

Report of the Committee Review Group
Review of the Committee System of the
Northern Ireland Assembly
October 2013

NIA 135/11-15

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

Table of Contents

| | | |
|----|---|---------|
| 1. | List of acronyms and abbreviations used in this report | i |
| 2. | Executive Summary | 1-3 |
| 3. | Summary of Recommendations | 4-7 |
| 4. | Context | 8-9 |
| 5. | Background to the NI Assembly Committee System | 10-11 |
| 6. | Developing a Vision and Guiding Principles for the Northern Ireland Assembly | 12-13 |
| 7. | Discussion and Key Findings | |
| | Committee Structures | 14-17 |
| | Committee Powers | 17-19 |
| | Making the best use of Committee Resources | 20-24 |
| | Access to Knowledge and Expertise | 24-26 |
| | Strategic Planning | 26-30 |
| | The role of the Chairpersons' Liaison Group | 31-32 |
| | The organisation of Standing Committees | 33-34 |
| | Public Engagement and the use of New Technologies | 35-38 |
| 8. | Appendices | |
| | Appendix 1 Terms of Reference | 41-42 |
| | Appendix 2 Assembly Research and Information Service (RaISe): | |
| | Review of Committee Structures: Comparative information from other legislatures | 45-72 |
| | External Advisers to Parliament Committees | 73-78 |
| | Standing Committees in legislatures in the UK and Ireland | 79-91 |
| | Appendix 3 Committee Review Group Discussion Papers: | |
| | Organising Committees | 95-102 |
| | Turnover in Membership of Committees | 103-106 |
| | The Role of the Chairpersons' Liaison Group | 107-109 |

List of Abbreviations used in the Report

| | |
|--------|--|
| AERC | Assembly Executive and Review Committee |
| AIMs | Assembly Information Management System |
| Agric | Agriculture and Rural Development |
| APG | All Party Group |
| C & AG | Controller and Auditor General |
| CAL | Culture, Arts and Leisure Committee |
| CPD | Continuous Professional Development |
| CLG | Chairpersons' Liaison Group |
| CRG | Committee Review Group |
| EDUC | Education |
| ENVIR | Environment |
| ETI | Enterprise, Trade and Investment (Committee) |
| E&L | Employment and Learning |
| EU | European Union |
| F&P | Finance and Personnel |
| KESS | Knowledge Exchange Seminar Series |
| IRFP | Independent Financial Review Panel |
| OFMdFM | Office of the First Minister and Deputy First Minister |
| NI | Northern Ireland |
| MLA | Member of the Legislative Assembly |
| NIAO | Northern Ireland Audit Office |
| PAC | Public Accounts Committee |
| PfG | Programme for Government |
| RaISe | Research and Information Service |
| RD | Regional development |
| SD | Social development |
| SL1 | policy proposal for a statutory rule |
| S&P | Standards and Privileges |
| SR | Statutory rule |

Executive Summary

1. This Review came about following a recommendation by the Assembly and Executive Review Committee (AERC) that it would be

“..prudent for the Assembly to make an early start to a review of the Assembly's committee system and that the Chairpersons' Liaison Group (CLG) should have an important role in this review.”
2. The terms of reference were agreed by CLG and it was decided that the review should be undertaken by a Committee Review Group (CRG) comprising one chairperson from each of the political parties represented on CLG and three external members who were appointed for their experience and expertise of parliamentary systems (Appendix 1).
3. While previous committee reviews have been undertaken, this was the first review to take an integrated approach across all aspects of the NI Assembly committee system in terms of its roles, structures and processes with the aim of identifying new ways of improving the capacity and effectiveness of committees in delivering their policy development, scrutiny and legislative roles.
4. CRG agreed a high level vision that

“The Assembly should have an outstanding, progressive and resourced system that enhances the capacity and effectiveness of statutory and standing committees in delivering their statutory and other functions.”
5. Early discussions at CRG concluded that chairpersons are largely content with the overall architecture of the current committee system. In coming to this conclusion, members of CRG note that statutory committees have a wide remit, with powers to call ministers and departments to account, hold inquiries and shape legislation. Informally, committees have significant influence in their relevant sphere of policy.
6. CRG is mindful of the prevailing political and constitutional climate as part of which there has been considerable debate about proposals to reduce the number of Members of the Legislative Assembly (MLAs) and reorganise and reduce the number of NI departments. CRG agrees that this could have clear implications for the committee structure.
7. Within this context, CRG concludes that it would not be prudent at this stage to propose any fundamental changes to the committee system but that this should be reviewed in 2015 in advance of the anticipated changes in 2016.
8. CRG further recommends that the link between each Executive department and a single statutory committee should be retained as this is regarded as a key strength of the system and underpins a committee's capacity to conduct focused and effective scrutiny. In maintaining this structure, CRG recognises that this consequently places some limits on the scope and extent of other proposals that it can recommend at this time.
9. CRG notes that the current composition of committees is in broad proportion to party strengths in the Assembly. CRG therefore recommends that statutory committee membership should be retained at 11.
10. While concluding that membership should be retained at 11, CRG recommends that committee membership should be reviewed as part of the wider discussions about the number of MLAs and departments.
11. CRG considered whether any aspect of committee work would benefit from the creation of additional powers but has concluded that committees are equipped with adequate powers. With regard to extending committee powers to amend legislation, CRG is content that committees are generally involved in significant scrutiny prior to the introduction of Bills. CRG

- concludes that there is no value in extending committee powers to amend legislation. CRG however recommends that committees should seek to ensure that potential amendments are fully discussed and considered at Committee Stage and reported to the Assembly.
12. Whilst acknowledging that committees have sufficient powers, CRG notes that a key constraining factor to more effective and strategic working is that committees face too many demands with limited resources and capacity to fully utilise their powers.
 13. A number of measures have been discussed to address how to make the best use of committee powers and resources. This includes recommendations to improve the operation of meetings and attendance; strengthening existing protocols between the Executive and the Assembly to improve the quality and timeliness of information to committees by departments; and for the Assembly to initiate a dialogue with the Executive on protocols to improve appropriate access to officials and/or ministers.
 14. Members' knowledge and expertise is also viewed as a critical resource for committees. Acknowledging the delivery of training by 'PoliticsPlus', CRG recommends that members' training and continuing professional needs should be periodically reviewed and appropriate training for new and existing members delivered.
 15. The input of professional staff, research and expertise is regarded as critical to the effectiveness of committees. CRG recommends that committees make better use of specialist and standing advisers, and participate to a greater extent in the Knowledge Exchange Seminar Series (KESS).
 16. A key theme running through this review has been the need for committees to apply a more strategic and systematic approach to their work. To this end, CRG recommends that a set of core tasks should be developed to guide committees' forward work programmes. CRG agrees that each committee should develop a strategic plan that sets out its key priorities, objectives, targets and planned outputs within the core task framework.
 17. However while CRG sees the benefit of standard procedures and adopting best practice, it is also keen to maintain the autonomy of each committee in determining its own forward work programme and priorities.
 18. CRG recommends expanding the role of the Chairpersons' Liaison Group but does not consider it necessary for CLG to be formalised through Standing Orders at this time. CRG agrees that its placing in Standing Orders should be revisited when the committee system is next reviewed.
 19. Although not part of the terms of reference of this review, concerns have been expressed by a number of chairpersons about the operation of All Party Groups (APGs) at the Assembly. CRG recommends that the issue of the number and governance of APGs and their secretariats, including their role and appointment process, should be referred to the Committee for Standards and Privileges, responsible for overseeing the registration of APGs.
 20. In relation to the organisation or merger of some of the six standing committees, CRG concludes that there is insufficient secretariat resource to be released from merging any two of these committees. CRG also agrees that the separate and distinct remits of the six standing committees do not lend themselves to merger. CRG however does see merit in expanding the role of the Audit Committee to take account of the new scrutiny responsibilities that might come about if a committee of the Assembly was empowered to scrutinise the budget of the Assembly Commission and the proposed Northern Ireland Public Service Ombudsman. CRG therefore recommends that a single committee be established to undertake the present duties of the Audit Committee and the additional scrutiny responsibilities outlined above.

21. Finally, the review has identified public engagement as a key strength of the committee system of the Assembly. CRG acknowledges that committees are already doing much to engage with the public, demonstrated by the number of external meetings, online broadcasting and access, stakeholder events and the increasing use of social networking sites. CRG, however, has identified a need for committees to maximise the use of new and existing technologies to engage, to an even greater extent, with the wider public and 'hard to reach' groups.

Summary of Recommendations

Committee Vision

1. The CRG vision is

“..that the Assembly should have an outstanding, progressive and resourced system that enhances the capacity and effectiveness of statutory and standing committees in delivering their statutory and other functions.”
2. Underpinning this vision, committees should adhere to seven guiding principles and strive to be accountable; open; accessible and inclusive; strategic; systematic; innovative, flexible; and resourceful.

The Committee Structure

3. CRG is largely content with the overall architecture of the current committee system. Mindful of the prevailing political and constitutional climate about proposals to reduce the number of MLAs and reorganise and reduce the number of NI departments, CRG has concluded that it would not be prudent at this stage to propose any fundamental changes to the committee system but that this should be reviewed in 2015 in advance of the anticipated changes in 2016.
4. CRG recommends that the link between each Executive department and a single statutory committee should be retained. In maintaining this structure, CRG recognises that this consequently places some limits on the scope and extent of other proposals that it can recommend at this time.
5. Chairpersons note that the current composition of committees is in broad proportion to party strengths in the Assembly. CRG therefore recommends that statutory committee membership should be retained at 11.
6. While concluding that membership should be retained at 11, CRG recommends that committee membership should be reviewed as part of the wider discussions about the number of MLAs and departments.

Committee Powers

7. Having considered whether there is a need to extend committee powers to amend legislation; CRG is satisfied with the current arrangements for the Committee Stage of Bills. However CRG recognises that there may be value in examining innovations in legislative procedure as part of a wider review into the Assembly's legislative process.
8. CRG recommends, however that committees should seek to ensure that potential amendments are fully discussed and considered at Committee Stage during clause-by-clause scrutiny and that the report to the Assembly fully reflects committee consideration of potential amendments.
9. CRG recommends that CLG should strengthen the protocols between the Executive and the Assembly to ensure the quality and timeliness of information provided to committees by departments.
10. CRG notes that committees are often reluctant to delay evidence sessions affected by late papers, as it can cause disruption to scheduled proceedings and out of a desire to maintain good relationships with officials and ministers. However, CRG recommends that chairpersons consider carefully, whether in some instances, the delay and associated disruption to

proceedings is preferable to a scrutiny session taking place without members having the opportunity to receive expert advice and analysis on the relevant information.

11. CRG recognises that it is normally appropriate for ministers to determine who should represent them at committees. However, it will be necessary from time to time for committees to request and, if necessary, insist on the attendance of specific officials or indeed ministers to assist them with their inquiries.
12. CRG recommends that the Assembly initiates a dialogue with the Executive in order to agree protocols about appropriate access to officials and/or ministers in pursuit of full accountability.

Committee Resources

13. CRG recommends that committee agendas include indicative timings and chairpersons, with support from members, adhere to these timings to minimise the overrun of business.
14. CRG recommends that committees agree protocols relating to conduct during committee meetings, which, in particular, discourage members from leaving, other than in exceptional circumstances, after an evidence session or briefing has commenced.
15. In noting the high turnover rates on Assembly committees, CRG does not see merit in making changes to the system, such as reducing the overall number of committee places, to maximise the number of members who remain on committees for a significant period. However, CRG recommends that whips consider turnover rates at least annually and that whips seek to maximise constancy on committees whilst dealing with the inevitable need for changes in membership.
16. CRG supports the planned review by the Committee on Procedures into business scheduling.

Access to Knowledge and Expertise

17. CRG recommends that members' training needs are periodically reviewed and that a programme of training, to meet the needs of new members as well as the continuing professional development needs of existing members, is prepared annually for consideration by CLG.
18. CRG recommends that committees consider the need for the appointment of specialist and standing advisers as part of their strategic planning and that clerks provide options in relation to the appointment of specialist advisers in papers relating to the proposed terms of reference.
19. CRG recommends that committees should participate and engage in KESS which relate to their committee's remit.

Strategic Planning

20. CRG recommends that CLG should define a set of core tasks to assist with strategic and systematic planning.
21. CRG recommends that scrutiny of the Programme for Government (PfG) should be included in the list of committee core tasks and that detailed preparation and evidence gathering on PfG delivery plans is considered, at least annually, and the findings reported to the minister and, where appropriate, to the Assembly.
22. CRG agrees that inquiries should be linked to strategic plans and demonstrate how they relate to the core tasks, and what they aim to achieve.

23. Post-legislative scrutiny should also be seen as an important core task.
24. CRG recommends that each committee should develop a strategic plan that sets out its key priorities, objectives, targets and planned outputs within the core tasks framework.
25. In deciding on priorities, committees should consider areas where they can have greatest impact and where they can make best use of limited resources.
26. Strategic plans should be informed by stakeholder engagement and analysis and by 'foresight' work such as horizon scanning and long-term research.
27. CRG recommends that committees should evaluate and report against the strategic plan to assess their performance against key priorities, objectives, targets and planned outputs. Committees should regularly monitor, review and evaluate achievements against strategic priorities and reprioritise as necessary. End of Session reports should continue to be used not only to report annually on committee outputs and outcomes but also to report on against the strategic plan and core tasks.
28. CRG recommends that planning day(s) should be held to inform the strategic approach of the committee at the start of each Assembly session (early September). Plans should be updated annually and reviewed mid-term against objectives, outputs and targets.

All Party Groups

29. CRG recommends that the issue of the number and governance of APGs and their secretariats, including their role and appointment process, is referred to the Committee for Standards and Privileges.

The Role of Chairpersons' Liaison Group

30. CRG recommends expanding the role of the Chairpersons' Liaison Group but does not consider it necessary for CLG to be formalised through Standing Orders at this time. CRG agrees that its placing in Standing Orders should be revisited when the committee system is next reviewed.

Expanding the Role of the Audit Committee

31. CRG recommends that a single committee be established to undertake the duties of the Audit Committee and to scrutinise the budget of the Assembly and the Public Service Ombudsman.
32. CRG notes that although some additional secretariat resource may be required within the current Audit Committee team, this should be managed within existing secretariat resources.

Public Engagement and the Use of New Technology

33. CRG recommends that a strategic balance needs to be struck between facilitating as many stakeholder meetings as possible and ensuring that maximum value is extracted from each one in the interests of both members and the public. The need for this balance should be considered as part of each committee's strategic plan and the work programme that results.
34. CRG recommends that committees seek to identify their target audiences, particularly among 'hard to reach' groups, as part of the strategic planning process each year and report at the conclusion of each session as to the extent to which such targeted engagement has been realised.

35. Consideration should also be given to greater use of online forums by committees to engage the public in issues of legislative and policy interest. These could be via online forums run by the Assembly itself, or by seeking a platform for a committee's work via an external third party online forum with a relevant policy interest.
36. CRG recommends that committees move quickly towards ceasing the publication of reports in hard copy, other than full colour executive summaries. Committees should also move towards the publication of online reports that use full colour, hyperlink references and visualisation of data. Given the savings which would be achieved by ceasing to print hard copy publications, the net gain to the printing costs of the Clerking and Reporting budget would be approximately £4,000.
37. In the long-term committees will need to provide ready access to topical themed content, packaged to people's interests, and offer a greater variety of 'glance-able' content in the form of graphics, pictures and video designed to garner people's attention.
38. Responsive design techniques should render committee material suitable for a variety of platforms and screen sizes, including the tablet. CRG recommends that attention be paid to the way in which information and news about committee work and reports is packaged so that it can be easily shared. Here, rich in-house audio visual content will be ever more vital to populate committee website pages and to disseminate to a variety of interested audiences.

