the short-term. While voluntary coalition would undoubtedly improve the performance of devolution in Northern Ireland, it would be a mistake to assume it is a panacea to all of the problems that we face.



## WORKING BETTER TOGETHER

These proposals are based upon working better together under the present legal arrangements and could be implemented from the start of the new Assembly mandate. We believe that people want to see politicians working together and not scoring party-political points. Our proposals are founded upon this goal. Some of them will require the support of other Parties while others can be effected unilaterally. For arrangements to work, the goodwill of all Parties involved will be required. Self evidently if the level of partisan politics demonstrated in the run up to the Assembly election characterised the next Assembly, it would not be possible to maximise the benefits from these proposals.

### EXECUTIVE FORMATION

Under the present arrangements Departments are allocated on the basis of the d'Hondt formula. This determines both the number of Departments to which each Party is entitled and also the order of selection. After the last election this process was run informally between the Parties in advance of the formal process in the Assembly. An extension of this arrangement would be to seek to agree an Executive through discussion and negotiation. If such agreement could be reached, it could then be formalised through the running of d'Hondt on an agreed basis in the Assembly.

It has also been suggested that a Programme for Government be agreed before the Executive is established. While this idea has merit in principle, we should be conscious of the limited time afforded by statute to establish the Executive and the challenges of obtaining agreement by five Parties. We believe that, consistent with our proposals, high level agreement should be sought on a Programme for Government, however it would be absurd to make agreement a pre-requisite to the formation of an Administration.

### ALL-PARTY COMMISSIONS

Under the present structure of a mandatory coalition, it is desirable that decisions command the greatest possible support and authority across the Executive. This is tempered only by the temptation of 'minority parties' to seek to impede Executive business for perceived party-political advantage. Striking the appropriate balance will not always be easy, but where possible, consensus should be sought in the Executive.

In the present Assembly a number of significant policies have not proceeded due to a lack of widespread support from other Parties in the Executive. Those Ministers who have been prepared to engage in discussion and compromise have proven the most successful at delivering on their political and Departmental agendas. It is important that the necessary support is garnered before matters are brought before the Executive or Assembly.

One potential way to deal with the most difficult and controversial issues is to establish Cross-Party Commissions augmented with experts to address particular matters. This would allow for serious and informed considerations of some of the most contentious issues away from the public spotlight and on the basis of buy-in from all significant interests represented in the Assembly.

These Commissions could be established without the requirement of any formal change to the present arrangements.

One obvious example where a Commission could look at long-term solutions away from media attention is in the area of shared education provision.

**DUP: MAKING STORMONT WORK BETTER**

[ 7 ]

**GREATER SCRUTINY THROUGH COMMITTEES**

One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive - any party is entitled to forgo this and form an Opposition.

However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.

**VOTING IN THE EXECUTIVE**

We believe that the Executive and Assembly operate best when Parties operate together and on the basis of unanimity. For various reasons, this has not always proven possible. However every effort should be made to rectify this position.

Until there are long-term changes to the arrangements, we believe that steps can still be taken to make the Executive more inclusive and which do not require any formal changes to the rules. Subject to the outcome of the election and based on the good faith of all Parties involved we are prepared to make the following proposal:

In circumstances where other Executive Parties behave responsibly and constructively, the DUP will not normally force a vote against the wishes of another Executive Party. Instead, we will defer any such vote pending further consideration of the issue. However, in return for such a deferral we would expect that those opposed to a proposal would set out their specific objection and proposed amendments to the paper. This offer is only sustainable where it is not used for party-political advantage or to frustrate decisions.

**JUSTICE ARRANGEMENTS**

Before Policing and Justice powers were devolved there were key changes to how they were to be exercised. In particular, any political role in the appointment of the judiciary has been removed; cross-community agreement is required for the election of the Justice Minister; and quasi-judicial decisions do not require Executive agreement. The structures in relation to the Department of Justice have operated well since the devolution of justice powers in April 2010, but these will expire in 2012. We believe that any change to the current framework should only be considered in the context of a wider review of the devolution arrangements, whether before 2012 or 2015.

**CIVIC FORUM**

The Civic Forum has not been restored since 2007 and we see no case for its reintroduction. Nevertheless, where possible, we should seek to involve people from wider civic society where they can add value to decision-making.





## DUP: MAKING STORMONT WORK BETTER

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### NUMBER/REORGANISATION OF DEPARTMENTS

We propose that the number of Departments should be reduced to 6-8 and propose the following structure.

OFMdFM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions.

In addition there would be seven ordinary Departments.

- A Department of the Economy and Business with responsibility for all economic issues including skills, sport and culture.
- A Department for Education with responsibility for young people, schools and higher education.
- A Department of Health and Social Services.
- A Department for Regional Development with responsibility for roads, water, transport as well as planning and urban regeneration.
- A Department of Justice
- A Department of Communities and Social Welfare with responsibility for Local Government, Housing, Land and Property Services and the Social Security Agency.
- And a Department of Agriculture, Environment and Rural Development which would also have responsibility for the Northern Ireland Environment Agency.

### NUMBER OF MLAS

We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.

### NORTH-SOUTH ARRANGEMENTS

Relations between Northern Ireland and the Republic of Ireland have never been better. With the changes arising out of the St Andrews Agreement, the present north-south Institutions present no constitutional threat to Northern Ireland. The extent to which they represent good value for money is a separate issue. While we strongly oppose politically motivated Cross-Border Bodies, we will support co-operation which is in the interests of Northern Ireland.

### RESIGNATION OF MINISTERS

Provision already exists for the removal of Ministers within the Northern Ireland Act. However, in effect, this provision is significantly limited by the requirement that any vote of the Assembly to remove a Minister requires a cross-community majority as defined by the Act. In practice it therefore is not possible for the Assembly to remove a Minister from either of the two largest Parties in circumstances where the Minister continues to command the support of his Party's Nominating Officer. This is a severe limitation on the application of the relevant provision.

As an alternative in the short-term, consideration should be given to a non-binding motion of no confidence in a Minister which, while lacking formal legal effect, could have considerable political effect and, for which, there would be no automatic requirement for a cross-community vote. Indeed, the Assembly should establish a convention whereby Petitions of Concern are not used in relation to votes of confidence.

Following the passing of a vote of no confidence in a Minister it would be a matter for the individual or the Party's Nominating Officer to determine the future of that Minister. It would be a matter for the public as to whether the vote of no confidence was legitimate or a party-political stunt or whether the failure of a Minister to resign or be dismissed by their Nominating Officer was an improper failure to recognise the authority of the Assembly.

While this proposal falls short of an ideal situation, it may strike the balance between the opportunity for the Assembly to speak its mind and the protection of Ministers from purely party-political attacks.

This alternative also has the advantage of not requiring any formal change to legislation or the rules of the Assembly.



## PROPOSALS FOR ST ANDREWS REVIEW – BREAKING DOWN DIVISION

In the medium-term it is essential that we seek to break down the institutional arrangements which entrench division and divide the community. Our proposals for the St Andrews review will be designed with this aim in mind.