Context

1. The Assembly and Executive Review Committee (AERC) undertook a review of the number of Members of the Northern Ireland Legislative Assembly in 2012.¹ This report was agreed by the Assembly on 25 June 2012.
2. The Committee recommended that

“It would be prudent for the Assembly to make an early start to a review of the Assembly committee system and that CLG should have an important role in this review”.
3. CLG subsequently approved the terms of reference for the review and agreed that it should be taken forward by a Committee Review Group (CRG), comprising one chairperson from each of the political parties represented on CLG and three external members who were appointed for their experience and expertise of parliamentary systems.²

The aim and scope of the review

4. The aim of the Review was to examine the committee system of the Assembly in terms of roles, structures, functions and processes that would enhance the capacity and effectiveness of statutory and standing committees in delivering their policy development, scrutiny, consultation and legislative roles.
5. An underpinning principle of this review was that its outcomes and recommendations should be consistent with, but not constrained by, the legislative basis of the Assembly. That is, the review should consider those short to medium-term changes to the committee system that could be implemented by the Assembly within the context of the Northern Ireland Act 1998, the Northern Ireland (St Andrews Agreement) Act 2006 and Assembly Standing Orders. Where relevant, it was also agreed that the Review should take account of any institutional changes to Executive and Assembly structures post 2015.

Approach to the review

6. A Committee Review Group (CRG) was set up to undertake the review. It was chaired by the current chairperson of CLG. One chairperson representing each of the other four main parties represented in the Assembly was also appointed along with the Clerk to the Assembly and Dr Ruth Fox (Director and Head of Research, Hansard Society) and Mr Art O’ Leary (Secretary to the Convention on the Constitution and formerly Director of Committees, Information and Communications, at the Houses of the Oireachtas).
7. Research on committee systems in other legislatures nationally and internationally, particularly unicameral parliaments, was commissioned from the Research and Information Service to identify examples of effective committee systems that could be applied to the Northern Ireland Assembly committee system (see Appendix 2).
8. More crucially, a key element of the approach was to make use of the experience and depth of knowledge of the chairpersons. They provided the key consultative forum to develop a series of proposals to enhance the effectiveness of the committee system.
9. CRG considered briefing papers on the organisation of committees and committee operations (see Appendix 3).
10. The group focused its deliberations on developing a vision and principles for the committee system; identifying and evaluating the strengths and weaknesses in the committee system; and recommending areas for improvement.

1 Assembly and Executive Review Committee (AERC), Number of Members of the Northern Ireland Legislative Assembly, NIA52/11-15, 25 June 2012

2 Terms of Reference, 19 February 2013, Appendix 1

-
11. This approach was based on the agreed premise that, overall, committees were perceived to be working well, and that the review should therefore focus on 'drilling down' to find those aspects that either were working less well or could be readily improved. Under consideration were measures to improve the capacity and effectiveness of the committee system in the following areas:
 - The committee structure
 - Committee powers
 - Committee resources
 - Strategic planning
 - The role of CLG
 - Standing committees
 - Public engagement and the use of new technologies
 12. As a key stakeholder, CRG provided regular updates to CLG on the progress and emerging findings of the review.
 13. CRG also consulted with the five parties represented on CRG with regard to the emerging findings and outline proposals.

Background to the NI Assembly Committee System

14. The existing committee system is a product of the Northern Ireland Act 1998 (as amended) and the Standing Orders of the Assembly, and comprises four types of committees:³
- Statutory;
 - Standing;
 - Joint (or Concurrent); and
 - Ad Hoc.

15. The role of a statutory committee is to ‘advise and assist each minister in the formulation of policy.’⁴ Paragraph 9 of Strand One of the Belfast (Good Friday) Agreement, states that,

*“...committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in the initiation of legislation”.*⁵

In practice, while not prescribed in Standing Orders, this has resulted in a separate statutory committee being established in respect of each corresponding Executive department. Each statutory committee has 11 members, with this membership reflecting the overall party strengths of the Assembly, and the Speaker is required to ensure that all members who do not hold ministerial office are offered a place on a statutory committee. Statutory committees have been conferred with wide ranging powers to:

- Consider and advise on departmental budgets and annual plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the committee by its minister.

16. Under Standing Orders a committee can also report its opinion on matters referred to it and establish sub committees. Chairpersons and deputy chairpersons are appointed through the d'Hondt process. When selecting chairpersons or deputy chairpersons, political parties are required to “prefer committees in which they do not have a party [ministerial] interest over those in which they do have a party interest.”

17. **Standing committees** are permanent committees of the Assembly and their functions are set out in Standing Orders. The **Business Committee** is chaired by the Speaker and arranges plenary business. It currently operates with 10 members; that is, 2 whips from each of the 4 largest parties represented in the Assembly and 1 whip from the Alliance Party. The Procedures Committee (11 members) considers and reviews on an ongoing basis the Standing Orders and procedures of the Assembly. The Committee on Standards and Privileges (11 members) considers matters relating to members’ privileges, conduct and interests and considers reports on complaints. The Public Accounts Committee (11 members) utilises the reports of the Comptroller and Auditor General to scrutinise the use of resources by departments and government agencies. The Assembly and Executive Review Committee (11 members) reviews the functioning of the Assembly and the Executive. Finally, the Audit Committee (5 members) scrutinises the expenditure and plans of the NI Audit Office.

3 There is provision in Standing Orders for Private Bill Committees but no Private Bills have been introduced to date.

4 Section 29 of the Northern Ireland Act 1998.

5 Paragraph 9 Strand One of the Belfast (Good Friday) Agreement.

18. As with statutory committees, the membership of each standing committee reflects the party composition of the Assembly, and (apart from the Business Committee) the chairpersons and deputy chairpersons are appointed by way of the d'Hondt process. With the exception of the Business Committee, all committees have the power to call for persons and papers. The Business Committee has unique voting arrangements in that each party delegation present is entitled to cast the number of votes equivalent to the number of members who adhere to the whip of that party.⁶ This arrangement is associated with the specific role of the Business Committee in arranging the plenary business of the Assembly.
19. **Ad Hoc committees** are set up periodically to deal with specific time-bound terms of reference set by the Assembly. Standing Order 60 makes specific provision for a particular type of Ad Hoc committee which may be established by the Assembly to examine and report on whether a Bill or legislative proposal conforms with equality requirements.
20. **Joint committees** or **concurrent committees** are provided for in Standing Orders and offer alternative mechanisms for committees to deal with matters that are of concern to other committees or, in other words, cross-cutting issues.

Features of the Committee System

21. As described earlier, legislation and Standing Orders set out the framework under which the committee system operates in the Assembly and, as a result, committees have wide ranging roles and powers. In accordance with the consociational framework, chairpersons and deputy chairpersons are appointed using the d'Hondt process and committee membership is in proportion to the overall membership of the Assembly. Inclusivity is further ensured by virtue of the requirement that every non-ministerial member that wishes to serve on a committee must be offered a place. In terms of how committees operate, as the Assembly has matured, committees have continued to develop high levels of autonomy. In addition, the practice is to hold meetings in open session as far as possible. A further characteristic is that most decisions are made based on consensus.
22. A number of Assembly reviews have been undertaken to improve committee processes and effectiveness. The Committee on Procedures carried out a review into Committee Systems and Structures in 2008.⁷ Currently, a financial scrutiny project led by the Committee for Finance and Personnel and supported by both the Assembly's Research and Clerking services is working to improve the budget scrutiny process to ensure that the necessary skills, expertise and information are available to the Assembly and its committees to enable effective financial and budget scrutiny. Finally, in partnership with 'PoliticsPlus'⁸, a major investment has been made by the Assembly aimed at developing the questioning and scrutiny skills of members and chairpersons which seeks to support committees to develop strategies and longer-term plans. With regard to scrutiny of European issues, a report has just been approved by the Assembly Commission which outlines options for enhancing the Northern Ireland Assembly's engagement in European affairs.

6 Standing Order 55(7).

7 Committee on Procedures, Report on Committee Systems and Structures, May 2008.

8 Delivered through the Assembly Legislative Strengthening Trust, PoliticsPlus provides professional development opportunities for elected representatives, party support staff and public officials. It has delivered training in a number of areas including effective communication, scrutiny of legislation, budget setting and policy priorities and dealing with complex information.

Developing a vision and guiding principles for the NI Assembly Committee System

23. At the outset of the review CRG developed a vision to underpin and shape the review of the committee system. Reflecting on the Assembly Commission's vision for the Assembly of being at:

*"The forefront of providing outstanding and progressive parliamentary services."*⁹

CRG's vision for the committee system is

"That the Assembly should have an outstanding, progressive and resourced system that enhances the capacity and effectiveness of statutory and standing committees in delivering their statutory and other functions".

24. In striving to fulfil the vision, CRG has identified seven key principles to guide the work of committees. While acknowledging that committees, in practice, do follow these principles, CRG concludes that the principles serve as a useful framework to further enhance and improve the effectiveness of committees.

CRG's Seven Guiding Principles for Assembly Committees

Accountable

A committee should be accountable for its own performance, including the process by which priorities and plans are determined and how its work is followed up and evaluated.

Open, Accessible and Inclusive

A committee should be open, accessible and inclusive to members of the public by being responsive to the needs of its key stakeholders, particularly 'hard to reach' groups/individuals. Membership of committees should be inclusive and broadly representative of party representation in the Assembly.

Strategic

A committee needs to have clear objectives and have the ability to set its own agenda.

Systematic

A committee should be outcome focused and not activity-led, with mechanisms to evaluate its performance. This should include systematic follow-up of major pieces of work including inquiries and legislation.

Innovative

An effective committee should be innovative in policy development and agenda setting and in how business is conducted. It should actively encourage participation by organisations and individuals wishing to engage with committees in public policy issues.

Flexible

A committee should be flexible and nimble and capable of responding quickly to emerging, unforeseen developments of public importance.

Resourceful

A committee should use the full range of its powers, expertise and available resources to maximise its effectiveness in fulfilling its statutory and other functions.

25. CRG concludes the vision builds on the existing strengths of the committees and supports a committee system which has the following attributes:
- Is easily understood by the public.
 - Enhances the accountability of the Government and its agencies.
 - Is capable of acting independently and responding to deficiencies in Executive proposals.
 - Improves legislation as a result of detailed scrutiny and analysis of evidence.
 - Engenders a culture of encouragement rather than blame and is valued by ministers, in terms of advice and assistance.
 - Supports constructive scrutiny, is informed by robust evidence and leads to definable improvements in performance and value for money.
 - Encourages and enables the active engagement of committees in policy and legislative development.
 - Is valued by key stakeholders for the quality of scrutiny and inquiries undertaken by committees.
 - Is member-led and maximises the contribution made by members in the context of competing priorities.
 - Promotes high standards of public conduct.

Building on Success

26. Early discussions at CRG concluded that chairpersons are largely content with the overall architecture of the current committee system. In coming to this conclusion, members of CRG note that statutory committees have a wide remit, with powers to call ministers and departments to account, hold inquiries and shape legislation. Informally, committees have significant influence in their relevant sphere of policy. Committees such as PAC have a high media profile and help to promote and improve the image of the Assembly as a working institution.
27. Having agreed that committees are generally working well, the review aimed, at an early stage, to focus its energy and expertise on finding those aspects that are either working less well or could be readily improved.
28. In this context, CRG is mindful of the prevailing political and constitutional climate as part of which there has been considerable debate about proposals to reduce the number of MLAs and to reorganise and reduce the number of NI departments. CRG agrees that this will have clear implications for the committee structure.
29. **CRG has concluded that it would not be prudent at this stage to propose any fundamental changes to the committee system of the Assembly, but that this should be reviewed in 2015 in advance of anticipated changes in 2016.**
30. Instead CRG has decided to focus on the high level vision for the committee system and to consider how committee time can be used to best effect. As a point of principle, while CRG sees the benefit of standard procedures and adopting best practice, it is also keen to maintain the autonomy of each committee in determining its own forward work plan and priorities.
31. CRG agrees that there would be value in exploring how to develop a more strategic approach to the planning of committee business, prioritising specific areas of work and allowing capacity for particular issues to be explored in greater depth.
32. Within this context, CRG has considered what aspects of the committee system it wishes to retain and what aspects it has identified as benefiting from improvement or enhancement. Unless stated otherwise, the recommendations are cost neutral.

Discussion and Key Findings

33. The review focused on the following areas:

- The committee structure
- Committee powers
- Making the best use of committee resources
- Access to knowledge and expertise
- Strategic planning
- The role of the Chairpersons' Liaison Group
- The organisation of standing committees
- Public engagement and the use of new technologies

Committee Structure

The organisation of statutory committees

34. The origin of the current committee system, as set out in the Belfast (Good Friday) Agreement, states that there is to be a

"committee for each of the main executive functions of the Northern Ireland Administration".

The Northern Ireland Act 1998 provides that Standing Orders

"...shall make provision ...for enabling a committee to be established either in relation to a single Northern Ireland Minister or in relation to more than one."¹⁰

35. Therefore the existing legislative framework allows the possibility of one or more statutory committees to be merged. The benefits of this to the Assembly is that if, for example, two statutory committees were merged then this would create sufficient flexibility to allow a thematic or cross-cutting committee to be established. CRG accepts however, that, in the absence of a reduction in statutory committees, it would not be feasible to propose the establishment of cross cutting or 'themed committees' such as budget scrutiny, European and international affairs or public petitions, or indeed more ad-hoc or cross-cutting committees.
36. The organisation of statutory committees, which mirrors the machinery of government, is regarded as a key strength by CRG. It considers that the ability of a committee to provide direct oversight of an Executive department and its ministerial team underpins a committee's capacity to conduct focused and effective scrutiny. CRG notes that in other legislatures, where the committee structure is based on thematic policy areas or where committees cover a multitude of departmental briefs, a committee can find it difficult to hold the relevant minister and department to account. In particular, lower spending departments encompassed within the brief of thematic or multi-department committee may not receive the committee's full attention.
37. CRG notes that the Assembly framework of one committee for each department is built to accommodate the consociational framework for committees. The chairpersons of statutory committees are from a different political party than the corresponding minister and this clear delineation might be blurred if committees were merged. This could be detrimental to the independence of the committee in question.

10 At Section 29 (1)(b).

38. **CRG therefore recommends that the link between each Executive department and a single statutory committee should be retained. In maintaining this structure, CRG recognises that this consequently places some limits on the scope and extent of other proposals that it can recommend at this time.**

Committee Membership

39. Another key aspect of the committee system is the process by which members are allocated to committees. The Belfast (Good Friday) Agreement outlines the broad process for this and Standing Orders 47, 48 and 49 of the Assembly detail the composition and remit of statutory committees. Standing Orders require both statutory and standing committees to be constituted to reflect as far as possible party compositions in the Assembly.
40. Standing Order 48(3) (a) states “that each statutory committee will consist of 11 members including the chairperson and deputy chairperson”. Standing Order 49(5) states: every Member is entitled to at least 1 statutory committee place. Given that each statutory committee must have 11 members, the majority of MLAs sit on at least two committees (with the exception of the Audit Committees which has 5 members).¹¹
41. CRG has considered whether 11 members is the optimum level of membership, taking account of a number of factors including resources, the case for freeing up capacity for MLAs and/or creating additional ‘thematic’ committees.¹²
42. CRG notes that the current membership is stipulated in Standing Orders. Other legislatures allow greater flexibility in membership but are perhaps not constrained in the same way politically and by the imperative of committees being representative.
43. Table 1 shows the current configuration of statutory committees and Table 2 shows the current configuration of standing committees.

Table 1: Existing statutory committees: 12 committees of 11 members each

| | Employment & Learning | Environment | OFMDFM | Health | F&P | CAL | Soc Dev | ETI | Reg Dev | Agric | Education | Justice | Total |
|--------------|-----------------------|-------------|--------|--------|-----|-----|---------|-----|---------|-------|-----------|---------|------------|
| DUP | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 3 | 4 | 4 | 4 | 47 |
| SF | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 36 |
| UUP | 1 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 1 | 16 |
| SDLP | 1 | 2 | 1 | 1 | 1 | 2 | 1 | 2 | 2 | 1 | 1 | 2 | 17 |
| All | 1 | 1 | 1 | 1 | 1 | | 1 | | 1 | 1 | 1 | 1 | 10 |
| Other | 1 | | | | 1 | 1 | 1 | 1 | 1 | | | | 6 |
| Total | | | | | | | | | | | | | 132 |

11 The Business Committee has 9 members who are party whips plus the Speaker who is Chairperson.

12 CRG Discussion Paper, Organising Committees, Appendix 3

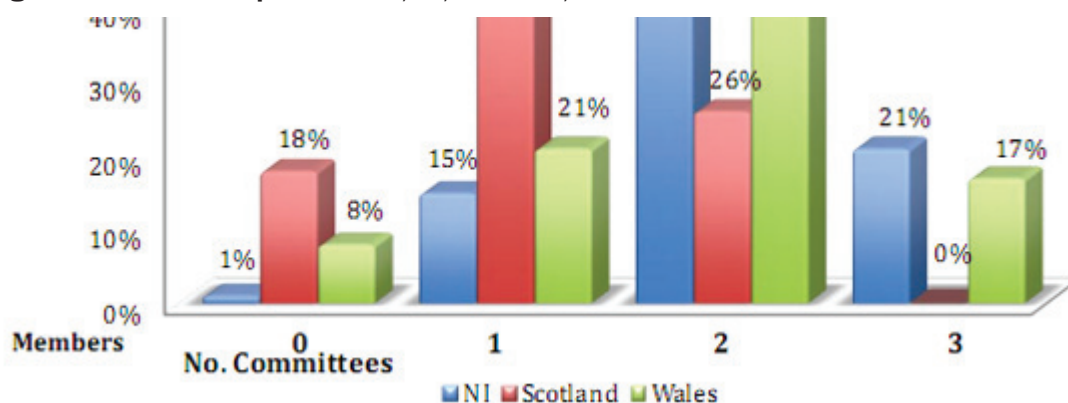
Table 2: Existing standing committees

| | AERC | Procedures | PAC | Standards & Privileges | Business* | Audit | Total |
|--------------|------|------------|-----|------------------------|-----------|-------|-----------|
| DUP | 4 | 4 | 4 | 4 | 2 | 1 | 19 |
| SF | 3 | 3 | 3 | 3 | 2 | 1 | 15 |
| UUP | 1 | 1 | 2 | 1 | 2 | 1 | 8 |
| SDLP | 2 | 1 | 2 | 1 | 2 | 1 | 9 |
| ALL | 1 | 1 | | 1 | 1 | 1 | 5 |
| OTHER | | 1 | | 1 | | | 2 |
| Total | | | | | | | 58 |

Comparisons with other legislatures

44. The number of committee spaces to be filled in the Assembly is much higher than in the Scottish Parliament. As Tables 1 and 2 indicate, there are 190 spaces available to the 92 members who are available to sit on committees (i.e. excluding the Speaker and ministers) or 2.06 spaces per member.¹³
45. In the Scottish Parliament there are 110 spaces for the 107 Members who are available to fill the committee spaces, a ratio of 1:02. In Wales, there are only 48 members available for committee spaces and there are 89 spaces or 1.85 places per member. This results in a much higher percentage of Members at the NI Assembly serving on two or more committees (see Figure 1).

Figure 1 outlines the number of committees members sit on as percentages of available members for comparative purposes

Figure 1: Committees per Member; NI, Scotland, Wales

46. In looking at the resource requirement for committees, CRG notes that membership of committees not only involves attendance at meetings but also involves preparation in advance of meetings to consider volumes of weekly committee papers. Not only do members contribute to formal committee meetings but they also attend stakeholder events and informal meetings related to committee work.
47. It also has to be borne in mind that committee business is only one aspect of an MLA's work; the other aspects include their role in Plenary, constituency and party work, and at different times, different aspects take priority.
48. To address the work pressures associated with multiple membership, CRG has considered whether it would be feasible to reduce membership to 9 which would require a change to Standing Orders.
49. CRG concludes, however, that in the absence of a reduction in members and reorganisation of departments at this time, the preference is to make no change to the membership.
50. **Chairpersons note that the current composition of committees is in broad proportion to party strengths in the Assembly. CRG therefore recommends that statutory committee membership should be retained at 11.**
51. **While concluding that membership should be retained at 11, CRG recommends that committee membership should be reviewed as part of the wider discussions about the number of MLAs and departments.**

Committee Powers

52. As discussed previously, Assembly committees have a wide range of powers, including the power of initiative in relation to inquiries and legislation and the power to call for persons and papers. CRG has taken the opportunity to discuss whether any aspect of committee work would benefit from the creation of additional powers, and whether this review should make such a recommendation. Of particular interest to CRG, in this context, is the comparative research which indicates that in other legislatures, committees are able to amend legislation at committee stage rather than having to wait until the next Plenary stage.¹⁴ Also of interest is the alternative appointment mechanisms for chairpersons and deputies used in other legislatures.

Appointment of Chairpersons

53. In some other legislatures, there has been a move towards electing chairpersons from within the membership of the committee once the committee has been set up. This could be seen to be advantageous in that the chairperson would be more independent since he/she could not be removed automatically by the party nominating officer. Following discussion, CRG agrees that the process by which chairs and deputy chairs are currently allocated to Assembly committees is an important element of the consociational framework and one which should be retained. While there was some discussion around the merits of electing chairs and deputy chairs, chairpersons are not persuaded, on the basis that the process outlined in Standing Order 48 (5), supports the autonomy and independence of a committee by stipulating that:

"..In making nominations, nominating officers shall prefer committees in which they do not have a party interest over those in which they do have a party interest".

54. This prevents the nominating party selecting a chair to a committee which has been established to 'advise and assist' a minister from the nominating party and thereby supports the independence and autonomy of the scrutiny committee.

14 Committee Stage of Bills, RalSe, NIAR 363-12, April 2012

Committee Stage of Bills

55. In the Assembly, all primary legislation is referred to the relevant statutory committee after it passes its Second Stage, that is, after the principles of the Bill have been agreed.¹⁵ CRG has considered whether there might be a need to create a formal requirement for committees to be involved prior to this stage and also whether there is a need to extend the committee powers to enable committees to amend legislation at Committee Stage.
56. Standing Orders 30 to 43 of the Assembly detail the process for public legislation. In considering the case for extending powers, CRG looked at practices in other legislatures.¹⁶
57. CRG has considered the greater involvement for committees at an earlier stage in the legislative process in the Scottish Parliament. There, a Bill must be referred to a committee for general consideration immediately after its introduction. If the Bill passes its first stage in plenary, it is then referred back to the committee for clause-by-clause scrutiny.
58. This contrasts with the Assembly, where it is only after the Second Stage of a Bill being agreed, that the Bill is referred to the appropriate statutory committee. The relevant statutory committee, within the period of 30 working days from date of referral¹⁷ (or longer if the Assembly agrees to extend the committee stage), considers and takes evidence on the provisions of the Bill, and reports its findings to the Assembly following clause-by-clause scrutiny.
59. In the Assembly at the end of the Committee Stage, the lead committee makes a report to the Assembly which may include proposals for amendments to the Bill that may be tabled at Consideration Stage, but committees do not have the power to make amendments. This is in contrast to committees in the Scottish Parliament and National Assembly for Wales which may vote on amendments during committee stage.
60. Having considered the provisions elsewhere, CRG considered whether there was a need to extend committee powers to amend legislation.
61. Overall, CRG considers the current practice to be working well. It has also been noted that since statutory committees at the Assembly have a direct policy and legislative role for a single department, they are usually involved in significant scrutiny prior to the introduction of a Bill. In practice, the amendment process works most often by consensus, with ministers tabling the amendments that the committee has agreed. However, where the department will not agree to accept a committee amendment or where the committee wishes to bring forward its own amendment, the committee can include its own proposals for amendment in its report to the Assembly and will then table its own amendments for debate at Consideration Stage.
62. **On balance, CRG is satisfied with the current arrangements for the Committee Stage of Bills but recognises that there may be value in examining innovations in legislative procedure as part of a wider review into the Assembly's legislative process.**
63. **CRG recommends however that committees should seek to ensure that potential amendments are fully discussed and considered at Committee Stage during clause-by-clause scrutiny and that the report to the Assembly fully reflects committee consideration of potential amendments.**

Making the most of Committee Powers

64. CRG noted that standing committees of the Assembly are largely in control of their own forward work plans. For statutory committees, however, CRG identified that it was much more difficult for the committee to control its own agenda given its statutory role and the potential

15 Standing Order 42 describes special scheduling requirements whereby the Assembly may agree that a Bill be granted accelerated passage and not have a committee stage

16 RaISe, Committee Stage of Bills, NIAR 363-12, April 2012

17 90% of Bills exceed the 30 working days

for the range of departmental policies coming forward for consideration to dominate the committee work programme. For this reason, CRG considered recommendations to improve the ability of committees to adopt and follow a strategic focus and these are described at paragraphs 118-148.

65. The statutory power¹⁸ to compel the production of persons or papers confirms the important role that committees play in ensuring accountability but it is notable that this power has not yet been exercised to its fullest extent. While this may be due to the fact that the threat of invoking the power is sufficient, CRG is aware that it could also be a reflection of the generally positive, productive and professional relationships that committees have established with stakeholders, including departments.
66. Whilst committees are normally successful at obtaining the information they require, one factor that can have an adverse effect on this positive relationship is the late delivery of requested papers by departments, giving members insufficient time to consider them before questioning witnesses. Late access to budget papers and departmental delivery plans, have been quoted as examples of when the capacity of committees to fulfil their statutory functions has been adversely affected.
67. A protocol is in place on timescales for interaction between Assembly committees and departments. The protocol defines the standards of service that committees should expect from departments and vice versa, including in particular the requirement for committees to provide adequate notice of requests for information and for departments to provide the information in sufficient time for members to be able to properly analyse and consider the information. CLG agreed a revised version of the protocol in March 2011 which takes account of up to date processes, and a review of the protocol is on-going.
68. **CRG recommends that CLG should strengthen the protocols between the Executive and the Assembly to ensure the quality and timeliness of information provided to committees by departments.**
69. **CRG notes that committees are often reluctant to delay evidence sessions affected by late papers, as it can cause disruption to scheduled proceedings and out of a desire to maintain good relationships with officials and ministers. However, CRG recommends that chairpersons consider carefully, whether in some instances, the delay and associated disruption to proceedings is preferable to a scrutiny session taking place without members having the opportunity to receive expert advice and analysis on the relevant information.**
70. Departmental control over the choice of relevant officials to appear before committees can occasionally be problematic. There have been some instances where a committee may have had difficulty in gaining access to an official who would be best able to assist them in their inquiries. For example, committees wishing to take evidence about why a significant under or overspend occurred, can instead be faced with an official who is not responsible at the time and does not have the knowledge that would assist the committee. Further problems can arise when officials have moved on and, as a result, the full facts are difficult to establish and accountability can become blurred.
71. **CRG recognises that it is normally appropriate for ministers to determine who should represent them at committees. However, it will be necessary from time to time for committees to request, and, if necessary, insist on the attendance of specific officials or indeed ministers to assist them with their inquiries.**
72. **CRG recommends that the Assembly initiates a dialogue with the Executive in order to agree protocols about appropriate access to officials and/or ministers in pursuit of full accountability.**

18

S 44 Northern Ireland Act 1998

Making the Best Use of Committee Resources

73. Committees consume a large amount of members' time and that of ministers, departmental officials and stakeholders. Significant secretariat resource is also devoted to committees. Table 3 shows committees have held 1182 meetings from the beginning of the current mandate until June 2013. On average committee meetings last approximately 2.5 hours and it is estimated that almost 3000 hours of time is devoted to attending committee meetings (N.B. the duration of standing committee meetings tends to be shorter but also some statutory committees meet for longer than 2.5 hours depending on committee work programmes). In addition, committees travel to external venues for meetings, undertake visits, hold stakeholder events and attend informal meetings. This increases the time commitment required by MLAs, but is regarded as an important aspect of committee work as it allows greater access to committees and assists committees to understand and explore a range of issues that cannot always be covered within the formal committee proceedings in the Assembly.

Table 3 Number of committee meetings and reports published by committees from 2011–June 2013

| Type of Committee | Committee meetings | Reports published |
|-------------------|--------------------|-------------------|
| Statutory | 987 | 33 |
| Standing | 180 | 23 |
| Adhoc | 11 | 1 |
| Concurrent | 4 | |
| Total | 1182 | 57 |

74. It is universally accepted that a key factor in improving the level of scrutiny of the Executive and its agencies is ensuring that the time devoted by members to committee work is used to its full potential and that committees are adequately resourced and empowered to fully utilise their powers.
75. CRG acknowledges that the overall effectiveness of committees is constrained by the capacity, time and motivation of members and resources available to them. A key constraining factor to more effective and strategic working is that committees face too many demands with limited resources and capacity. This was discussed at length by chairpersons in the facilitated discussions and a number of measures were considered to address how to make the best use of committee resources to be more effective.

Committee workload

76. Committees have heavy workloads which can be dominated by the department's business, leaving limited scope for pursuing strategic and proactive work. Committee agendas are frequently dominated by the department's timetable, making it difficult for committees to balance discretionary and non-discretionary areas of work. With limited capacity, committees find it difficult to do follow-up work with regard to legislation and inquiries. Other areas that can fall foul of more in depth scrutiny are financial and EU scrutiny. This is often due to time pressures, lack of timely information, capacity and resources.
77. As Table 3 illustrates, committees have published 57 reports during the current mandate to June 2013: an indicator of the volume of work undertaken by committees.
78. Given the time pressures on committees, their work programmes and the challenges of managing busy committee agendas, CRG notes that a number of improvements could be adopted to improve the efficiency of committee meetings and thereby improve committee effectiveness.

79. For example, in managing the time of committee meetings, it is useful for members, the public and witnesses to have indicative information about what time they will be required by the committee and for how long.
80. **CRG recommends that committee agendas include indicative timings and that chairpersons, with support from members, adhere to these timings to minimise the overrun of business.**

Committee attendance

81. Attendance figures taken from AIMS¹⁹ for Assembly committees reveal that the attendance levels of Assembly committees are relatively high. Average member attendance of statutory committees is 75%.²⁰ This compares favourably with select committees in the House of Commons where average committee attendance was 73% in 2010-2012.²¹
82. While attendance rates at Assembly committees are high, there is recognition amongst chairpersons that low attendance or partial attendance (whereby a member only attends a part of the meeting) is not appropriate or publicly acceptable. Attendance figures are therefore published regularly and circulated regularly to whips to enable a timely response to changed circumstances which can impact on attendance rates.
83. CRG notes that the facility to use tablet devices when in committee should enable members to remain contactable and concludes that this should prevent members from having to leave meetings which are being conducted in accordance with agreed timings.
84. **CRG recommends that each committee agrees protocols relating to conduct during committee meetings, which, in particular, discourage members from leaving, other than in exceptional circumstances, after an evidence session or briefing has commenced.**

Membership Turnover

85. Assembly committees have a relatively high rate of membership turnover, though there are significant variations between committees. The turnover rate has been higher during the first 18 months of the current mandate than during the same period of the previous mandate. In some instances this is particularly concerning as it is coupled with a relatively low percentage of members remaining **constantly** on a committee for the full mandate.²²
86. In relation to turnover in committee membership there would seem to be two key factors to consider. First, it is important to consider the rate of churn, within a defined period of time, which is calculated as follows:

$$\text{rate of churn} = \frac{\text{total members to sit on a committee}}{\text{number of committee spaces}}$$

87. Therefore, if during a mandate 22 members sat on a committee with 11 spaces then the rate of churn would be 2.0.
88. The second factor is the **percentage of members on a committee who remain constant** over a period of time. So if all members remained on a committee throughout the mandate the percentage constant would be 100%. This is considered to be an important factor as it could be argued that it does not matter too much if a small number of members regularly change committees, as long as a significant majority remain on the committee and hence help to sustain and transfer knowledge, expertise and culture.