### DESIGNATION

We propose the abolition of community designation in the Assembly. Community designation is not only fundamentally undemocratic as it does not provide equality for all Assembly Members' votes, but it also entrenches community division and hinders the development of normal politics in Northern Ireland. As a result of the abolition of community designation new arrangements will be required for the Assembly and Executive.

### VOTING ARRANGEMENTS

Where a cross-community vote is required by legislation or triggered by a Petition of Concern, a proposal would require the support of 65% of Assembly Members present and voting to pass.

The 65% threshold means that a proposal would need to have widespread support across the community but would not permit a small minority to block decision-making. It would also permit various combinations of parties to pass a particular proposal with no single party holding a veto. It would also allow differing coalitions to pass proposals on different issues without any single group holding the Assembly to ransom. This arrangement would also encourage greater co-operation and compromise in the Assembly to obtain sufficient support for proposals to pass.

In the Executive analogous voting arrangements would also be introduced to require the support of parties representing 65% of Assembly Member voting in favour to pass.



**DUP: MAKING STORMONT WORK BETTER**

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DUP: MAKING STORMONT **WORK BETTER**

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# MAKING STORMONT **WORK BETTER**



## MAKING STORMONT WORK BETTER

The DUP values the views of members of the public. We are keen to hear your opinions. If you have any views on our proposals that you would like to contribute as we develop our strategy further, please email [consultation@dup.org.uk](mailto:consultation@dup.org.uk) or write to: DUP Policy Unit, 91 Dundela Avenue, Belfast BT4 3BU.



[www.dup.org.uk](http://www.dup.org.uk)

**Party Headquarters:** 91 Dundela Avenue, Belfast. BT4 3BU Tel: 028 9047 1155

**Stormont Office:** Room 207, Parliament Buildings, Stormont, Belfast BT4 3XX

**European Office:** Garvey Studios, Longstone Street, Lisburn, Co. Antrim BT28 1TP

**Westminster Office:** DUP Whip's Office, House of Commons, London SW1A 0AA

Scanned copy of SDLP Submission to the AERC  
Review of Parts III and IV of the NI Act



**Submission on the  
Review of Parts III & IV of the  
Northern Ireland Act 1998**

The SDLP welcomes the review of Parts III & IV of the Northern Ireland Act.

Any review should be conducted in the spirit of the Good Friday Agreement and the stated will of the people expressed at referendum in 1998.

In the near fourteen years since our historic agreement, devolution has become stable and the institutions are now accepted by the vast majority of our people. Many feel however that stability has also brought stagnation. This may reflect the challenges of a four or five party coalition or the inability of mindsets to embrace the model. Either way our citizens are becoming increasingly disillusioned by the inability of the Northern Ireland Executive to deliver for all.

North-South cooperation has demonstrated beyond doubt that it can add value to all the citizens of this island. The institutions established under the Good Friday Agreement are meeting their mandate. In fact across civic society, academia and the business community there is a demand to see cooperation deepen and institutions expanded in the years ahead. The stagnation in terms of substantial expansion of North-South cooperation since the St Andrews Agreement is a matter of deep regret for the SDLP.

It is against this backdrop that this review is being conducted.

### **Principles**

Several principles should underpin this review:

- Powersharing. Government in Northern Ireland should always be representative and reflective of both traditions.
- Reconciliation must be the principle and overriding objective of all administrations in Northern Ireland.
- Equality is the foundation stone on which the new Northern Ireland is built. It must be embedded in government and across our society.
- Partnership is the engine which will drive the transformation of our society.
- Prosperity. Making our region and this island more prosperous should be a primary objective of all future governments in Northern Ireland.
- Accountability. Future structures of government must be and feel fully accountable to our people. As republicans we believe that power lies fundamentally with the citizen. It is important that our citizens have the power to change governments and hold Ministers fully accountable.

Deepening cooperation and strengthening the institutions of North-South government will benefit our economy and society here in Northern Ireland and across Ireland. The outstanding review and expansion of North-South cooperation must be completed immediately to include new institutions providing for implementation in the areas of justice and policing, energy, trade promotion and development and environmental protection to mention just a some.

Exploring more ways of building better links with Scotland, Wales and Westminster must remain a focus for future administrations. The de-facto federalisation of the UK presents an opportunity for regional governments to demand greater direct input into decisions taken by the British Government which affect citizens in all the regions.

### **Better Government**

The SDLP has argued for reconfiguration of government departments for some years. We believe this review offers an opportunity to reconfigure our system of government so as to better meet the needs of our region and our citizens.

Our 2011 Assembly manifesto committed us to:

- **cutting the number of MLAs from 108 to 96** by the time of the next election. This figure has been calculated on the basis of what we expect will be the consequence of legislative changes in Westminster to have fewer MPs elected from fewer constituencies
- **reducing the number of Stormont departments and ministers, to better meet the major social and economic challenges facing people here.** Today, there are 11 departments plus OFMDFM, something of a departure from the Agreement's provision of up to 10 departments including OFMDFM
- **reforming OFMDFM**, the largest department within the Executive, has four Ministers and eight special advisors. This is excessive. There should also be a conscious attempt to **reduce the staff complement** in OFMDFM so that it becomes lean and efficient, capable of focusing on the overall work and performance of the Executive. This would also produce a modest financial saving
- creating **an Economy Department**, as recommended by the Independent Review of Economic Policy group
- Similarly, a **new Department of Energy and Sustainability**, a **new Department for Learning**, and a **new Communities, Housing and Local Government Department** - taking on board various elements of existing departments - all deserve further consideration
- Immediately remove the **Junior Minister positions** until such a time as the financial climate improves.

- **reallocating many of the functions of OFMDFM** - community relations, urban regeneration, former security sites, etc. - **to other departments**
- reinforcing the joint nature of OFMDFM by **changing titles to 'Joint First Ministers'**. While we do not believe this will in any way improve the lives of the people of the North, if removing the 'Deputy' element helps reinforce the equal status of the Office the SDLP would support such a change
- ensure all **parties agree to the use of the D'Hondt system for the appointment of all Ministries** post-election and for the full four-year term. Likewise, D'Hondt must continue to be used to appoint chairs, vice-chairs and other key positions within Committees. The running of D'Hondt should run seamlessly from ministerial appointments into statutory and other committee chairs and vice chairs.

### **Accountable Government**

Addressing the perceived lack of accountability of the Northern Ireland Executive should be a focus of the Assembly Executive and Assembly Review Committee's review of Parts III & IV.

There can never be any return to the old days of majority rule and discrimination.

However the time has now come to test whether a more open and accountable system still based on power-sharing and equality could deliver stable and strong government for our region as well as proving an opportunity for a constructive and robust critique of Executive decisions and ministerial performance.

### **A Stronger Assembly**

A strong a dynamic Assembly robustly holding the Executive to account and legislating proactively was a central tenant of the Good Friday Agreement. This review should fully consider whether the Assembly is fully holding the Executive to account.