19 AIMS is the internal website which allows Assembly Members, party support and secretariat staff to access information on MLAs and the procedural business of the Assembly

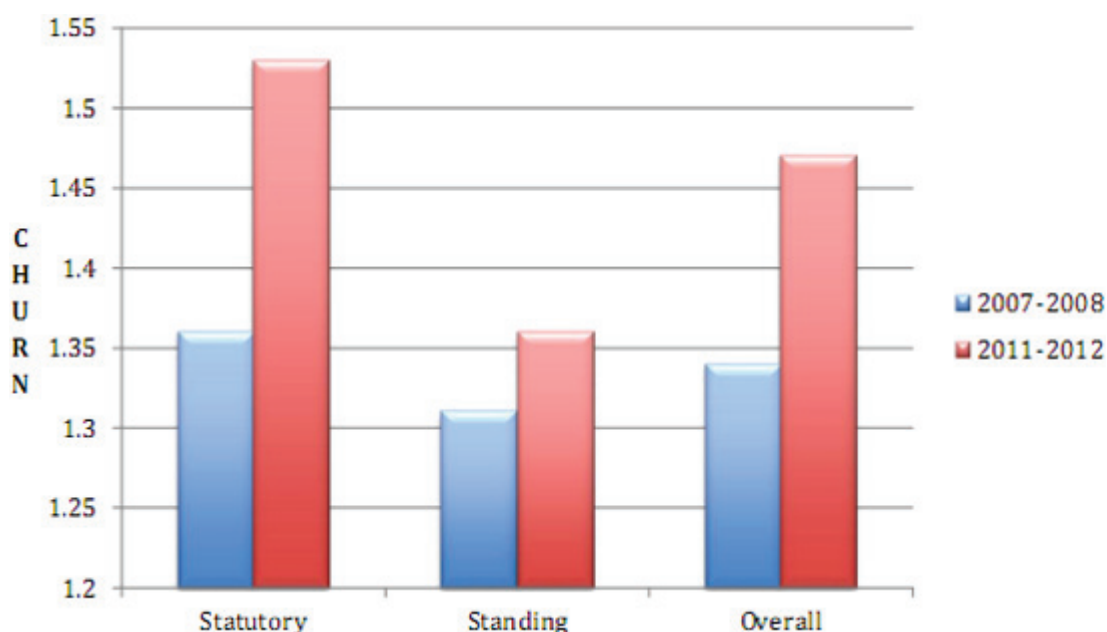
20 <http://aims.niassembly.gov.uk/default.aspx>

21 Liaison Committee, Select Committee Effectiveness, Resources and Powers, Committee Activity

22 CRG Discussion Paper, Turnover in Membership of Committees, Appendix 3

89. CRG noted that a high turnover rate could impact negatively on a number of factors linked to committee effectiveness, such as developing a collective purpose and establishing expertise on the issues that fall within the committee's brief, particularly if the remit is wide, complex or specialised in nature. Low turnover, on the other hand, can assist in supporting strategic planning by building on lessons learned and in retaining memory of commitments provided previously, facilitating better follow-up work by committees.
90. An Assembly bursary student report "Rates of Churn and Parliamentary Committees,"²³ concluded that a certain degree of turnover on committees is unavoidable, but sought to review the position at the Northern Ireland Assembly; whether this has changed over time and then to compare the position here with that at the Scottish Parliament.
91. The rate of churn for both statutory and standing committees in the first 18 months of the 2007-2011 mandate compared with the rate in the first 18 months of this mandate is set out below.

Figure 2: NI Assembly Committee Churn 2007-08 and 2011-12



92. The overall rates of churn are higher than in the previous mandate. Churn in statutory committees is 1.5, equating to an average of 17 different members on each committee in the first 18 months of the mandate.

23 O'Sullivan, Donie, Rates of Churn and Parliamentary Committees, Northern Ireland Assembly & Queen's University Belfast Bursary Programme, 2012-2013

Table 4: NI Assembly Churn & Constants Statutory Committees

| | 2007-October 2008 | | 2011-October 2012 | |
|---------------------------------|-------------------|----------|-------------------|----------|
| | Churn | Constant | Churn | Constant |
| Agriculture & Rural Development | 1.18 | 81% | 1.7 | 81% |
| Culture, Arts, & Leisure | 1.18 | 81% | 1.27 | 54% |
| Education | 1.45 | 45% | 1.36 | 64% |
| Employment & Learning | 1.5 | 45% | 1.36 | 64% |
| Enterprise, Trade, & Investment | 1.45 | 54% | 2.09 | 36% |
| Environment | 1.27 | 73% | 1.6 | 54% |
| Finance & Personnel | 1.36 | 64% | 1.5 | 54% |
| Health | 1.18 | 81% | 1.27 | 73% |
| OFMdfM | 1.09 | 91% | 1.7 | 36% |
| Regional Development | 2.09 | 81% | 1.7 | 45% |
| Social Development | 1.27 | 73% | 1.36 | 73% |
| Overall Churn (excl. Justice) | 1.36 | 69% | 1.53 | 58% |
| Justice | N/A | N/A | 1.45 | 54% |
| Churn (incl. Justice) | | | 1.53 | 57% |

93. However Table 4 shows that, whilst there is considerable variation between committees, 69% of members were in place for the first 18 months of the 2007-2011 mandate, with 54% remaining constant in the first 18 months of this mandate. Churn rates in standing committees did not vary significantly between the two periods being compared.
94. CRG considered the possible reasons for the level of membership turnover. One reason suggested was that turnover may be impacted upon by political factors or the high number of spaces on committees within the NI Assembly and by the high number of members on 2 or more committees. It should also be noted that a number of new members are co-opted each mandate resulting in an almost automatic reallocation of places.
95. CRG acknowledges that a degree of turnover is unavoidable and indeed healthy as it can bring new ideas and new thinking to a committee. However, it would seem that turnover rates of 2.7, representing 30 different members sitting on a committee during a mandate, or constancy rates of 9%, that is 1 member remaining on a committee throughout a mandate, are unlikely to be conducive to effective working. The House of Commons Liaison Committee concluded,
- “Some turnover of membership is inevitable, but a percentage change of [over 50%] is regrettable and inevitably has a negative impact on committee cohesion and effectiveness.”²⁴*
96. **In noting the high turnover rates on Assembly committees, CRG does not see merit in making changes to the system, such as reducing the over all number of committee places, to maximise the number of members who remain on committees for a significant period. However, CRG recommends that whips consider turnover rates at least annually and that**

24 Liaison Committee, Select Committee Effectiveness, Resources and Powers, Committee Activity, paragraph 23

whips seek to maximise constancy on committees whilst dealing with the inevitable need for changes in membership.

Scheduling of Committee Meetings

97. CRG considered whether the present schedule for committee meetings was making the best use of members' time and whether a review of the timings could free up some capacity for members.
98. The majority of committee meetings take place on Wednesday and Thursdays with the exception of the Committee for Agriculture and Rural Development, the Business Committee, the Committee on Procedures and the Assembly and Executive Review Committee which meet on Tuesdays. Committees do not meet on Fridays other than in exceptional circumstances - this is regarded as a constituency day.
99. Assembly committees which meet in the morning normally start at 10.00am or 10.30am and continue until between 12.30pm and 1.00pm. Afternoon meetings normally start at 2.00pm and continue until between 4.30pm and 6.00pm. The length of committee meetings varies depending on business to be discussed.
100. The Committee on Procedures in 2008²⁵ reviewed the scheduling of committee meetings, including whether committees should consider meeting on Mondays and Tuesdays. They also looked at the possibility of introducing early morning and evening meetings.
101. CRG concludes that the current situation appears to be working well and recommends that it would not be viable for other committees to change their meeting day to a Monday or Tuesday; the clash with Plenary would not be desirable.
102. CRG notes that the Committee on Procedures plans to conduct a review of business scheduling in Autumn 2013 following a recommendation made by AERC in its review of the Number of Members of the Northern Ireland Legislative in 2012.²⁶ Amongst other things, the report noted that,

... "in relation to plenary business, it was apparent from the evidence considered (when comparing the NI Assembly to other legislatures in the UK and Republic of Ireland) that there is some variety of practice in the scheduling of parliamentarians' business. The Committee [AERC] therefore concluded that there may be opportunities to enhance Assembly effectiveness in this regard."

103. **CRG supports the planned review by the Committee on Procedures into business scheduling.**

Access to Knowledge and Expertise

Members' knowledge and expertise

104. Members' knowledge and expertise is a critical resource for committees. Committees also act as vehicles for members to further develop their knowledge of a subject area. However CRG also notes areas for improvement and development, particularly in technical areas such as financial, EU and legislative scrutiny, effective questioning techniques and strategic planning.
105. As part of members' continual professional development (CPD), chairpersons acknowledge the successful and on-going delivery of the PoliticsPlus Programme which is delivering training in areas such as questioning techniques, financial scrutiny, strategic planning and legislation. The overall aim of the programme is to improve members' effectiveness during committee

25 Committee on Procedures, Report on Committee Systems and Structures, May 2008

26 Assembly and Executive Review Committee (AERC), Number of Members of the Northern Ireland Legislative Assembly, NIA52/11-15, 25 June 2012

meetings and thereby improving the overall effectiveness of committees in their key roles of scrutiny, policy development and legislation.

106. **CRG recommends that members' training needs are periodically reviewed and that a programme of training, to meet the needs of new members as well as the continuing professional development needs of existing members, is prepared annually for consideration by CLG.**

Specialist Advice

107. The input of professional staff, research and expertise is critical to the effectiveness of committees. CRG has explored various options to further strengthen support for committees. There are a number of initiatives which are progressing or completed, to support effective scrutiny including: the financial scrutiny project, the European project and members' development being delivered by the Assembly Legislative Strengthening Trust under the banner of PoliticsPlus.
108. CRG notes that there has been very limited use of specialist advisers and no use of standing advisers by the Assembly committees. In the current mandate only one committee has availed of specialist advice.
109. This is in contrast to other legislatures where specialist and standing advisers are considered key to the effective conduct of many inquiries and scrutiny investigations.²⁷ There is a range of factors which may have restricted such use in the Assembly, including the complexity of appointing advisers, and concerns about the perception of appointing what might be regarded as consultants, in times of austerity.
110. CRG was advised that procedures for the appointment of specialist advisers have been simplified through the creation of a list of available experts working in local universities and measures have been taken to reduce costs by agreeing competitive rates with local universities.
111. CRG recognises the importance of ensuring value for public money and that internal Assembly expertise should be used when possible, however, it also recognises that access to specialists can contribute to value for money by identifying inefficiencies in existing practices or proposing alternative, more efficient or effective policies.
112. **CRG recommends that committees consider the need for the appointment of specialist and standing advisers as part of their strategic planning and that clerks provide options in relation to the appointment of specialist advisers in papers relating to the proposed terms of reference.**

Expert Networks

113. Effective delivery of each committee's responsibility is enhanced by its members engaging with academic research findings that highlight emerging thinking and evidential trends. This is enhanced by individual committees developing relationships with think-tanks and expert groups operating in their policy field.
114. CRG notes that the Assembly's Knowledge Exchange Seminar Series (KESS) offers members the opportunity to familiarise themselves with emerging research and engage with Executive officials, as well as representatives of the voluntary and community sectors, who regularly attend KESS seminars.
115. KESS occurs annually, from October through to May and is delivered by RalSe, in partnership with Queen's University, the University of Ulster and the Open University. It promotes evidence-based policy and law-making, by encouraging engagement and debate about research findings for the purpose of facilitating Assembly decision-making, particularly in

27 RalSe, External Advisers to Parliamentary Committees, Appendix 2

committees. Aiming to meet the committees' unique needs, KESS provides information and research on subject areas within the Assembly's legislative competence (mostly covered in the Executive's Programme for Government) and its business interests.

116. **CRG recommends that committees should participate and engage in KESS where seminars relate to their remit.**

117. To facilitate this process, committees will be informed by RalSe of seminars and policy briefings that are relevant to their portfolios. In addition, committee chairs will be asked to provide opening remarks at seminars.

Strategic Planning

118. A key theme running through this review has been the need for committees to act more strategically and to develop a more systematic approach to their work. Strategic planning could facilitate committees to determine their own objectives and priorities while taking account of their core statutory role in relation to legislation, policy and budgets. CRG is of the view that strategic and systematic planning has the potential to encourage committees to focus more on the delivery of their strategic objectives and priorities. It could also improve committees' capacity to make more informed and proactive choices about what policy areas and bodies to scrutinise or inquire into over the course of the mandate.

119. If the correct systems are put in place to monitor, review and evaluate strategic plans against the delivery of strategic objectives and outputs, this will have the added benefit of enabling greater accountability of committee performance, thereby meeting one of the seven CRG principles.

120. In undertaking strategic planning, CRG is also mindful of the need for committees to consider the available resource and the limits on members' time. This, it is felt, could be managed more effectively if committees define their strategic objectives and plan their outputs at the outset. By planning in advance, committees would be able to make better use of their time and facilitate timely access to research and departmental briefing papers. In the absence of planning, CRG notes that committees are less able to effectively define their own priorities and retain focus on longer term goals. A committee without a strategic plan is more likely to conduct its business in a reactive rather than proactive way. Through experience, chairpersons have found that in the absence of clear priorities the range of competing demands are difficult to manage and there is a greater risk of being led, rather than leading. Departmental priorities can quickly become the focus of the committee's forward work programme, leaving limited opportunities to pursue their interests.

121. As discussed elsewhere in this report, due to the pressures on committee resources, committees find it difficult to adopt a long-term, strategic approach to their work. The wide remit of committees, the heavy workload and the volume of departmental business provide considerable challenges for committees trying to achieve the correct balance between the discretionary and non-discretionary aspects of their work programme and competing interests of members.

122. For example, planning of committee work is influenced by a number of competing demands, including:

- the Executive's legislative programme;
- the department's work programme;
- requirements to undertake budget and in-year monitoring;
- expectation that EU scrutiny work will be completed;
- the range of bodies that require scrutiny;

- varying members' interests;
 - varying stakeholder priorities;
 - topical issues;
 - constituency issues;
 - cross-cutting priorities; and
 - long-term policy priorities.
123. With finite committee resources and on-going time pressures, there is frequently limited space in the work programme for in-depth scrutiny of policy areas or an in-depth look at departmental expenditure and performance. Another area that can drop off the agenda is European scrutiny. This is despite the fact that European policy and legislation can have a considerable impact on departmental policy and legislation. This is particularly the case in areas such as the environment, agriculture and rural development, the economy and energy.
124. Some committees have heavy legislative programmes which can impact considerably on other areas of committee work. This can leave little or no time to review the impact of legislation following enactment.
125. A particular concern towards the end of the last mandate was the volume of legislation to be scrutinised by committees in the last year of the Assembly. This is a key role for statutory committees but CRG considers that effective scrutiny needs to be supported by effective scheduling.
126. CRG views the direct link between a department and a committee as a major strength of the committee system. It can, however, hinder cross-cutting and joined-up working across committees. This can result in a lack of co-ordination and awareness by committees of cross-cutting issues, with the perception that committees are 'working in silos.'
127. While there are a range of mechanisms in place to facilitate joint working such as joint committees and protocols for the sharing of correspondence, CRG agree that more could be done to improve cross-cutting work around communication and planning of committee work programmes and cross-cutting inquiries.

Core Tasks

128. In adopting a more strategic approach to committee work, CRG has considered the merits of developing a set of core tasks to guide committees' forward work programmes. CRG notes the adoption of core tasks by Select Committees in the House of Commons, following a recommendation made by the Liaison Committee that core tasks would improve the effectiveness, resources and powers of select committees.²⁸ The purpose of core tasks was first set out in detail in the report of the Hansard Society Commission on Parliamentary Scrutiny published in 2001. It suggested that

*"..in order to make scrutiny more systematic select committees should be given a set of core duties and suggested objectives: balancing inquiries between administration, finance and policy, monitoring departmental reports and scrutinising departmental regulators, agencies and quangos."*²⁹

Four years later, when the Society reviewed the impact of core tasks in its report, *New Politics, New Parliament*, it concluded that the core tasks encouraged select committees

28 Liaison Committee, Annual Report 2002, 1 April 2003, HC 558 2002-2003, para 13

29 Brazier A and Fox R (Hansard Society), Reviewing Select Committee Tasks and Modes of Operation, Parliamentary Affairs Vol. 64 No.2, 2011, 354-369

“..to reflect on the scope of their responsibilities and dedicate at least some time to the scrutiny of issues and areas of government that may otherwise have been overlooked.”³⁰

The Liaison Committee also concluded that the core tasks framework had

“encouraged a comprehensive and systematic approach to the scrutiny of government departments, without providing too prescriptive a model for select committee activity.”

129. The core tasks were agreed following the debate on the Modernisation Committee’s report on Select Committees, when the House invited the Liaison Committee *“to establish common objectives for select committee.”³¹* The core tasks were based on 4 key objectives:

- to examine and comment on the policy of the department;
- to examine the expenditure of the department;
- to examine the administration of the department; and
- to assist the House in debate and decision.

130. The Liaison Committee provided each committee with guidance on the core tasks and asked individual committees to prepare their annual reports,

“..using the indicative core tasks as a template for the review of their work.”³²

131. The Liaison Committee commented that the benefit of core tasks was that:

“The discipline of assessing their work against core tasks has encouraged committees to ensure that they monitor the widest possible range of departmental activity; it also allows the public and the media to appreciate more easily the comprehensive examination of Government which committees undertake.”³³

132. In 2009, the House of Commons Reform Committee recommended that the Liaison Committee should

“..re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands of time made of members as their role grows.”³⁴

The Liaison Committee launched such an inquiry in December 2011 and reported on ‘Select Committee Effectiveness, Resources and Powers’ in November 2012. It recommended some modifications to select committee core tasks to reflect new priorities and developments in government. However, it stated clearly that,

“We believe it continues to be useful to define core tasks for committees, to guide committees in deciding their programme, but not to constrain their freedom to decide their own priorities.”³⁵

133. Having considered the relative improvement core tasks are reported to have on the effectiveness of select committees, CRG considered if a set of core tasks should be developed to provide a framework to assist committees define priorities around a set of key tasks to improve strategic and systematic planning.

30 Ibid

31 HC Deb May 2002 c648

32 Liaison Committee, Annual Report 2002, 1 April 2003, HC 558 2002-03

33 Ibid

34 Select Committee on the Reform of the House of Commons, Rebuilding the House, HC 1117, para 93.

35 House of Commons Liaison Committee, Select Committee Effectiveness, Resources and Powers, HC 697, para 16

134. CRG has identified a number of core areas of responsibility that committees should systematically scrutinise in terms of their statutory and other responsibilities. Table 5 provides an illustration of what this might cover.

Table 5: Suggested Core Tasks for Committees

| Committee Objectives | Core Tasks |
|-----------------------------|--|
| Strategy | To scrutinise the strategy of the department, its key objectives, and its contribution to the delivery of the Programme for Government, and whether it has the means to achieve its objectives in terms of plans, resources and skills. |
| Policy | Policy scrutiny: to examine policy proposals by the department and make recommendations for improvement including, where appropriate, the development of committee legislative proposals. Policy development: through evidence gathering, research and inquiries, to develop policies and make recommendations in areas, within the committee's remit, to support emerging public policy and/or where existing policy is deficient. |
| Expenditure and performance | To examine the expenditure plans, outturn and performance of the department and its arms lengths bodies and the relationship between spending and delivery of outcomes. |
| Legislation | To conduct the legislative scrutiny of primary legislation, pre legislative, legislative and post legislative, within the committee's responsibilities and to make recommendations for amendments. To scrutinise subordinate legislation at the policy proposal stage (SL1) and Statutory Rule stages. |
| European Scrutiny | To identify, monitor and track emerging policy and legislative issues in Europe which are relevant to the committee's statutory and policy remit. |
| Supporting Plenary | To produce timely reports to inform debate in Plenary. |
| Engagement | To engage the public in committee proceedings. |

135. **CRG recommends that CLG should define a set of core tasks to assist with strategic and systematic planning.**
136. During their deliberations some chairpersons highlighted the valuable resource that Programme for Government delivery plans can have in guiding scrutiny of resources and performance.
137. **CRG recommends that scrutiny of the Programme for Government (PfG) should be included in the list of committee core tasks and that detailed preparation and evidence gathering on PfG delivery plans is considered, at least annually, and the findings reported to the minister and, where appropriate, to the Assembly.**
138. **CRG agrees that inquiries should be linked to strategic plans and demonstrate how they relate to the core tasks, and what they aim to achieve.**
139. **Post-legislative scrutiny should also be seen as an important core task.**

Strategic Plans

140. Chairpersons have considered the value of committees developing their own strategic plans and moving away from the reliance on the departments to dictate their workload. Strategic plans would allow committees to plan how best to use limited resources in terms of members' time, secretariat support and officials' time, with the help of core tasks. The use

of strategic plans would also support a more methodical, less ad-hoc approach to scrutiny enabling a committee to assess their performance against the broad core tasks and also the committee's strategic objectives.

141. CRG is of the view that strategic plans would help committees to deliver against their strategic objectives while retaining focus on committee core tasks.
142. **CRG recommends that each committee should develop a strategic plan that sets out its key priorities, objectives, targets and planned outputs within the core tasks framework.**
143. **In deciding on priorities, committees should consider areas where they can have greatest impact and where they can make best use of limited resources.**
144. **Strategic plans should be informed by stakeholder engagement and analysis and by 'foresight' work such as horizon scanning and long-term research.**
145. **CRG recommends that committees should evaluate and report against the strategic plan to assess their performance against key priorities, objectives, targets and planned outputs. Committees should regularly monitor, review and evaluate achievements against strategic priorities and reprioritise as necessary. End of Session reports should continue to be used not only to report annually on committee outputs and outcomes but also to report on achievements against the strategic plan and core tasks.**
146. CRG notes the use of planning days in other jurisdictions to help members and clerks build a common sense of purpose in relation to the work of the committee, its priorities and objectives. It is also noted that this can help members/clerks to identify the potential for cross-cutting inquiries.
147. Planning days would also allow committees to plan how best to use limited resources in terms of members' time, secretariat support and the department's time and would support a more methodical, less ad-hoc approach to scrutiny.
148. **CRG recommends that planning day(s) should be held to inform the strategic approach of the committee at the start of each Assembly session (early September). Plans should be updated annually and reviewed mid-term against objectives, outputs and targets.**

All Party Groups

149. Although not part of the terms of reference for CRG, concerns have been expressed by a number of chairpersons in relation to the operation of All Party Groups (APGs) at the Assembly. In particular there is concern about the growth in APGs and how this could impact on committee business. Frustrations have been expressed about the scheduling of APGs and when these clash with formal committee business. CRG is also concerned, not least following allegations in other places, about inappropriate use of APGs. This is in relation to the secretariat for these groups, which are not member-led, and which can lead to issues around transparency, agenda setting and the control of access to the APG.
150. CRG was advised that in June 2010 the Standards and Privileges Committee reacted to previous concerns in relation to the operation of All Party Groups by introducing a number of new rules including the requirement for annual AGMs and restricting membership to MLAs. Non Assembly members although not members of the APG, often provide the secretariat to the group and of course are free to participate in proceedings.
151. There are currently 35 APGs registered that are researching issues and putting forward proposals outside the formal committee network. CRG considered whether there should be a limit on the number of APGs in light of on-going concerns in relation to transparency.
152. **CRG recommends that the issue of the number and governance of APGs and their secretariats, including their role and appointment process, is referred to the Committee for Standards and Privileges.**

The Role of the Chairpersons' Liaison Group

153. CRG examined the role and function of the Chair Persons' Liaison Group (CLG) and considered whether there would be merit in putting it on a more formal footing.³⁶
154. CLG meets on an informal basis, usually monthly. Meetings are conducted in private, and minutes and supporting papers are not routinely published. Secretariat support is provided by the Central Committee Office. CLG is not covered by Standing Orders.
155. The remit of CLG is
- "Helping to develop common approaches to common problems and promoting good practice" and to "identify, evaluate and assess options for improving the collective effectiveness of Assembly Committees."*³⁷
156. In particular CLG seeks to:
- Represent the common interests of Assembly committees;
 - identify, evaluate and assess options for improving the collective effectiveness of Assembly committees;
 - identify, on behalf of committee members and the staff in the Committee Office, common areas for development and training; and
 - guide the Clerk Assistants in making decisions about financial and other resource allocations.
157. In assessing the current and future role of the Chairperson's Liaison Group, CRG considered the arrangements in the Scottish Parliament, the House of Commons and Dáil Éireann which have all formalised the role of equivalent groups.

The Scottish Parliament

158. The Conveners Group is chaired by the Presiding Officer or a Deputy Presiding Officer and is a forum where Committee Conveners meet to take a strategic view on the operation of committees and to facilitate liaison between the Committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body.
159. On 19 December 2002, the Group was formally constituted and given a remit and powers under Standing Orders. The Group handles matters including:
- The promotion of practices to improve the performance of committees, in particular their scrutiny function;
 - making recommendations to the Bureau on Committee business to be scheduled in the Chamber;
 - approval of meetings of committees outside Edinburgh; and
 - approval of travel by committees or committee members outside the UK.

House of Commons Liaison Committee

160. The Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and, by a decision of the House on 14 May 2002, to hear evidence from the Prime Minister on matters of public policy. Standing Order 145 of the House of Commons sets out the remit.

36 CRG Discussion Paper, the Role of CLG, Appendix 3

37 <http://assist.assemblyni.gov.uk/services/committees/chairlaisonGroup/clg.htm>

Working Group of Committee Chairmen

161. Standing Order 100 of Dáil Éireann provides for the establishment of a Working Group of Committee Chairmen consisting of the chairman of each standing, select, special and joint committee, other than the Committee on Procedure and Privileges. The role and remit of the Working Group is set out in Table 6:

Table 6: Extract from Standing Order 100 of Dáil Éireann

100. (2) The Working Group may consider matters affecting services to committees generally, may liaise and consult on matters of common interest to committee chairmen, and shall make recommendations in relation to—

apportionment of moneys available to committees for consultancy and travel, subject to the consent of the Houses of the Oireachtas Commission;

allocation of accommodation available for committee meetings; and

(c) any other matter which may be referred to the Working Group from time to time:

Provided that no such recommendation shall be made in relation to the exercise by the Committee on Procedure and Privileges of its powers under Standing Order 99.

(3) The Working Group may, subject to the provisions of the staff of the Houses of the Oireachtas Act 1959, and the consent of the Houses of the Oireachtas Commission, also make recommendations on any matter relevant to the provision of services to committees falling within its remit.

162. Despite the informal nature of CLG, it is influential and its decisions are observed by all committees.
163. Given its current standing, CRG has identified scope to further enhance its role. For example, a central proposal of the review is to improve strategic planning. In achieving this goal, it is recommended that CLG could perhaps have a central role in defining a set of core tasks for statutory committees to assist with strategic and systematic planning.
164. CRG has also identified a potential role for CLG to examine opportunities to strengthen the protocols between the Executive and the Assembly to ensure the quality and timeliness of information provided to committees by departments.
165. As previously referred to (paragraph 106) CRG has identified that membership training is an important area of development in terms of building up members' expertise on committees and recommends that the Chairperson's Liaison Group review annually a programme of training to meet the needs of new and existing members.
166. CRG has considered a number of other duties that would enhance the role of CLG and lead to improvements to the operation and effectiveness of committees. These include:
- A role in approving committee budgets including bids for external research support;
 - a role in approving travel by committees or committee members outside the UK; and
 - undertaking and reporting to Plenary on matters within its remit.
167. **CRG recommends expanding the role of the Chairpersons' Liaison Group but does not consider it necessary for CLG to be formalised through Standing Orders at this time. CRG agrees that its placing in Standing Orders should be revisited when the committee system is next reviewed.**

The Organisation of Standing Committees

168. CRG has considered a number of options on the feasibility of reorganising or merging some of the six standing committees to streamline existing activities within standing committees.³⁸
169. For example, CRG notes that the Scottish Parliament has standing committees for European and international relations and, similar to the National Assembly of Wales, has a budget committee.³⁹ Whilst it is acknowledged that there would be merit in establishing similar committees in the Assembly, CRG has decided to rule out any major structural changes to the committee system. CRG therefore surmises that it would not be feasible to consider options for the creation of additional standing committees to deal with issues such as petitions, European and external relations or budget matters similar to those that exist in other legislatures.
170. CRG has therefore come to the conclusion that this could only be considered as a viable option at a later date when wider reforms were being considered to the number of Assembly Members and the number of government departments.

Merging of committees

171. Having considered examples from other legislatures, CRG has considered a number of possible ways that standing committees could be streamlined. For example one option might be to merge the Committee for Standards and Privileges with the Committee on Procedures or, alternatively, merge the Committee on Procedures with the Business Committee.
172. CRG has also considered the resource issues across all six standing committees and whether such a merger would free up some capacity.⁴⁰
173. CRG has concluded that there is limited secretariat resource to be released from merging standing committees of the Assembly. As Table 7 shows, the time commitment per month is on average 35-50 minutes per committee per member. CRG agrees that the separate and distinct remits of the six standing committees do not lend themselves to merger.

Table 7: Standing committees: meeting frequency and duration from September 2012 - 25 June 2013

| Standing Committee | Function | Meetings held | Frequency | Average hr: mins |
|---|---|---------------|------------|------------------|
| Assembly and Executive Review Committee | Make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts 3 and 4 of the Northern Ireland Act 1998. | 20 | bi monthly | 00.50 |
| Committee on Procedures | To consider and review on an on-going basis the Standing Orders and procedures of the Assembly. | 9 | monthly | 00.49 |
| Business Committee | To consider and co-ordinate the management of the Assembly's business on sitting days and procedures of Plenary. | 38 | weekly | 00.11 |
| Public Accounts Committee | To consider accounts, and reports on accounts laid before the Assembly. The committee has the power to send for persons, papers, records and to report from time to time. | 35 | weekly | 02.47 |

38 CRG Discussion Paper, the Organisation of Standing Committees, Appendix 4

39 RalSe, Standing Committees in legislatures in the UK and Ireland, NIAR 386-13, Appendix 3

40 Ibid

| Standing Committee | Function | Meetings held | Frequency | Average hr: mins |
|---------------------------------------|---|---------------|-----------|------------------|
| Committee on Standards and Privileges | To consider specific matters relating to privilege referred to it by the Assembly. | 10 | monthly | 00.50 |
| Audit Committee | The Committee has responsibility for agreeing with the Comptroller and Auditor General an estimate of how much resources the Northern Ireland Audit Office should receive for each financial year and for laying that estimate before the Assembly. | 3 | Quarterly | 00.39 |

Expanding the role of the Audit Committee

174. CRG also considered the role of the Audit Committee which currently has a very limited remit but undertakes an important constitutional function, which is set out in Section 66(1) of the Northern Ireland Act 1998. The Committee agrees the annual estimate of the use of resources of the Northern Ireland Audit Office (NIAO) and lays them before the Assembly and has a role in relation to the salary of the Comptroller and Auditor General (C&AG). The importance of the Committee's role is that it ensures the independence of the NIAO from the Executive by creating direct accountability of the NIAO to the Assembly, enabling the NIAO to fulfil its critical role in financial governance, through its examination of government accounts and value for money inquiries.
175. The Committee for Finance and Personnel in its inquiry into budget scrutiny identified the need for the budget setting process for the Assembly Commission's budget to be protected from Executive interference, and identified a number of possible models for delivery of this objective. The Assembly Commission identified that it would wish to follow the model in Wales, which involves the proposal of the Assembly budget for the year ahead by the corporate body followed by scrutiny by an Assembly committee and then approval of the budget by the Assembly in Plenary. Work to develop such a model is on-going between the Assembly and the Department of Finance and Personnel.
176. CRG was also advised that legislation being developed by the Committee for OFMdfM on the Assembly Ombudsman is also likely to propose a model of accountability for the Northern Ireland Public Service Ombudsman similar to that of the C&AG.
177. CRG has considered how the new scrutiny functions could be undertaken within existing resources either by expanding the role of the Audit Committee or establishing a new single committee. Currently the Audit Committee is serviced by the committee secretariat which also serves the Committee for Standards Privileges. It is estimated that the work of the Audit Committee accounts for 10-15% of the Committee team's time (comprised of 1xAG4, 0.6xAG6 and 1xAG7). The increase in work load is estimated to be a further 10-15%. CRG considers that the increased workload could be managed within current secretariat resources and would therefore be cost neutral.
178. **CRG recommends that a single committee be established to undertake the duties of the Audit Committee and to scrutinise the budget of the Assembly and the Public Service Ombudsman.**
179. **CRG notes that although some additional secretariat resource may be required within the current Audit Committee team, this should be managed within existing secretariat resources.**

Public Engagement and the use of new technologies

180. The Review considered how committees engage with the public and what opportunities there might be to enhance this in the future.
181. Public engagement has been identified as a key strength of the committee system of the Assembly. CRG acknowledges that committees are already doing much to engage the public, demonstrated by, for example, committees holding their meetings in different venues, online broadcasting and access, stakeholder events and use of social networking sites. Furthermore 81% of visits undertaken by committees are in Northern Ireland (see Figure 3).