A Budget Committee should be established to properly scrutinise all departmental budgets. This committee would also focus on efficiency in government, maintain a focus on spending a reform in real time. Consideration also needs to be given to ensuring Ministers have a duty to make individual budget statements to the Assembly.

The committee should consider what other reform opportunities to further strengthen the Assembly.

**Coterminous Constituencies**

Northern Ireland constituencies are coterminous with Westminster constituencies. This is not the case in Scotland or Wales. As such the change in the size of the Westminster Parliament will have no impact on the size of the Scottish Parliament or the Welsh Assembly. Here there is an obvious automatic effect.

However, the introduction of individual registration in England in the coming years may lead to a reduction in the numbers of people registered to vote there (as happened here when individual registration was introduced) and so to a reduction in the number of English MPs in future parliaments.

This could see the number of Northern Ireland MPs increase by default. Should this happen under the coterminous rule, the number of MLAs could go up and down dependant on the number of NI Westminster seats. This might not be in the best regional interest and the Assembly and Executive Review Committee should fully consider this and other scenarios during the review of Parts II & IV of the Northern Ireland Act.

ENDS

SF

**McCullough, Kate**

---

**Subject:** FW: Sinn Féin - Priorities in relation to parts 3 and 4 of the 'Northern Ireland Act' 26/01/12

**From:** Sinn Féin Assembly ;  
**Sent:** 26 January 2012 10:52  
**To:** Simmons, John  
**Subject:** Sinn Féin - Priorities in relation to parts 3 and 4 of the 'Northern Ireland Act' - 26/01/12

John a chara,

Please find our priorities below as requested.

Is mise le meas,

Liam Lappin

*Sinn Féin Assembly Administration  
Tel/Fón: 02890521471/02890521470  
Fax/Facs: 02890521488*

*Please note our new email address: [sfassembly@hotmail.com](mailto:sfassembly@hotmail.com)*

#### **Assembly and Executive Review Committee**

#### **Sinn Féin - Priorities in relation to parts 3 and 4 of the 'Northern Ireland Act' – 26/01/12**

**Size of the Assembly and number of departments:** SF supports a reduction in the number of MLAs and departments.

**Dual Mandates:** SF support the phasing out of Dual mandates by the end of the current Assembly mandate.

**Length of Mandate:** SF supports the view that the length of the current Assembly mandate be extended to a five year period.



## Letter to Parties - Individuals



Assembly & Executive Review Committee,  
Room 375,  
Parliament Buildings,  
Ballymiscaw,  
Stormont,  
Belfast BT4 3XX

Telephone: 028 90521928

21 May 2013

Dear

At today's meeting of the Assembly and Executive Review Committee (AERC), the Committee agreed that I would write to Party Leaders and Independent Members of the Assembly to request information on what issue or issues you would like to see prioritised for review by AERC in the coming autumn 2013 session.

As you are aware, the AERC considers matters relating to the operation of the provisions of Parts III and IV of the Northern Ireland Act 1998. The AERC shall also consider any such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

The Committee is currently undertaking a Review of d'Hondt, community designation and opposition, which it plans to finalise and publish in late June 2013. The Committee's recent Review work includes Reports on:

- Reduction in the Number of Northern Ireland Departments (20th November 2012);
- Number of Members of the Northern Ireland Assembly (12th June 2012);
- Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012 (22nd November 2011).

As you will be aware, The Northern Ireland (Miscellaneous Provisions) Bill received its first reading in the House of Commons on 9 May and was published on 10th May 2013. This Bill makes provision on the following issues:

- Increasing transparency in donations and loans to NI political parties;
- Ending 'double-jobbing' by preventing Members of the NI Assembly (MLAs) from sitting concurrently as Members of the House of Commons, or as Teachta Dála (TDs) in Dáil Éireann;
- Changing the appointment and dismissal processes for the NI Justice Minister, to give the post greater security of tenure;
- Introducing five year fixed terms for the NI Assembly;

- Extending the length of the current Assembly term by one year to 2016, bringing Northern Ireland in line with Scotland and Wales;
- Improving the administration of elections in NI, in line with recommendations by the Electoral Commission and Chief Electoral Officer;
- Allowing the NI Assembly to reduce the number of MLAs, with the Secretary of State's consent; and
- Providing for the potential devolution of functions in relation to the NI Civil Service Commission, NI Human Rights Commission and district electoral areas.

The Bill is available here: <https://www.gov.uk/government/news/northern-ireland-bill-published> You may wish to take account of the issues covered in the Northern Ireland (Miscellaneous Provisions) Bill when considering your response to the Committee.

I would be grateful if you would advise me of the issue or issues that your Party would like to see prioritised by AERC. I would appreciate it if a response could be forwarded to the Committee Secretariat at the latest by Thursday 13 June to allow the Committee to discuss and agree the subject of its next review on 18 June 2013

A copy of this letter has also been sent to members of your Party who sit on the Assembly and Executive Review Committee for their information.

Yours sincerely

**Mr Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee

## Alliance Party response for AERC Priorities



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BELFAST    [alliance@allianceparty.org](mailto:alliance@allianceparty.org)  
BT7 1HE    [www.allianceparty.org](http://www.allianceparty.org)

Stephen Moutray MLA,  
Chairperson, Assembly and Executive Review Committee,  
Room 375, Parliament Buildings,  
Stormont,  
BELFAST.  
BT4 3XX

Wednesday 12<sup>th</sup> June 2013

Dear Stephen,

Thank you for your letter dated 21st May regarding the future business programme of the Assembly and Executive Review Committee (AERC).

In particular, the Alliance Party has two issues which it feels would be useful to look at over the Committee's Autumn 2013 session.

### Civic Forum for Northern Ireland

The Civic Forum for Northern Ireland was established as part of the Good Friday Agreement in 1998 and was suspended alongside the Assembly in 2002. Despite it being an integral part of the institutions set out within the Good Friday Agreement, and subsequently endorsed by public referendum, it has not functioned since this date. OFMDFM has repeatedly stated that the matter is under review, but the review has now extended over some six years.

The Alliance Party would not be prescriptive about any model within which the Civic Forum might operate, and is not advocating that it be re-established using the same structure as that which was previously adopted. Rather, we believe that the AERC could provide an opportunity for creative thinking around how a forum might assist the Assembly and the Executive in engaging with, and benefiting from, the expertise which lies beyond its membership. The Scottish Parliament, for example, established a Scottish Futures Forum which works with policy makers, businesses, academics, and the wider community of Scotland, to examine issues that the Scottish Parliament will need to examine in the future. This is only one potential model that AERC could examine if it were to include this issue in its forward work plan.



In 2013, the Assembly voted for the Civic Forum to be re-established. Given this vote, we would be keen for the Committee to prioritise the issue of how the Civic Forum could be re-established and function in a way that is considered beneficial to the wider system of government.