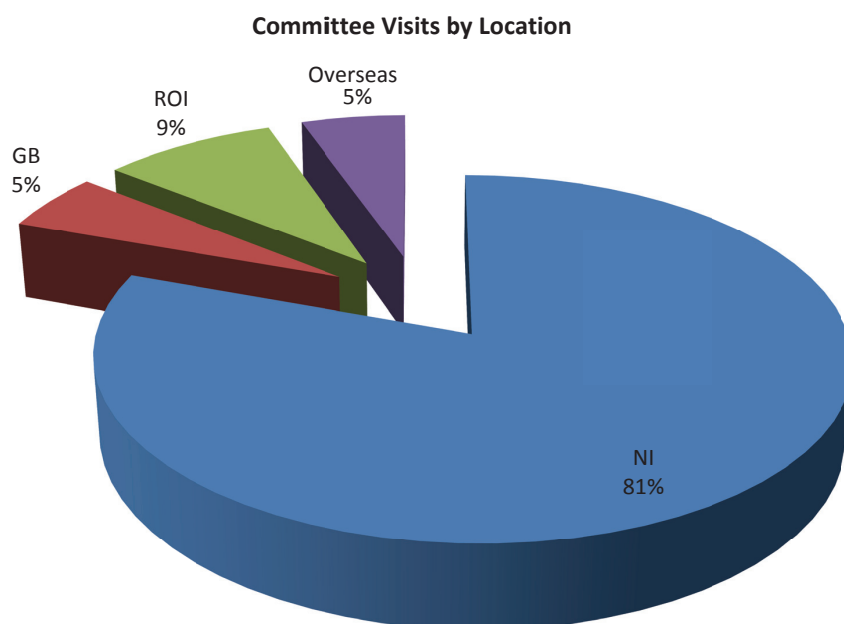
Table 8: Committee meetings, visits and stakeholder events during current mandate – June 2013

| Statutory Committees | No of meetings in Parliament Buildings | No external meetings | No of visits | No of Stakeholder events |
|--|---|-----------------------------|---------------------|---------------------------------|
| Agriculture and Rural Development | 84 | 3 | 13 | 2 |
| Culture, Arts and Leisure | 88 | 13 | 25 | 1 |
| Committee for Education | 84 | 3 | 16 | 11 |
| Committee for Employment and Learning | 79 | 15 | 31 | 8 |
| Committee for Enterprise, Trade and Investment | 77 | 12 | 18 | 2 |
| Committee for Finance and Personnel | 84 | 3 | 3 | 1 |
| Committee for Health, Social Services and Public Safety | 78 | 7 | 11 | 1 |
| Committee for Justice | 82 | 7 | 7 | 2 |
| Committee for Regional Development | 72 | 12 | 20 | 1 |
| Committee for Social Development | 98 | 8 | 3 | 3 |
| Committee for the Environment | 85 | 12 | 14 | 3 |
| Committee for the Office of the First Minister and deputy First Minister | 76 | 4 | 8 | 2 |
| Total | 987 | 99 | 169 | 37 |

Source: Aims Database

182. As Table 8 shows, statutory committees undertake a wide range of activity from formal weekly meetings, to external meetings, visits and stakeholder events. Committees strive to be accessible and, in addition to holding formal committees in Parliament Buildings, undertake meetings and visits in a multitude of venues and locations across Northern Ireland.

Figure 3: Geographic location of committee visits



Figures relating to visits undertaken from the beginning of the current mandate to June 2013. Source AIMs database.

183. As the above data shows, committees are committed to ensuring that as many people as possible have an opportunity to take part in the work of the Assembly and to opening up opportunities for local communities to influence the work of committees.

Case Study 1: Committee for Health, Social Services and Public Safety Suicide Prevention Day “Youth Talks”

The event was called “Youth Talks” and 80 young people were invited to the Assembly to talk to political representatives about the important issue of suicide prevention.

The event had 8 “bus stops” with ministers, committee chairs and Health Committee MLAs at each stop. In addition to committee members at each bus stop, the Children’s Commissioner, the Chief Executive of the Public Health Agency and the Chief Medical Officer circulated the room, joining in conversations at each bus stop.

This event was unique in that it had representatives from a number of other committees such as Culture, Arts and Leisure, OFMDFM, Justice, Education, Employment and Learning and Agriculture and Rural Development. Not only did young people get the opportunity to talk to committee members from such a wide spectrum of committees but they also had the chance to raise their issues with a range of ministers also at the bus stops.

The main issues raised by the young people ranged from rural isolation to transport; unemployment; the pros and cons of social media (e.g. cyber bullying), mental health issues and the link with the justice system; bullying in schools and the importance of providing facilities for suicide prevention in schools.

184. Assembly committees have become known for using innovative methods of engaging with their stakeholders. There are numerous examples of where committees have successfully used a range of stakeholder events both in Parliament Buildings and external venues to target its engagement with key stakeholders including children and young people, academic and educational institutions and key interest groups in the private, voluntary and community sectors, as illustrated by Case Studies 1 and 2. Committees have become very adept at using innovative stakeholder events such as ‘speed dating,’ round table discussions, youth forums and showcase events.

CRG considered whether there was scope to enhance public engagement in the future, given the rapid developments in technology which could be utilised more to engage with the public. CRG has identified this as an area that might be augmented in the future in light of the perceived strengths in this area, and also as a means of addressing weaknesses in the committee system and the resource and capacity constraints it faces.

185. CRG decided to adopt a 'foresight approach' to this issue in light of possible future challenges that would be posed by developments in the communications and technology fields.

Case 2: Assembly committees joint visit to the City of Culture

A major initiative, the first of its kind ever taken by the Assembly was undertaken in June 2013, and October 2013, when Assembly committees took part in two co-ordinated visits to Derry/Londonderry to celebrate the UK City of Culture. This was seen as a demonstration of the Assembly's commitment of being as accessible as possible to local communities. The committees which took part in both visits were Health; Employment and Learning; the Committee of the Office of the First Minister/deputy First Minister; Finance and Personnel; Public Accounts; Education; Environment; Social Development; Justice and Agriculture and Culture, Arts and Leisure. These joint visits brought a number of benefits to the area by providing a platform to promote the City's achievement at becoming the UK City of Culture and enabling local communities to confer with public representatives on a wide range of major policy issues at one time.

186. Chairpersons are mindful of the desire to ensure that the role and purpose of the committee system is clearly understood by the public; that committees are open, accessible and inclusive; actively encourage the public – particularly 'hard to reach' groups - to engage with policy and legislative development; and that they are innovative in their practices and the ways in which such participation is encouraged.
187. A noted strength of the committee system is the extent to which committees meet regularly outside Parliament Buildings to engage with new audiences about the legislative and policy issues under consideration. To this extent committees are regarded as relatively accessible to the general public and many maintain a reasonably high public and media profile.
188. However, despite this extensive range of activity, CRG is concerned that committees, as a whole, have not yet fully risen to the challenge of managing to engage with hard to reach groups and that those who participate in inquiries too often constitute the 'usual suspects'.
189. However CRG notes that, while holding external meetings and stakeholder events can be an effective means of providing greater access to committees and exposing committees to a wider range of groups and issues, it can also be extremely resource intensive.
190. **CRG recommends that a strategic balance needs to be struck between facilitating as many stakeholder meetings as possible and ensuring that maximum value is extracted from each one in the interests of both members and the public. The need for this balance should be considered as part of each committee's strategic plan and the work programme that results.**
191. **CRG recommends that committees seek to identify their target audiences, particularly among hard to reach groups, as part of the strategic planning process each year and report at the conclusion of each session as to the extent to which such targeted engagement has been realised.**
192. **Consideration should also be given to greater use of online forums by committees to engage the public in issues of legislative and policy interest. These could be via online forums run by the Assembly itself, or by seeking a platform for a committee's work via an external third party online forum with a relevant policy interest.**
193. By actively targeting sites relating to a very limited geographical area or communities of interest, such as community hub blogs and policy forums, committees will be better able to

- tap into existing communities of interest, seed content (which will have a multiplier effect) and build relationships accordingly.
194. CRG notes that the landscape of print, broadcasting and social media is changing rapidly and how it alters will affect the committee system's ability to communicate and engage with the public it serves. The committee system's approach to public engagement will need to evolve in response to the developing 'social', 'mobile', 'local', 'data' and 'video' communication trends.
195. **CRG recommends that committees move quickly towards ceasing the publication of reports in hard copy, other than full colour executive summaries. Committees should also move towards the publication of online reports that use full colour, hyperlink references and visualisation of data. Given the savings which would be achieved by ceasing to print hard copy publications, the net gain to the printing costs of the Clerking and Reporting budget would be approximately £4,000.**
196. **In the long-term committees will need to provide ready access to topical themed content, packaged to people's interests, and offer a greater variety of 'glance-able' content in the form of graphics, pictures and video designed to garner people's attention.**
197. **Responsive design techniques should render committee material suitable for a variety of platforms and screen sizes, including the tablet. CRG recommends that attention be paid to the way in which information and news about committee work and reports is packaged so that it can be easily shared. Here, rich inhouse audio visual content will be ever more vital to populate committee website pages and to disseminate to a variety of interested audiences.**



Northern Ireland
Assembly

Appendix 1

Terms of Reference

Background

1. The purpose of this paper is to set out the rationale for a review of the committee system at the Northern Ireland Assembly (NIA). Having done so, the paper goes on to set out the proposed approach to the review.
2. The need for this review arises from the recommendations of the Assembly and Executive Review (AER) Committee's report "Review of the Number of Members in the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments" (NIA52/11-15). In the report the committee concluded that it would be *"prudent for the Assembly to make an early start to a review of the Assembly committee system and that the [Chairperson's Liaison Group] should have an important role in this review"*.
3. In addition to reviewing the committee system, options to enhance the Assembly's policy development, scrutiny, consultation and legislative roles with a view to future proofing any changes to roles, structures, functions and processes will also be explored.
4. An underpinning principle of this review is that its outcomes and recommendations should be consistent with, but not constrained by the legislative basis of the NIA. That is, the review will consider those short to medium-term changes to the committee system that can be implemented by the Assembly within the context of the Northern Ireland Act 1998, the Northern Ireland (St Andrews Agreement Act) 2006 and the NIA's Standing Orders. However the review will additionally consider any further changes to improve the committee system which require legislative change at Westminster.

Aim of the Review

5. The purpose of this review is to examine the committee system of the NIA in terms of roles, structures, functions and processes in order to make recommendations to the Assembly that, if implemented, will enhance the capacity and effectiveness of statutory and standing committees in delivering their statutory and other functions.

Terms of Reference

6. The review will:
 - assess the effectiveness of the statutory and standing committee system in prioritising and acting strategically in relation to legislation, policy development, scrutiny and cross-cutting issues, and to identify opportunities for further improvement;
 - identify the key strengths and constraining factors of committee effectiveness at the NIA;
 - consider arrangements relating to membership of committees and issues such as quorum;
 - consider how committees engage with the public, Executive departments and external organisations in discharging their statutory and other functions;
 - assess the potential for statutory committees to undertake a role in amending Bills at Committee Stage;
 - review the role and purpose of the Chairpersons' Liaison Group within the context of the current committee system;
 - consider the implications of recommendations arising from this review which require changes to legislation (at the NIA or at Westminster), Standing Orders or committee procedures;
 - assess the implications of the Northern Ireland 1998 Act, together with other relevant legislation to determine the boundaries of the review outside of which primary legislation would be required either by the Assembly itself or at Westminster; and

- deliver reasoned options for models of committee systems, designed to meet the specific needs of the NIA with a view to enabling increased flexibility and effectiveness.

Approach to be Taken

7. A Committee Review Group (CRG) will be established to progress this review. The CRG will comprise the chair of CLG, one chair from each of the other political parties represented at CLG, and three expert advisers (the Clerk/Director General of the NIA and two experts from academia and/or other legislatures). The CRG will be chaired by the Chair of CLG and membership of the group is as follows:
 - Mr Alex Maskey MLA, Sinn Féin (Chair)
 - Miss Michelle McIlveen MLA, DUP
 - Ms Anna Lo MBE, MLA, Alliance Party
 - Mr Patsy McGlone MLA, SDLP
 - Mr Robin Swann MLA, UUP
 - Mr Trevor Reaney, Clerk/Director General, Northern Ireland Assembly
 - Dr Ruth Fox, Head and Director of Research, Hansard Society
 - Mr Art O'Leary, Secretary, Constitutional Convention (Ireland)
8. The review will commission relevant research on committee systems in place in other legislatures nationally and internationally (where relevant).
9. The review will take account of existing reports and research papers.
10. Where necessary the CRG will liaise with the Assembly Commission, particularly regarding issues which relate to the resourcing of committees by the Assembly Secretariat.
11. The review will identify any quantifiable staffing and financial impact arising from the implementation of its recommendations.

Constraints

12. The review must be future proofed to take account of any institutional changes to Executive and Assembly structures.

Implementation

13. The CRG will report the outcome of this review and its recommendations to the Assembly.
14. Subject to agreement of the report by the Assembly, it is envisaged that the recommendations will be actioned appropriately through the relevant mechanism. This could include primary or secondary legislation by the NIA, changes to Standing Orders, etc. However this list of potential mechanisms is not intended to be exhaustive.

Forward Workplan

15. This Review will commence in March 2013 and will report to the Assembly by autumn 2013.
16. The forward work programme for the review will be agreed at the first meeting of the CRG.



Northern Ireland
Assembly

Appendix 2

Assembly Research and Information Service (RaISe)



Northern Ireland
Assembly

Research and Information Service Research Paper

27 March 2013

Review of committee structures Comparative information from other legislatures

NIAR 190-13

This research paper provides information on the committee systems operating in a number of legislatures. It identifies any significant reforms undertaken to the structure of the system and highlights key characteristics, including membership and composition

Paper XX/XX

27 March 2013

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relates to our papers and this should be sent to the Research and Information Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Key Points

- Any consideration of the committee structure of the Northern Ireland Assembly needs to be placed in the unique political context within which the Assembly and its committees operate i.e. the consociational framework designed to allow competing political views in a divided society – this was not a factor in the other legislatures examined for this paper
- There is no standard model of committee structure, although generally legislatures have both departmental/portfolio committees and committees to deal with procedural issues
- It is usual practice to have committees shadow government departments, as in the Northern Ireland Assembly. The Scottish Parliament and Storting (Norway) have policy based committees that do not match directly with government departments, although all areas of government activity are covered
- In the case of Norway, reforms in 1993 ‘emancipated’ committees from their link with departments. This move away from a one-to-one relationship negated the need to restructure the committee system every time the Norwegian Government changed (which was relatively often)
- Of the legislatures examined for the research, the Australian Parliament and Legislative Assembly of Queensland have both recently undergone significant reforms to their committee structures. A key feature of both legislatures was that the committee systems had been perceived as being weak and were in need of reform in order to enhance the scrutiny role of the legislature
- The Northern Ireland Assembly might be said to have a relatively strong committee structure with a statutory committee covering each Government department. Committees have the power to initiate inquiries and legislation, summon witnesses and call for documents. Furthermore, a committee Chair cannot be of the same party as the Minister who answers to that committee and committee members are allocated reasonably strictly in accordance to party strength
- There is a lack of flexibility in relation to number of committee members on NIA committees compared to some other legislatures. Generally, legislatures allow for a range of members per committee. In the Northern Ireland Assembly, both statutory and standing committees must have 11 members each (apart from the Audit Committee which has five). Again, this must be placed in the context of the Belfast (Good Friday) Agreement and subsequent legislation
- The Northern Ireland Assembly does not allow substitute or supplementary members and does not avail of sub-committees (although there is provision for them in Standing Orders), unlike other legislatures
- The Norwegian Parliament is the only Parliament examined that specifies that a member can be a member of one and only one committee. There are no restrictions in the House of Commons or the devolved legislatures. France, Italy, Portugal and Switzerland impose restrictions on the number of committees a member may serve on
- The Scottish Parliament, which is sometimes cited as a model of best practice for committees, is not immune from criticism. Recent research has highlighted committees’ lack of willingness to bring forward legislation and commented that they rarely set the agenda for the Government by identifying policy gaps

Executive Summary

This research paper provides information on committee systems in the:

- Scottish Parliament
- Australian House of Representatives
- Queensland Parliament
- New Zealand House of Representatives
- Canadian House of Commons Swedish Riksdag and
- Norwegian Storting

Any comparison between the Northern Ireland Assembly and legislatures elsewhere must recognise the consociational framework which underpins the workings of the Assembly and the Executive. The architecture of the Belfast (Good Friday) Agreement and subsequent legislation accommodates competing political views in a deeply divided society.

There is no standard model of committee system, with legislatures adapting their committees to meet the needs of the institution or to respond to changes in the structures of Government.

It could be argued that the committee structure within the Northern Ireland Assembly is one that other legislatures have recently moved to, or indeed aspire to. The Assembly's committee system was the result of detailed planning, with precise allocation of membership and appointment of Chairpersons and deputy Chairpersons using the D'Hondt method. Furthermore, the Chair of a statutory committee cannot be from the same party as that which the relevant Minister belongs to. This means, at least in theory, that committees do not become vehicles to rubberstamp decisions taken by the Minister, unlike those in other legislatures where the Executive can exercise significant influence over committee work.

There is perhaps more flexibility built into other committee systems when compared to the Northern Ireland Assembly. The number of members per committee in particular can vary, whereas Assembly committees must have 11 members each, the Audit Committee being the exception. The use of supplementary members is also a feature common to other committee systems, as is the use of sub-committees which are established to look at specific aspects of an issue under consideration by the parent committee.

The Scottish Parliament and Norwegian Storting provide interesting examples whereby the committee system was restructured (or in the case of Scotland, specifically designed) to provide committees with a broad policy-based remit, rather than direct correspondence to a government ministry.

The committee system in Norway underwent significant transformation in 1993 when the direct link with ministries was broken. This so-called 'emancipation' of committees was necessitated by the relatively frequent changes of Government that then impacted on committee portfolios.

The Scottish Parliament's subject committees do not directly match to a Government Directorate. Instead, two committees might be responsible for scrutiny of different aspects of the same Directorate. The Scottish committee system is sometimes viewed as a successful example of a modern, flexible system, but it has come in for criticism for allowing too much Executive influence at the expense of committees developing their own agendas.

1 Background

This briefing paper provides an overview of the parliamentary committee structures in the Scottish Parliament, Australian House of Representatives, Queensland Parliament, Canadian House of Commons, New Zealand House of Representatives, Swedish Riksdag and Norwegian Storting. It highlights recent changes to committee structures and identifies areas of good practice.

The paper takes the following approach:

- Basic information about the legislature, including current committee structure
- Recent reviews/studies into the legislature's committee system
- Reforms coming out of any such reviews

It also includes some information on liaison groups/committees in other legislatures.

Table 1 provides a summary of the key characteristics of the committee systems in the above legislatures.

Table 1: Comparison of committee systems

| | Northern Ireland Assembly | Scottish Parliament | Australia House of Representatives | Queensland Parliament | Canada House of Commons | New Zealand | Sweden | Norway |
|---------------------------------|---|---|--|---|---|---|---|---------------|
| Committee system | 12 statutory (departmental); 6 standing. Ad hoc and Joint established as and when necessary | 7 subject; 7 mandatory. | 9 standing (departmental and procedural); select committees appointed as and when necessary (currently none); 13 Joint committees administered by the House and 6 administered by the Senate | 7 portfolio (departmental); 3 other committees are internal/procedural | 26 standing (departmental and procedural); 15 legislative committees | 13 select (departmental); 5 specialist (procedural) | 15 plus Committee on European Union Affairs | 12 |
| Number of members per committee | 11 statutory; 11 standing (5 for Audit Committee) | Between 5 and 15, most have between 7 and 9 in practice. Parties with 2 or more MSPs can nominate substitutes | 7 for standing committees; membership of others can vary (up to 34 ¹) | Committees consist of 7 members unless otherwise directed by statute or Standing Orders | 16-18 Members for standing; 16 for legislative committees; membership of joint committees is proportional relative to the size of both Houses | 7-12 Members | 17 | 8-18 |

1. http://www.aph.gov.au/about_parliament/house_of_representatives/powers_practice_and_procedure/00_-_infosheets/infosheet_4_-_committees

| | Northern Ireland Assembly | Scottish Parliament | Australia House of Representatives | Queensland Parliament | Canada House of Commons | New Zealand | Sweden | Norway |
|----------------|---|------------------------------------|---|--|---|---|--------------------------------|--------------------------------|
| Composition | Composition based on party balance. Chairs and deputy Chairs appointed using D'Hondt mechanism. | Composition based on party balance | Four government and three non-government members. | Composition based on party balance. Currently, portfolio committees are made up of five Government members and two non-Government members. | Committee membership generally reflects the proportions of the various recognized parties in the House. Where the governing party has a majority in the House, it will also have a majority on every House committee. Independent members have not ordinarily been appointed to committees. | Proportion to party membership in the House | Proportion to party membership | Proportion to party membership |
| Sub-committees | Allowed under Standing Orders but not used | Yes and used | Yes and used | Yes and used | Yes and used | Yes and used | N/A | N/A |

2 Scotland

The Scottish Parliament provides perhaps the most relevant example with which to compare the Northern Ireland Assembly. It is a young, unicameral legislature and significant stock was placed in its committees to hold the Executive to account. The final report of the Scottish Constitutional Convention expected the 'parliament to operate through a system of powerful committees which are able to initiate legislation as well as to scrutinise and amend government proposals, and which have wide-ranging investigative functions'¹.

There are two types of committees in the Scottish Parliament: mandatory and subject. Mandatory committees are established at the beginning of each mandate, with their remits determined by Standing Orders. Subject committees are also usually established at the beginning of each session. The current structure is as follows:

Table 1: Information on Scottish Parliament committees

| Mandatory Committees | Subject Committees |
|---|---|
| Equal Opportunities | Economy, Energy and Tourism |
| European and External Relations | Education and Culture |
| Finance | Health and Sport |
| Public Audit | Infrastructure and Capital Investment |
| Public Petitions | Justice |
| Standards, Procedures and Public Appointments | Local Government and Regeneration |
| Subordinate Legislation | Rural Affairs, Climate Change and Environment |

A commentator describes the Scottish Parliamentary committee system as one that is associated with relatively strong legislatures:

It has combined standing and select committee functions to help develop expertise within the committees responsible for scrutinising legislation. Most committees are permanent and not subject to government dissolution. They have relatively few members, to allow them to develop a 'businesslike', not partisan, culture. The number of convenors (chairs) is proportional by party and they are selected by each committee. Committee deliberation takes place before the initial and final plenary stages (of legislation)².

However, the same article goes on to describe perceived shortcomings in the Scottish committee system:

- From 1997-2007 the Scottish Executive dominated the legislative process and presided over a punishing legislative schedule with committees becoming a legislative 'sausage machine'
- Several legacy reports of committees bemoaned the lack of time for inquiries because of the amount of legislation
- Scottish Parliament committees rarely set the agenda for future Scottish Government action by, for example, identifying gaps in existing policy and prompting further action
- From 2007 until perhaps 2009 they did not take advantage of low legislative output to assert their position
- The Scottish Government is able to pursue many of its policy aims without particular recourse to Parliament i.e. the minority Government pursued a range of policies (such as introducing a new relationship with local authorities) without the use of primary legislation

1 http://www.almac.co.uk/business_park/scc/scc-rep.htm

2 <http://paulcainey.blogspot.co.uk/2012/10/how-can-scottish-parliament-be-improved.html>

The article proposes that one way of enhancing the strength of committees is that they suggest realistic recommendations that will find agreement within the Scottish Government – getting the Government to modify its priorities rather than its policies³.

In the early days of the Parliament there was ‘a growing concern that there are insufficient staff and resources in committees, particularly since MSPs sat on more than one committee and the skills of committee staff varied’⁴. Furthermore, the use of substitutes and high membership turnover did not allow MSPs to develop expertise. The early restructuring of the system (which, for example, resulted in two Justice Committees) did not prevent continued problems of overload towards election recess, when committees were expected to process large numbers of Bills⁵.

There are two particular problems highlighted in relation to the scrutiny of finance and Europe.

The Finance Committee established early on its *right* to produce an alternative budget, but did nothing to demonstrate that ability (it has been argued that if such an alternative was ever supported by the Parliament, it would effectively force the resignation of the Government). Instead, most of the Committee’s time was spent trying, unsuccessfully, to get reliable figures from the Scottish Government.

The European Committee was hampered in its work because MSPs were not privy to Scottish Government discussions with the UK Government, which were kept confidential. Therefore, its attempts to emulate Westminster whereby a final position could not be adopted without parliamentary approval were not successful. It was reduced instead to scrutinising the implementation of EU policies, conducting inquiries into issues that are of strategic interest and making sure that Scottish ministers gave evidence at the start of each EU presidency:

For example, in 2007 it produced a strategic report, calling for earlier Scottish Executive engagement in the ‘upstream’ phase of policy development to address the problems with its obligations when EU policy comes ‘downstream’. In one case, both (the Finance and European) committees suffered the same problem, when (they) could not convince the Scottish Secretary to attend their meetings to explain how EU structural funds would work... the issue was never resolved⁶.

Even from 2007-11 committees did not look to fill the gaps left by a reduction in the volume of legislation with difficulties in agreeing consensus over pursuing longer-term inquiries. In addition, there was a willingness on the part of the Executive to overturn decisions reached in committee when the time came to debate them in plenary⁷.

Research from 2002 provides a useful framework for evaluating the effectiveness of Scottish parliamentary committees with regard, in part, to the structure of the committee system:

3 <http://paulcairney.blogspot.co.uk/2012/10/how-can-scottish-parliament-be-improved.html>
 4 Paul Cairney, *The Scottish Political System since Devolution*, Imprint Academic, 2011
 5 As above
 6 Paul Cairney, *The Scottish Political System since Devolution*, Imprint Academic, 2011
 7 As above

Table 2: Are Scottish parliamentary committees effective? Arguments for and against

| Effective | Ineffective |
|---|--|
| <ol style="list-style-type: none"> 1. Small size will foster an effective collective identity and hence committee autonomy 2. The combined roles of standing and select committees will foster policy expertise 3. Committees will foster an agenda-setting role through inquiries which are not in the control of party managers 4. Working practices will be consensual rather than partisan 5. The openness of proceedings will discourage adversarialism | <ol style="list-style-type: none"> 1. The committees will be too small to make scrutiny effective (especially if there are attendance problems) 2. High turnover undermines a committee ethos and the combined roles leads to overload 3. The legislative load means that committees have no time for agenda setting through inquiry work 4. The open process will lead to party posturing (extending to witness examination which is often ritualistic) 5. Committee specialisation will fragment the House and undermine collective decision-making 6. In effect, there is always a trade-off between broader MSP knowledge, time and turnover |

The above table shows that “there is no agreement on the optimal size of committees, the optimal balance between expertise and workload, or the effect that parties will have on the operation of committees”⁸. Therefore the structure of committees may not be a good predictor of the influence of Parliament⁹.

8 McGarvey & Cairney, *Scottish Politics: an Introduction*, Palgrave Macmillan, 2008

9 As above

3 Australia

Australian House of Representatives

Table 3: Information on Australian Parliament

| | | |
|--|--|--|
| Bicameral or unicameral | Bicameral – House of Representatives and Senate | |
| Number of Members | 150 House, 76 Senators | |
| Current committee structure (as of February 2013) | House <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Affairs • Agriculture, Resources, Fisheries and Forestry • Appropriations and Administration • Climate Change, Environment and the Arts • Economics • Education and Employment • Health and Ageing • Infrastructure and Communications • Petitions • Privileges and Members' Interest • Procedure • Publications • Regional Australia • Selection • Social Policy and Legal Affairs | Senate <ul style="list-style-type: none"> • Appropriations and Staffing • Community Affairs • Economics • Education, Employment and Workplace Relations • Environment and Communications • Finance and Public Administration • Foreign Affairs, Defence and Trade • Legal and Constitutional Affairs • Privileges • Procedure • Publications • Regulations and Ordinances • Rural and Regional Affairs and Transport • Scrutiny of Bills • Selection of Bills • Senators' Interests |
| | Joint Committees administered by the House <ul style="list-style-type: none"> • Broadcasting of Parliamentary Proceedings • Constitutional Recognition of Local Government (Select) • Cyber-Safety (Select) • Electoral Matters • Foreign Affairs, Defence and Trade • Intelligence and Security • Migration • National Broadband Network • National Capital and External Territories • Public Accounts and Audit • Public Works • Publications • Treaties | Joint Committees administered by the Senate <ul style="list-style-type: none"> • Australian Commission for Law Enforcement Integrity • Law Enforcement (Formerly Australian Crime Commission) • Corporations and Financial Services • Human Rights Joint Select Committees Administered by the Senate <ul style="list-style-type: none"> • Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples • Gambling Reform |

Development of the Committee system

Parliamentary committees have been a feature of the Australian Parliament since the 1920s, when committees were appointed to investigate issues as they arose. This *ad hoc* approach

continued until the 1970s, when an increase in committee activity led to a reappraisal of the system.

A joint committee was established in 1974 to inquire into a permanent committee system that would be integrated into the procedures of the Parliament. The Joint Committee on the Parliamentary Committee System presented its report in May 1976, but despite recommendations for change, committees continued to be established on an ad hoc basis for a further 10 years. It wasn't until 1987 that the House committee system was restructured to provide a comprehensive system of general purpose committees that ensured all government departments and agencies were monitored.

A further review was carried out in 1998 by the Procedures Committee which made the following reforms:

- A reduction in the number of positions on general standing committees (equivalent of the Northern Ireland Assembly's statutory committees)
- A greater role for general purpose standing committees in examining audit reports
- Changes to the scheduling of committee business in the Chamber and Main Committee
- Changes to the process for appointing Members to committees; and
- Committees having more flexibility in their use of electronic communication devices

The next major review was undertaken by the Procedures Committee in 2010: *Building a Modern Committee System*¹⁰. This detailed report looked at a range of issues relating to the committee system, including the structure of the committee system, powers and operations of committees, their engagement with the public and the type of work undertaken by committees.

Many of the report's recommendations were adopted in the *Agreement for a Better Parliament: Parliamentary Reform*, which was negotiated between the political parties and independent Members in the period between the 2010 federal election and the formation of government. A key outcome of this was the establishment of committees to cover most areas of federal government activity. The changes were implemented in amendments to Standing Orders at the beginning of the 43rd Parliament and included:

Table 4: Overview of changes to committee system in Australian House of Representatives

| | |
|--|--|
| <p>Rationalisation of general purpose standing committees</p> | <p>House standing committees reduced from 12 to nine. Permanent positions per committee reduced from 10 to seven, with four government and three non-government members.</p> <p>Rationale for having fewer and smaller House Standing committees was to alleviate time pressures on Members and to allow them to dedicate more time to the committee or committees which they serve. However, subsequent establishment of six joint select committees has meant that in reality there has been little change.</p> <p>At November 2011 there were 247 positions on House and joint committees being filled by 116 eligible Members – an average of 2.1 positions per eligible Member. There are more Members serving on one committee compared to previous parliaments; fewer Members serving on two and three committees; number of Members serving on four or more committees has increased by one.</p> |
|--|--|

10

http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=/proc/committees2/report/front.pdf

| | |
|---|---|
| Supplementary Members | Although the permanent membership of general purpose House standing committees has been reduced, the standing orders now provide for up to four supplementary members (with a maximum of two government and two non-government members) to be appointed for a particular inquiry. Supplementary members share the same participatory rights as permanent committee members but they cannot vote. In the current Parliament, regular use has been made of the provision to appoint supplementary members. |
| Statements on inquiries by committee chairs and deputy chairs | Standing Orders were amended to allow committee chairs and deputy chairs to make announcements in the House in relation to committee inquiries during periods for committee and delegation business on Mondays. |
| Government responses to committee reports | Early in the current Parliament, the House resolved to impose a six-month limit for government responses to reports by House and joint committees. If a response is not presented within six months, the relevant Minister must present a statement to the House explaining the reasons for the delay. |
| Referral of bills to committees by the House Selection Committee | A significant procedural reform foreshadowed in the Agreement was the re-establishment of a House Selection Committee that would have a new power to refer bills regarded as 'controversial or requiring further consultation or debate' directly to House or joint committees for advisory report. That power has been exercised regularly and has increased the pressure on committees. For example, by November 2011 68 bills had been referred to committees, including 16 to the Committee on Economics. |

The review concluded that the changes to the House committee system had generally been enthusiastically embraced by Members. It recognised that the rationalisation in numbers of committees and committee places had been undermined somewhat by the establishment of new joint select committees and the Procedures Committee agreed to monitor this situation.