Progress Report

Your letter also notes a number of reports that the Committee has undertaken to date and also mentions that a report into designations, opposition and d'Hondt will be produced shortly. The reports written so far have been on substantive issues and we believe that it would be useful for the Committee to establish how many of its recommendations have been enacted by the Executive or the relevant Assembly authorities.

I believe these issues would be sensible issues for the Committee to prioritise over the next term.

Yours sincerely

A handwritten signature in black ink, which appears to read "David Ford".

David Ford MLA

**Alliance Party Leader**

## DUP Response



Parliament Buildings  
BELFAST  
BT4 3XX

Stephen Moutray  
Chair of the Assembly and Executive Review Committee  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

2 July 2013

Dear Stephen

The Northern Ireland Bill at Westminster is dealing with a number of the issues which the AERC has been considering. However there remain a number of matters which could usefully be considered.

1. Consideration of non statutory arrangements to facilitate those who do not wish to take up places to which they are entitled in the Executive in forming an opposition.
2. Consideration of whether there should be legislative change to allow the Northern Ireland Assembly to legislate to amend Part 3 and Part 4 of the Northern Ireland Act 1998 subject to the approval of the Secretary of State.

Yours sincerely

**RT HON PETER D ROBINSON MLA**

## Sinn Féin Response for AERC Priorities

**FAO: Stephen Moutray MLA**

Stephen a chara,

I have been asked by the Sinn Féin President, Gerry Adams to respond on his behalf to your letter dated 21<sup>st</sup> May 2013 inviting him to propose some issues which Sinn Féin would like prioritised for review by AERC in the coming autumn 2013 session.

Sinn Féin would like to suggest the following two items:

- **Review of the Assembly Commission in terms of its remit and voting arrangements**
- **Gender Equality - Consideration of measures which the Assembly & Executive can initiate to ensure balanced gender equality in the Assembly.**

Is mise le meas,

Liam Lappin



**Assembly Administration - Tel/Fón: 02890521471/02890521470 - Fax/Facs: 02890521488 – Email/  
R-phost: [sfassembly@hotmail.com](mailto:sfassembly@hotmail.com)**

## TUV response for AERC Priorities

Please find below the TUV response to the issues outlined in your letter of 21st May.

Thanking you

Samuel Morrison, Traditional Unionist Voice.

- Transparency in donations and loans to political parties: TUV believes that Northern Ireland should be brought into line with the rest of the UK. The current situation where parties are allowed to cloak donations to them in secrecy is totally unacceptable and does nothing to increase public confidence in the political system.
- Double-jobbing: TUV reiterates its longstanding position that double-jobbing should immediately come to an end. There should be no question of MLAs also sitting as MPs never mind members of a foreign parliament in Dublin. TUV also believes that MLAs should not hold positions as councillors. Our party believes in one politician, one job.
- Security of tenure for Justice Minister: TUV does not believe that any of the Ministers in the Executive can be properly held to account. The system of petitions of concern effectively makes it impossible for the Assembly to sanction any Minister. The issue which the Committee should be concerning itself with, therefore, is how to make Ministers generally more accountable.
- Five year fixed terms and expending current Assembly term one year: TUV believes that Assembly Members should serve the term for which they were elected, nothing more. There should be no question of denying the people their right to pass judgment on what the Assembly has done at the point at which the current mandate was to come to an end.
- Reducing the number of MLAs: TUV has long argued for a reduction in the number of MLAs. The current number is an unjustifiable drain on the public purse.
- Potential devolution of additional functions: Given the shambles which Stormont has made of the powers it already has TUV opposes the devolution of any further functions.

## UKIP Response for AERC Priorities

Advice Centre

35 Saintfield Mill  
Saintfield Parks  
Saintfield  
Co Down  
BT24 7FH  
Ph: 028 97510705  
Email: [davidmcnarry@btconnect.com](mailto:davidmcnarry@btconnect.com)  
Web site: [www.davidmcnarry.com](http://www.davidmcnarry.com)

Parliament Buildings  
Belfast BT4 3XX



**David McNarry MLA**  
*UK INDEPENDENCE PARTY Member*  
**For Strangford**

Via email

5 June 2013

Mr Stephen Moutray MLA  
Chairperson  
Assembly & Executive Review committee

Dear Stephen

Nigel Farage has asked me to response to your request for issues to be prioritised for review by AERC.

- Reduce the number of MLAs
- Reduce the number of department.

Yours sincerely

David McNarry MLA

*Standing up for Strangford*



## UUP Response for AERC Priorities 2013



Stephen Moutray MLA  
Chairperson  
Assembly and Executive Review Committee  
Room 375  
Parliament Buildings  
Belfast  
BT4 3XX

10<sup>th</sup> June 2013

Dear *Stephen,*

Thank you for your letter of 21 May, relaying the invitation to suggest ideas for consideration by your Committee this autumn.

The Ulster Unionist Party has identified three broad areas we commend to you:

- Ways to introduce a formal or informal Opposition in the NIA;
- The purpose and functions of Statutory Committees;
- The use of Petitions of Concern.

Yours sincerely

*Best wishes,  
Mike*

Mike Nesbitt MLA  
Leader, Ulster Unionist Party

Room 216  
Parliament Buildings  
Stormont Estate  
Belfast  
BT4 3XX

E:mike.nesbitt@mla.niassembly.gov.uk

## SDLP

### **Response from SDLP regarding topics for future AERC Review**

**25 June 2013**

Dear Stephen

On behalf of the SDLP can we add the following items for consideration by the AERC in its future work programme.

Civic Forum  
North/South Consultative Forum  
All-island inter-parliamentary arrangements  
St Andrews Review

Conall McDevitt MLA

## 27 March 14 Letter to Party Leaders



**Assembly and Executive Review Committee**

Room 241,  
Parliament Buildings,  
Ballymiscaw  
Stormont,  
Belfast BT4 3XX

Telephone 028 90 521928

email: [committee.assembly&executivereview@niassembly.gov.uk](mailto:committee.assembly&executivereview@niassembly.gov.uk)

27 March 2014

Dear

**Re: Update of Priority Issues for Future Reviews by the Assembly and Executive Review Committee**

In May 2013 I wrote to Party Leaders and Independent Members of the Assembly to request information on what issue or issues you would like to see prioritised for review by the Assembly and Executive Review Committee (AERC) in its future work programme.

At AERC's meeting on the 25 March 2014 the Committee agreed to seek an update on this and I agreed to write to you to ask you to reflect on your original response and to consider if it requires an update. If you did not provide a response to the request in May 2013 please do take this opportunity to include what issue or issues you would like to see prioritised for review by the AERC.

As you are aware, the AERC considers matters relating to the operation of the provision of Parts III and IV of the Northern Ireland Act 1998. The AERC will also consider any such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

I would appreciate if a response could be forwarded to the Committee Secretariat as soon as possible and at the latest by **Thursday 1 May 2014** to allow the Committee to discuss this at its meeting on the 6 May 2014.

For your information please find attached a copy of your original response (as applicable) and a list of the Committee's recent review Reports.

For Party Leaders, a copy of this letter has also been sent to Members of your Party who sit on the Assembly and Executive Review Committee for their information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Moutray'.

**Mr Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee

## AERC

Stephen, a chara,

Please find below a letter from Gerry Adams for your attention.

Doireann Nic Dhomhnaill

Office of Gerry Adams TD

Via email: [committee.assembly&executivereview@niassembly.gov.uk](mailto:committee.assembly&executivereview@niassembly.gov.uk)

29th April 2014

Stephen, a chara,

Thank you for your letter seeking the view of Sinn Féin in relation to the issues the party would like the Assembly and Executive Review Committee to include in its programme of work.

The issues we would like to see prioritised are:

Gender Equality in the Assembly

The Assembly Commission remit and its voting arrangements

The Civic Forum

Is mise le meas,

**Gerry Adams TD**

Sinn Féin President

Kildare St

Dublin 2

Leinster House Tel: +353 1 618 4442

Dundalk Constituency Office Tel: +353 42 932 8859

Drogheda Constituency Office Tel: +353 41 987 3823

Website: [www.sinnfein.ie](http://www.sinnfein.ie)

Blog: [www.leargas.blogspot.com](http://www.leargas.blogspot.com)

Twitter: GerryAdamsSF

Sinn Féin Alternative Budget 2014: [www.sinnfein.ie](http://www.sinnfein.ie)

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<http://www.oireachtas.ie/parliament/about/oireachtasemailpolicyanddisclaimer/>

Beartas ríomhphoist an Oireachtais agus séanadh.

<http://www.oireachtas.ie/parliament/ga/eolas/beartasriomhphoistanoireachtaisagusseanadh/>

## Agreed Letter to Parties 9 Dec 14

Mr Stephen Moutray  
Chairperson  
Assembly and Executive Review Committee  
Room 276  
Parliament Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3XX

9 December 2014

### **Dear Party Leader/Independent Member**

The Assembly and Executive Review Committee shall make a report on the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 ("the 1998 Act") by no later than 1 May 2015.

The Committee has previously consulted with the political parties in order to identify those provisions within Parts 3 and 4 of the 1998 Act which merited its particular attention. As a result the Committee has identified key issues and has carried out inquiries (and published reports thereon) in relation to them. These issues include:

- the devolution of policing and justice;
- the operation of sections 16A to 16C of the Northern Ireland Act 1998;
- the initial ministerial provision in relation to the Department of Justice and the arrangements of 1 May 2012;
- the number of Members of the Northern Ireland Legislative Assembly;
- the number of Northern Ireland departments;
- a review of D'Hondt, community designation and provisions for opposition; and
- a review of petitions of concern.

If there are any further provisions of Parts 3 and 4 of the 1998 Act which the Committee has not yet considered but to which you would like the Committee to give particular attention, please let me know in writing by Tuesday 20 January 2015.

Yours sincerely



**Mr Stephen Moutray MLA**  
Chairperson

## Reminder letter to Party Leaders

Mr Stephen Moutray  
Chairperson  
Assembly and Executive Review Committee  
Room 241  
Parliament Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3XX

27 January 2015

Mr Peter Robinson MP MLA

DUP  
Party Leader

The Assembly and Executive Review Committee wrote to you on 9 December 2014 (see attached) to inform you that it shall be making a report on the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 ("the 1998 Act") **by no later than 1 May 2015.**

At its meeting of 27 January 2015, the Committee agreed to write again to all party leaders and independent members to confirm if there were any further provisions of Parts 3 and 4 of the 1998 NI Act which parties and members would like the Committee to consider as part of its Report.

If you wish to respond please do so by **Tuesday 3 February 2015.**

Yours sincerely



**Mr Stephen Moutray MLA**  
Chairperson

## Letter from G Adams



OFFICE OF SINN FÉIN PRESIDENT GERRY ADAMS TD  
OIFIG UACHTARÁN SHINN FÉIN GEARÓID MAC ÁDHAIMH TD

Mr Stephen Moutray MLA  
Cathaoirleach  
Assembly and Executive Review Committee  
Room 241  
Parliament Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3XX

25<sup>th</sup> February 2015

Stephen a chara,

Thank you for your letter of Tuesday 27<sup>th</sup> January 2015

I have consulted with Sinn Féin representatives on the Assembly and Executive Review Committee and I am conscious that the next phase of the Committee's work will be influenced by the sections of the Stormont House Agreement which impact on the workings of the Assembly.

I am also aware that the protocol for dealing with issues of this nature is for the Committee to meet with the First and Deputy First Ministers to seek guidance.

Therefore I will await the outcome of this meeting before offering a view to the Committee.

Is mise le meas,

Gerry Adams TD

TITHE AN OIREACHTAIS  
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Northern Ireland  
Assembly

Appendix 5

# Assembly Research Papers



# Links to Commissioned Research by the Assembly and Executive Review Committee

From 2007 to 2014

## Research Papers June 2007 – May 2009

1. Dual/Multiple Mandates  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/RP\\_01\\_07\(Meeting\\_2\)\\_Dual\\_Mandates\\_\(4\).pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/RP_01_07(Meeting_2)_Dual_Mandates_(4).pdf)
2. Ministerial Dual Mandates  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/RP\\_02\\_07\(Meeting\\_3\)\\_Ministerial\\_Dual\\_Mandate.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/RP_02_07(Meeting_3)_Ministerial_Dual_Mandate.pdf)
3. SOCA Briefing Note / Appendix A  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/SOCA\\_briefing.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/SOCA_briefing.pdf)  
  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Append\\_A\\_4\\_new\\_powers.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Append_A_4_new_powers.pdf)
4. Briefing Paper – The Northern Ireland Court Service  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Court\\_Service\\_Research\\_Final.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Court_Service_Research_Final.pdf)
5. Supplemental Briefing Paper – Policy Responsibilities of the Court Services in Northern Ireland, Scotland and Republic of Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Court\\_Service\\_Supplemental\\_briefing\\_final.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Court_Service_Supplemental_briefing_final.pdf)
6. Briefing Paper – Court Service and Public Prosecution Models in England, Wales and Northern Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Court\\_service\\_and\\_CPS\\_Paper.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Court_service_and_CPS_Paper.pdf)
7. Multiple Mandates/Conflicts of Interests  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Multiple\\_Mandates\\_Jan\\_2008.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Multiple_Mandates_Jan_2008.pdf)
8. Independence and Accountability of the Public Prosecution Service, Northern Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Independence\\_and\\_Accountability\\_of\\_the\\_Public\\_Prosecution\\_Service\\_\(2\).pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Independence_and_Accountability_of_the_Public_Prosecution_Service_(2).pdf)
9. Research Proposals on Policing and Justice  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Research\\_Services\\_Outline\\_Paper.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Research_Services_Outline_Paper.pdf)
10. Policing Governance Structures in United Kingdom and Republic of Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Policing\\_Governance\\_Structure\\_document.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Policing_Governance_Structure_document.pdf)
11. Committees with Oversight Responsibilities on Justice Matters in United Kingdom and Republic of Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Oversight\\_Responsibilities.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Oversight_Responsibilities.pdf)
12. Appointments to Police Oversight Bodies  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Appointments\\_to\\_Police\\_Oversight\\_Bodies.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Appointments_to_Police_Oversight_Bodies.pdf)

13. Supplementary Information on the Recommendations of the Criminal Justice Inspection, Northern Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/Supplementary Briefing on Criminal Justice Inspection.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/Supplementary%20Briefing%20on%20Criminal%20Justice%20Inspection.pdf)
14. The Attorney General for Northern Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/TheAttorneyGeneralForNI.pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/TheAttorneyGeneralForNI.pdf)
15. The Attorney General for England and Wales  
<http://archive.niassembly.gov.uk/researchandlibrary/2009/6509.pdf>
16. The Attorney General for Ireland  
[http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/research/pdf/paper%20on%20Ag%20for%20Ireland%20\(3\).pdf](http://archive.niassembly.gov.uk/assem_exec/2007mandate/research/pdf/paper%20on%20Ag%20for%20Ireland%20(3).pdf)
17. The Attorney General for Northern Ireland, Director of Public Prosecutions and Accountability to the Assembly  
<http://archive.niassembly.gov.uk/researchandlibrary/2009/6609.pdf>

#### **Research Paper August 2010**

18. Multiple Mandates  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2010/executive-review/10010.pdf>

#### **Research Papers March 2011 – December 2011**

19. Size of the Northern Ireland Assembly  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/17611.pdf>
20. Length of Assembly Mandate  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/15111.pdf>
21. Aspects of Opposition  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/14411.pdf>
22. Department of Justice Sunset Clause  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/12511.pdf>
23. Relationships between Committees and Departments  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/7711.pdf>
24. The Parliamentary Voting System and Constituencies Act 2011  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/assembly-and-executive-review/4211.pdf>

#### **Research Papers January 2012 – December 2012**

25. Opposition, community designation and D'Hondt  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/18912.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/18912.pdf)
26. Estimating the cost of machinery of government changes  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/16612.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/16612.pdf)

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27. Machinery of Government - Departmental Arrangements  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/12612.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/12612.pdf)
  28. Electoral Constituencies - Further Information on Decoupling in Scotland  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/8612.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/8612.pdf)
  29. Further information on plenary and committee business in the Northern Ireland Assembly and other legislatures  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/7812.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/7812.pdf)
  30. Electoral Constituencies  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/7912.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/7912.pdf)
  31. Scheduling Parliamentary Time  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/6312.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/6312.pdf)
  32. Electoral boundaries in Scotland and Wales  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/6412.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/6412.pdf)
  33. Further information relating to the structure of the Northern Ireland Assembly  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/0712.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/0712.pdf)
  34. Electoral systems for the Scottish Parliament and National Assembly for Wales  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly\\_exec\\_review/0812.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/assembly_exec_review/0812.pdf)

#### **Research Papers May – September 2013**

35. The Civic Forum  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2013/assembly\\_exec\\_review/10913.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2013/assembly_exec_review/10913.pdf)
36. Additional information on Petitions of Concern  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2013/assembly\\_exec\\_review/6613.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2013/assembly_exec_review/6613.pdf)

#### **Research Papers January 2014 – December 2014**

37. Sittings of the Northern Ireland Assembly beyond 6pm  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/12914.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/12914.pdf)
38. Sitting and Voting Times in the United Kingdom and Republic of Ireland  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/12114.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/12114.pdf)
39. Job Sharing, Twinning and Zipping: Applications to Northern Ireland  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/12014.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/12014.pdf)
40. Women and Public Appointments in Northern Ireland  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/11914.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/11914.pdf)

41. Sitting Times in the Swedish Riksdag  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/10914.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/10914.pdf)
42. Training and Support Programmes for Women in Politics  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/10714.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/10714.pdf)
43. Job Sharing in Political Representation  
[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly\\_exec\\_review/10614.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/assembly_exec_review/10614.pdf)
44. The Swedish General Election 2014 and the Representation of Women  
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Northern Ireland  
Assembly

Appendix 6

# Stormont House Agreement





# Stormont House Agreement

## Finance and Welfare

The participants agree:

1. Early measures are needed to address the longer term structural financial difficulties in the Northern Ireland budget.
2. In particular there is a need for measures to improve the efficiency of the civil service and wider public sector and reduce administrative costs.
3. The Government has developed a comprehensive financial support package to help the Executive deliver across its priorities. The total value of the Government package represents additional spending power of almost £2 billion. Details of the financial package are in a financial annex attached to this agreement.

### **2015-16 budget and welfare**

4. A final balanced budget for 2015-16 needs to be agreed in January.
5. The Executive will adopt in January 2015 a comprehensive programme of Public Sector Reform and Restructuring which will encompass a wide range of strategies, including measures to address structural differences in relation to the cost of managing a divided society, reduce pay bill costs, such as a reduction in the size of the NICS and the wider public sector, and the extension of shared services. An independent strategic review of public sector reform conducted by OECD will report by the end of 2015.
6. Legislation will be brought before the Assembly in January 2015 to give effect to welfare changes alongside further work to develop and implement flexibilities and top-ups from the block grant as part of a package of measures to address local need.
7. Implementation of these welfare changes will begin to take place in the financial year 2015-16 and implementation will be complete by 2016-17.
8. In view of the progress made in the talks, legislation will be introduced as soon as Parliament returns to enable the devolution of corporation tax in April 2017. Progress of legislation will proceed in parallel with the implementation of key measures to deliver sustainable Executive finances. More detail is included in the financial annex.

### **Medium and longer term reform**

9. Executive departments should also be commissioned to undertake work looking at medium and long term reform measures with the support of DFP and report back by March 2015.
10. These plans will include delivery plans and implementation timetables that allow at least some measures to be delivered in 2015-16 and others as soon as possible thereafter.
11. Executive departments should also consider how best to realise the value of their capital assets through reform or restructuring to realise income and longer term savings.
12. There should be an independent audit of departmental spending to identify how divisions in society impact on the delivery of goods, facilities and services, and to then consider how best to reconfigure service delivery in a manner consistent with a shared future.
13. Revenue raising measures may be considered if cost reductions cannot be achieved quickly enough or if there is a decision to run an enhanced provision of public services.

### ***Additional Fiscal Devolution***

14. The Executive is examining a range of taxes, in furtherance of the Economic Pact signed by the Prime Minister, First Minister and deputy First Minister, to consider whether devolution could result in any clear economic or social benefit for Northern Ireland. In the light of this work the Government will consider additional fiscal devolution for Northern Ireland, including Aggregates Levy, Stamp Duty Land Tax and Landfill Tax.

## **Flags, Identity, Culture and Tradition**

The participants agree:

15. A Commission on Flags, Identity, Culture and Tradition will be established by June 2015 as the basis for further addressing these issues, to report within 18 months of its being established. The Commission shall consist of fifteen members, seven of which will be nominees appointed by the leaders of the parties in the Executive. These will comprise two members for each of the two largest parties and one for each of the three next-largest parties in the Northern Ireland Executive, all as measured by their number of seats in the Northern Ireland Assembly. The remaining eight members of the Commission will be drawn from outside of government. The report and recommendations will be agreed by a majority of the overall Commission, including at least five of the seven members appointed by party leaders. Its remit will focus on flags and emblems and, as required, broader issues of identity, culture and tradition, and seek to identify maximum consensus on their application. In its work, it will be guided by the principles of the existing Agreements including parity of esteem. As the Commission's work may touch on expressions of sovereignty and identity, it may consult the UK and Irish Governments.

### **Parades**

16. Based on the considerable level of agreement in the Party Leader Talks, earlier this year, the UK Government proposes that –
17. Powers to take responsibility for parades and related protests should, in principle, be devolved to the NI Assembly.
18. The Office of Legislative Counsel, working in conjunction with OFMDFM, shall provide a range of options on how the remaining key issues which include the Code of Conduct, criteria and accountability could be addressed in legislation. OFMDFM shall bring forward proposals to the Executive by June 2015.
19. The legislation will focus on the rights and responsibilities of those involved in, or affected by, parades and related protests, with proper regard for fundamental rights protected by the ECHR. The aim will be to balance the competing rights of those involved, but also to recognise the responsibilities they owe to others. The system will have regard to the following:
- a) Regulation of parades and related protests should be based on the following approach:
    - i) respect for the rule of law; ii) respect for those who parade; iii) respect for those who protest; and iv) respect for those who live and work in areas in which parades and protests take place;
  - b) Encouraging and facilitating direct, meaningful and sustained local dialogue should be at the heart of any new regulatory system for parades and protests;
  - c) Transparency, proportionality, openness and fairness; and
  - d) Independent adjudication will remain a necessary part of the regulatory process, but should be a last resort.
20. There will be a full public consultation on any agreed legislation.

## The Past

The participants agree:

21. As part of the transition to long-term peace and stability the participants agree that an approach to dealing with the past is necessary which respects the following principles:

- promoting reconciliation;
- upholding the rule of law;
- acknowledging and addressing the suffering of victims and survivors;
- facilitating the pursuit of justice and information recovery;
- is human rights compliant; and
- is balanced, proportionate, transparent, fair and equitable.

Consistent with those principles, the participants have agreed as follows:

22. The Executive will, by 2016, establish an Oral History Archive to provide a central place for people from all backgrounds (and from throughout the UK and Ireland) to share experiences and narratives related to the Troubles. As well as collecting new material, this archive will attempt to draw together and work with existing oral history projects.
23. The sharing of experiences will be entirely voluntary and consideration will be given to protecting contributors, and the body itself, from defamation claims. The Archive will bring forward proposals on the circumstances and timing of contributions being made public.
24. The Archive will be independent and free from political interference.
25. A research project will be established as part of the Archive, led by academics to produce a factual historical timeline and statistical analysis of the Troubles, to report within 12 months.
26. The Executive will take steps to ensure that Victims and Survivors have access to high quality services, respecting the principles of choice and need. The needs of victims who do not live in Northern Ireland should also be recognised.
27. The Commission for Victims and Survivors' recommendation for a comprehensive Mental Trauma Service will be implemented. This will operate within the NHS but will work closely with the Victims and Survivors Service (VSS), and other organisations and groups who work directly with victims and survivors.
28. Further work will be undertaken to seek an acceptable way forward on the proposal for a pension for severely physically injured victims in Northern Ireland.
29. Victims and survivors will be given access to advocate-counsellor assistance if they wish.

### ***Historical Investigations Unit***

30. Legislation will establish a new independent body to take forward investigations into outstanding Troubles-related deaths; the Historical Investigations Unit (HIU). The body will take forward outstanding cases from the HET process, and the legacy work of the Police Ombudsman for Northern Ireland (PONI). A report will be produced in each case.
31. Processes dealing with the past should be victim-centred. Legacy inquests will continue as a separate process to the HIU. Recent domestic and European judgments have demonstrated that the legacy inquest process is not providing access to a sufficiently effective investigation within an acceptable timeframe. In light of this, the Executive will take appropriate steps to improve the way the legacy inquest function is conducted to comply with ECHR Article 2 requirements.
32. Appropriate governance arrangements will be put in place to ensure the operational independence of the two different elements of the work of the HIU.

33. The HIU will have dedicated family support staff who will involve the next of kin from the beginning and provide them with expert advice and other necessary support throughout the process.
34. The HIU will consider all cases in respect of which HET and PONI have not completed their work, including HET cases which have already been identified as requiring re-examination. Families may apply to have other cases considered for criminal investigation by the HIU if there is new evidence, which was not previously before the HET, which is relevant to the identification and eventual prosecution of the perpetrator.
35. As with existing criminal investigations, the decision to prosecute is a matter for the DPP and the HIU may consult his office on evidentiary issues in advance of submitting a file.
36. When cases are transferred from HET and PONI, all relevant case files held by those existing bodies will be passed to the new body. In respect of its criminal investigations, the HIU will have full policing powers. In respect of the cases from PONI, the HIU will have equivalent powers to that body.
37. The UK Government makes clear that it will make full disclosure to the HIU. In order to ensure that no individuals are put at risk, and that the Government's duty to keep people safe and secure is upheld, Westminster legislation will provide for equivalent measures to those that currently apply to existing bodies so as to prevent any damaging onward disclosure of information by the HIU.
38. HIU will be overseen by the Northern Ireland Policing Board.
39. The necessary arrangements will be put in place to ensure the HIU has the full co-operation of all relevant Irish authorities, including disclosure of information and documentation. This will include arrangements for co-operation between criminal investigation agencies in both jurisdictions and arrangements for obtaining evidence for use in court proceedings. Where additional legislation is required, it will be brought forward by the Irish Government.
40. In order to ensure expeditious investigations, the HIU should aim to complete its work within five years of its establishment.

***Independent Commission on Information Retrieval (ICIR)***

41. A new body, which will respect the sovereign integrity of each jurisdiction, will be established by the UK and Irish Governments, called the Independent Commission on Information Retrieval (ICIR), building on the precedent provided by the Independent Commission on the Location of Victims' Remains. The objective of the ICIR will be to enable victims and survivors to seek and privately receive information about the (Troubles-related) deaths of their next of kin.
42. Individuals from both the UK and Ireland will be able to seek information from the ICIR.
43. Once established, the body will run for no longer than 5 years.
44. The ICIR will be led by five members: an independent chairperson who may be of international standing and will be appointed by the UK and Irish Governments, in consultation with OFMDFM, together with two nominees appointed by the First and deputy First Minister, one each appointed by the UK Government and the Irish Government.
45. The ICIR's remit will cover both jurisdictions and will have the same functions in each. It will be entirely separate from the justice system. The ICIR will also be free to seek information from other jurisdictions, and both governments undertake to support such requests.
46. The ICIR will not disclose information provided to it to law enforcement or intelligence agencies and this information will be inadmissible in criminal and civil proceedings. These facts will be made clear to those seeking to access information through the body.

47. The ICIR will be given the immunities and privileges of an international body and would not be subject to judicial review, Freedom of Information, Data Protection and National Archives legislation, in either jurisdiction.
48. Legislation will be taken forward by the UK Government, the Irish Government and the Assembly to implement the above decision on inadmissibility.
49. The ICIR will not disclose the identities of people who provide information. No individual who provides information to the body will be immune from prosecution for any crime committed should the required evidential test be satisfied by other means.
50. The ICIR will be held accountable to the principles of independence, rigour, fairness and balance, transparency and proportionality.

### ***Implementation and Reconciliation***

51. An Implementation and Reconciliation Group (IRG) will be established to oversee themes, archives and information recovery. After 5 years a report on themes will be commissioned by the IRG from independent academic experts. Any potential evidence base for patterns and themes should be referred to the IRG from any of the legacy mechanisms, who may comment on the level of co-operation received, for the IRG's analysis and assessment. This process should be conducted with sensitivity and rigorous intellectual integrity, devoid of any political interference.
52. Promoting reconciliation will underlie all of the work of the IRG. It will encourage and support other initiatives that contribute to reconciliation, better understanding of the past and reducing sectarianism.
53. In the context of the work of the IRG, the UK and Irish Governments will consider statements of acknowledgement and would expect others to do the same.
54. The Body will be eleven strong. Publicly elected representatives will not be eligible for appointment. The chair shall be a person of independent and international standing and will be nominated by the First Minister and deputy First Minister. The other appointments will be nominated as follows: DUP - 3 nominees, Sinn Féin – 2 nominees, SDLP – 1 nominee, UUP – 1 nominee, and Alliance Party – 1 nominee and one nominee each from the UK and Irish Governments.
55. The UK and Irish Governments recognise that there are outstanding investigations and allegations into Troubles-related incidents, including a number of cross-border incidents. They commit to co-operation with all bodies involved to enable their effective operation, recognising their distinctive functions, and to bring forward legislation where necessary.

### **Institutional Reform**

The participants agree:

56. The number of Assembly members should be reduced to five members per constituency, or such other reduction as may be agreed, in time for the 2021 Assembly election, and the Assembly will legislate accordingly.
57. The threshold for Petitions of Concern should remain at 30 members.
58. Changes will be made to the operation of the Petition of Concern mechanism through a protocol agreed between the parties.
59. Arrangements will be put in place by the Assembly by March 2015 to enable those parties which would be entitled to ministerial positions in the Executive, but choose not to take them

up, to be recognised as an official opposition and to facilitate their work. These measures will include:

- a) Provision for financial and research assistance (from within existing Assembly budgets keeping these changes cost neutral); and
  - b) Designated speaking rights including the opportunity to ask questions and table business sufficient to permit the parties to discharge their opposition duties.
60. A reduction in the number of departments from twelve to nine should be made in time for the 2016 Assembly election, with the new allocation of departmental functions to be agreed by the parties.
61. After the Assembly meets following an election and before the FM/DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government. Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days. The draft Programme would, once the Executive was formed be passed to the Assembly for approval.
62. To promote greater efficiency in the conduct and discharge of Executive business, the following practice shall be observed in line with the Northern Ireland Act 1998:
- a) Agenda circulated one day in advance of an Executive meeting;
  - b) Inclusion of papers as substantive agenda items no later than the third meeting following initial circulation;
  - c) Areas for resolution to be recorded in the list of "Executive papers in circulation" against those papers still outstanding after the third meeting;
  - d) Any three Ministers should have the facility to request a meeting of the Executive and the First and deputy First Minister would normally convene within three days (subject to the timing of the next scheduled Executive meeting);
  - e) Any Minister would be entitled to have a matter put on the agenda under 'Any other Business';
  - f) Any three Ministers would be entitled to put a matter on the substantive agenda for discussion and decision; and
  - g) A protocol shall be developed to this effect.
63. Where a Minister intends to make a statement to the Assembly they should also make clear at the start of the statement whether the statement reflects an agreed Executive position.
64. A new process will be brought forward for a more transparent and robust system for Members' salaries and expenses.
65. The maximum consultation requirement on policy will be reduced from twelve weeks to eight.
66. The UK Government also stands ready to consider potential further areas of devolution and changes to intergovernmental machinery, which are under discussion elsewhere in the UK and likely to command broad support among parties in Northern Ireland.



## Outstanding Commitments

The participants agree:

67. It is important that civic voices are heard and civic views are considered in relation to key social, cultural and economic issues. A new engagement model could be achieved, by June 2015, through the establishment of a compact civic advisory panel which would meet regularly to consider key social, cultural and economic issues and to advise the NI Executive. The Chair would be appointed by the OFMDFM. Every effort would be made to minimise the administrative costs of such a body.
68. The UK Government and the Irish Government, recalling commitments from previous Agreements, and recognising the importance of understanding, tolerance and respect in relation to linguistic diversity, endorse the need for respect for and recognition of the Irish language in Northern Ireland, consistent with the Council of Europe Charter on Regional or Minority Languages.
69. Noting that there is not at present consensus on a Bill of Rights, the parties commit to serving the people of Northern Ireland equally, and to act in accordance with the obligations on government to promote equality and respect and to prevent discrimination; to promote a culture of tolerance, mutual respect and mutual understanding at every level of society, including initiatives to facilitate and encourage shared and integrated education and housing, social inclusion, and in particular community development and the advancement of women in public life; and to promote the interests of the whole community towards the goals of reconciliation and economic renewal.
70. On the St Andrews Agreement Review, the NSMC (meeting in Institutional format) will agree before the end of February 2015 a report on new sectoral priorities for North/South cooperation, identified during Ministerial discussions since November 2013. A report on new sectoral priorities will be a standing item for future meetings of the NSMC meeting in Institutional format.
71. In early 2015, a meeting of relevant Ministers from North and South will take place in the North West to consider strategic approaches to the development of the region as envisaged in the North West Gateway Initiative. Further meetings may also take place.
72. The Northern Ireland Executive will ensure full implementation of the Together: Building a United Community strategy, and beyond that will commit to a continuing effort to eradicate sectarianism in all its forms.

### **Review and Monitoring**

73. The participants in the talks are very conscious that the integrity and credibility of this agreement is dependent on its effective and expeditious implementation. Accordingly, progress in implementing the provisions of this Agreement must be actively reviewed and monitored.
74. Review meetings will include the Northern Ireland Executive party leaders as well as the UK Government and Irish Government, reflecting the three stranded approach. Such meetings will be supported by the Northern Ireland Civil Service and, as appropriate, officials of the UK and Irish Governments.
75. There will be quarterly meetings, convened by the UK Government and Irish Government, with the first meeting before the end of January 2015 at which an implementation timetable will be agreed. Six-monthly updates on progress on the implementation of the Agreement will be published.









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