The ability for committees to have their membership supplemented by up to four members for specific inquiries has increased flexibility for Members to participate in inquiries relevant to them and their constituents. This new provision is used consistently.

Since the House resolved that ministerial explanations are required if government responses to reports are not received within six months, the six month period has elapsed for 14 committee reports. Of these, five remain outstanding.

Legislative Assembly of Queensland

Table 5: Information on Legislative Assembly of Queensland

| | |
|--------------------------------|--|
| Bicameral or unicameral | Unicameral – the Upper House (Legislative Council) was abolished in 1922 |
| Number of Members | 89, elected every three years |

| | |
|--|---|
| Current committee structure (as of February 2013) | <ul style="list-style-type: none"> • Agriculture, Resources and Environment • Committee of the Legislative Assembly • Education and Innovation • Ethics • Finance and Administration • Health and Community Services • Legal Affairs and Community Safety • Parliamentary Crime and Misconduct Committee • State Development, Infrastructure and Industry • Transport, Housing and Local Government |
|--|---|

The Assembly website provides the following information on the evolution of the Queensland committee system:

The committee system in Queensland went into decline during the course of the 20th century. By the early 1980s there were only a few domestic committees (Privileges Committee, Printing Committee and the Subordinate Legislation Committee established in 1975). However, in the late 1980s a new invigorated committee system began to develop. Legislation was enacted in 1988 to establish the Parliamentary Committee of Public Accounts. Other committees were subsequently established by legislation or appointed by resolution of the House to scrutinise various aspects of Government policy and administration.

In 1989, the Fitzgerald Report (Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct) looked at systems in place in the Federal Parliament of Australia and the House of Commons in the UK and recommended that Queensland introduce “a comprehensive system of Parliamentary Committees to enhance the ability of Parliament to monitor the efficiency of Government”.

A period of review followed from the Fitzgerald Inquiry. The Fitzgerald recommendations were referred to the Electoral and Administrative Review Commission (EARC) which reported in favour of a portfolio-based system of committees. EARC’s recommendations were referred to a Parliamentary Committee the Parliamentary Committee for Electoral and Administrative Review (PCEAR). This committee did not opt for a portfolio-based system but made recommendation to enhance the current system.

Minor changes to committees occurred in 2009 with the passing of the Parliament of Queensland Amendment Act 2009. The Act established the Law, Justice and Safety Committee as a standing committee replacing the Legal Constitutional and Administrative Review Committee. In addition, the Act merged the Public Accounts Committee and the Public Works Committee into a single committee entitled the Public Accounts and Public Works Committee. On 23 April 2009 the Legislative Assembly established by resolution three new committees, the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee. These reforms saw a shift towards a subject based committee system¹¹.

On 25 February 2010 the Assembly established the Committee System Review Committee to undertake a review of Queensland’s parliamentary committees. The focus of the review was on how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability. The Committee reported in December 2010 and made 55 recommendations including:

- Establishment of nine portfolio-based committees which would examine policy and legislation in their dedicated policy areas. Each committee to have the ability to report on all aspects of government activities, including investigating and reporting on events,

incidents and operational matters of the government. All new bills to be referred to a committee for consideration before proceeding through the House. Each portfolio committee to examine the Budget estimates for their portfolio.

- Bipartisan support of a committee would be required before the government could make any appointment to a range of sensitive public offices, including the Ombudsman, the Information Commissioner and the Auditor-General.
- Establishment of a Committee of the Legislative Assembly which would coordinate the business of the parliament as well as taking on the functions of the Standing Orders Committee and the Integrity, Ethics and Parliamentary Privileges Committee without the oversight function of the Integrity Commissioner. Membership of this committee would comprise the Leader of the House, the Premier (or nominee), Deputy Premier (or nominee), Leader of Opposition Business, Leader of the opposition (or nominee) and Deputy Leader of the Opposition (or nominee).

The government's response was tabled in March 2011 during the motion to debate the Committee's report. On completion of the debate the House established the Committee of the Legislative Assembly to take forward issues relating to the report. On 5 April 2011 the Parliament of Queensland (Reform and Modernisation) Amendment Bill was introduced to enact the first stage of the government's response to the work undertaken by the Committee. The Bill was passed in May 2012.

Overview of the changes

The majority of the previous parliamentary committees have been replaced with seven portfolio committees, with responsibility for scrutinising all ministerial portfolios and Government departments.

The size of membership of portfolio committees and the balance of Government and non-Government Members is based on a formula contained in the Parliament of Queensland Act 2001. Its specific application depends on the composition of the Legislative Assembly at any given time. Currently, these committees are made up of five Government members and two non-Government members. In practice, this means that the Chair is a Government member. For their respective portfolios, each committee will examine legislation. They will also conduct the budget estimates inquiries and examine public accounts and public works matters associated with the portfolio.

The Public Accounts and Public Works Committee no longer exist. Instead, all of its functions have been given to the portfolio committees. Therefore, the portfolio committees are able to review reports by the Auditor-General and examine major capital works within their portfolio areas.

The portfolio committees also serve as the Estimates Committees and examine in detail the budgets of their departments in a public hearing. As a result of the reforms, the budget accounts, capital works and legislation for portfolio areas are all examined by one committee.

In addition to portfolio committees, there are three other parliamentary committees: the Ethics Committee, the Parliamentary Crime and Misconduct Committee and the Committee of the Legislative Assembly:

- **Ethics Committee:** examines matters in respect of complaints about the ethical conduct of particular members or alleged breaches of privilege by Members or other persons
- **Committee of the Legislative Assembly:** has oversight and responsibility of the business of the Assembly. This includes the ethical conduct of Members such as the Register of Members' Interests and the Code of Conduct (but the Ethics Committee deals with complaints). The Committee also has responsibility for parliamentary powers, rights and immunities; Standing Orders and procedures
- **Parliamentary Crime and Misconduct Committee:** monitors and reviews the Crime and Misconduct Commission

Criticism

The reforms introduced in the Queensland Assembly were not without controversy. In August 2011 then Speaker John Mickel announced he would not be seeking re-election at the next election. Explaining his decision, Mr. Mickel said he was concerned at some of the reforms to the committee process, in particular around the handing of control of the parliamentary precinct to the government and the exclusion of the speaker from the main rule-making management committee of the parliament. Mr. Mickel argued that this was a serious violation of the separation of powers¹².

4 Canada

Canadian House of Commons

Table 6: Information on Parliament of Canada

| | | |
|---|---|---|
| Bicameral or unicameral? | Bicameral | |
| Number of members | 308 House of Commons, 105 Senate | |
| Current committee structure (as of February 2013) | House <ul style="list-style-type: none"> • Aboriginal Affairs and Northern Development • Access to Information, Privacy and Ethics • Agriculture and Agri-Food • Canadian Heritage • Citizenship and Immigration • Environment and Sustainable Development • Finance • Fisheries and Oceans • Foreign Affairs and International Development • Government Operations and Estimates • Health • Human Resources, Skills and Social Development and the Status of Persons with Disabilities • Industry, Science and Technology • International Trade • Justice and Human Rights • Liaison | Senate <ul style="list-style-type: none"> • Aboriginal Peoples • Agriculture and Forestry • Anti-terrorism (Special) • Banking, Trade and Commerce • Conflict of Interest for Senators • Energy, the Environment and Natural Resources • Fisheries and Oceans • Foreign Affairs and International Trade • Human Rights • Internal Economy, Budgets and Administration • Legal and Constitutional Affairs • National Finance • National Security and Defence • Subcommittee on Veterans Affairs • Official Languages • Rules, Procedures and the Rights of Parliament • Selection Committee • Social Affairs, Science and Technology • Transport and Communications |

12

<http://www.theaustralian.com.au/national-affairs/state-politics/queenslands-speaker-john-mickel-to-retire-in-protest-over-parliamentary-reforms/story-e6frgczx-1226112550339>

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • National Defence • Natural Resources • Official Languages • Procedure and House Affairs • Public Accounts • Public Safety and National Security • Special Committee on Co-operatives • Status of Women • Transport, Infrastructure and Communities • Veterans Affairs | |
|--|--|--|

Overview of the Committee system

The website of the Parliament provides the following overview in relation to the development of the committee system since the 1980s:

In 1982, the House appointed a special committee to review the Standing Orders and proceeded to implement several of its recommendations on a provisional basis. Among the most significant changes were those automatically referring the annual reports of departments, agencies and Crown corporations to standing committees and empowering the committees to initiate their own studies or investigations based on the information in those reports. Early in the subsequent Parliament the House agreed to retain the provisional changes and struck yet another special committee to inquire into the efficacy of all aspects of House procedure and administration. This committee made recommendations to enlarge the scope of committee mandates to give standing committees “broad authority” to look into and report to the House on any matter which was relevant to the departments for which they were responsible; to create a committee structure which reflected, as much as practicable, the organization of government; and to establish a Liaison Committee, consisting of the Chairs of all standing committees and appropriate Chairs or Vice-Chairs of joint committees, charged with the allocation of committee budgets. Provisional changes to the Standing Orders in 1986 incorporated the majority of the Committee’s recommendations relating to committees; these changes were made permanent the following year. The House’s standing committee structure was readjusted in 1991 and 1994, reflecting changes in government organization¹³.

There are several distinct types of committees: standing, legislative, special, joint and sub-committees. Standing committees are provided for in the Standing Orders; permanent changes to the list of these committees can only be made by amending the Standing Orders. Legislative and special committees are appointed by motion on an ad hoc basis to carry out specific tasks and cease to exist when they have tabled their final reports. Joint committees are composed of members from both the House and Senate; they may be either standing or special¹⁴.

¹³ <http://www.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?DocId=1001&Sec=Ch20&Seq=0&Language=E&Print=2>

¹⁴ http://www.parl.gc.ca/About/House/compendium/web-content/c_g_committees-e.htm

Table 7: Overview of committee structure in Canadian House of Commons¹⁵

| | |
|------------------------------|--|
| Standing Committees | <p>Standing committees are permanent committees established by Standing Order. They are mandated by the House to oversee a government department or departments, to review particular areas of federal policy or to exercise procedural and administrative responsibilities related to Parliament. Some committees may have both departmental and policy-area responsibilities. As well as the permanent mandates provided to standing committees by the Standing Orders, other matters are routinely referred to them by the House for examination: bills, Estimates, Order-in-Council appointments, [56] documents tabled in the House pursuant to statute, and specific matters which the House wishes to have studied. The House refers specific studies to committees by adopting a motion to that effect. The motion, once adopted, becomes an order of the House to a committee, known as an order of reference. In addition to the subject matter of the study, the order of reference may also contain conditions that the committee must comply with in carrying out the study or additional powers which it may require for that purpose.</p> <p>The majority of standing committees are established to oversee a government department or departments. These committees are charged with the review of the relevant statute law, departmental operations and expenditures, and the effectiveness of the policies and programs of the department. The House adjusts the number and responsibilities of departmental standing committees to reflect changes in the structure of government administration.</p> |
| Liaison Committee | <p>The Liaison Committee is a permanent committee, established pursuant to the Standing Orders, but is not a standing committee. It is made up ex officio of the Chairs of all the standing committees and the House Chairs of the standing joint committees. The Liaison Committee is responsible for apportioning funds to standing committees from the money allocated for that purpose by the Board of Internal Economy. It meets in camera to deliberate on administrative matters relating to the standing committee system and has a quorum of seven members. It is empowered to report to the House from time to time and has also carried out studies on the effectiveness of the committees of the House.</p> |
| Legislative Committee | <p>Legislative committees are a distinct type of committee intended expressly to undertake the consideration of legislation. They were created by amendment to the Standing Orders in 1985 in response to recommendations of the Lefebvre and McGrath Committees. It was felt at the time that standing committees, with an expanded mandate to initiate studies without a specific reference from the House, would not also be able to readily deal with legislation. The solution proposed to this difficulty was the creation of legislative committees appointed solely to deal with bills. They are appointed by the House on an ad hoc basis to deal with particular bills and cease to exist upon the presentation of their report to the House.</p> <p>A legislative committee is required to be struck once second reading debate has begun on a bill which is to be referred to such a committee, or once debate has begun on a motion to appoint a legislative committee. The Procedure and House Affairs Committee must present a report containing a list of members within five sitting days of the beginning of the debate. The report is deemed adopted the moment it is presented in the House. The Speaker then appoints a Chair for the committee from the Panel of Chairmen. The legislative committee meets for the purpose of organization once the bill has been referred to it by the House. The organization meeting must take place within two days of the naming of the Chair and the adoption of the motion referring the bill to committee or appointing the committee.</p> |

| | |
|---------------------------|--|
| Special Committees | Special committees are appointed by the House to carry out specific inquiries, studies or other tasks which the House judges of special importance. Each special committee is created by means of a motion agreed to by the House (in the case of special joint committees, by both Houses). This motion defines the committee's mandate and usually enumerates other provisions: its powers, its membership and the deadline for submitting its final report. The actual terms of the motion vary from case to case, to suit the specific task for which the committee is being established by the House. |
| Joint Committees | Joint committees are composed of members of both the House of Commons and the Senate, and may be standing or special. Standing joint committees are permanent committees established pursuant to the Standing Orders of the House of Commons and the Rules of the Senate. They deal either with administrative matters related to both Houses or with matters having application throughout the federal sphere. |

Report on reforming committees

A 2008 report¹⁶ laid out a series of recommendations on how to improve the system of government in Canada, with a particular focus on parliamentary committees. Some of the recommendations included:

- The stature of the positions of House of Commons and Senate Chairs of committees should be raised with their salaries comparable to ministers.
- Members and Senators should be assigned to committees for the full term of Parliament.
- The Liaison Committees of the House of Commons and the Senate (made up of the Chairs of the standing committees) should assess and respond to the specialized research needs of every committee, with every committee having a core of 4-5 researchers.
- Parliamentary committees require more well-appointed technologically proficient committee rooms.
- Chairs of committees must balance the interests of their party against the primary need to have committees operating fairly and effectively. Committees making special inquiries need flexibility to allow coherent and sustained questioning of witnesses. If partisan disputes completely stalemate a committee, the dispute should be adjudicated by the Speaker.
- The Auditor General, the Public Accounts Committee of the House of Commons and the Senate National Finance Committee should oversee the government's large expenditure on public opinion research.

Criticism of the Canadian committee system¹⁷

In 2012 a public row broke out over the perceived ineffectiveness of the Canadian parliamentary committee system. Opposition MPs and some members of the governing Conservative Party agreed that the system was in need of reform, but differed on where the fault lay. Some of the discussion is relevant in the context of the Northern Ireland Assembly, especially around membership of multiple committees.

The Liberal and New Democrats opposition accused the Conservatives of using the committees to rubberstamp and 'cheerlead' government legislation. However, Conservatives refute the charges of partisanship and say that there are too few government backbenchers stretched too thinly across too many committees to do effective work.

¹⁶ Everything Old is New Again: Observations on Parliamentary Reform, Queen's University, Ontario, 2008

¹⁷ Information in this section is taken from various newspaper reports: <http://www.cbc.ca/news/canada/story/2012/05/07/pol-cp-parliamentary-committees-partisanship.html> and <http://m.theglobeandmail.com/news/politics/mps-bicker-over-whos-to-blame-for-broken-commons-committee-system/article4105301/?service=mobile>

A Canadian parliamentary procedures expert has said that there is probably some truth in both arguments. He said that despite the criticism there had been considerable improvement over the years, but recognised that compared to Britain and Australia, Canada had a weak system.

A Liberal MP quit the Official Languages Committee on which he'd served for 17 years stating that the committee had become a waste of time in which the Conservatives summarily reject every proposal from an opposition member and kill-off almost-completed studies that don't suit their agenda.

The Conservative MP who chairs the language committee (Michael Chong) refutes the claim about Conservative bias, but agrees that committees are less effective than they once were. He said that there are too many committees and backbench members are stretched too thin.

There are 25 Commons committees, which typically meet twice a week, at least two hours at a time, when Parliament is sitting. The schedule is hardest on the governing party, which is entitled to seven members on each committee, compared to four for the Liberals and one for the NDP. So the Conservatives have roughly 125 to fill 175 committee slots; many sit on two committees or are drafted as substitutes on a variety of committees.

Mr. Chong says that because they are under pressure, Conservative MPs arrive at committee meetings unprepared. Under the circumstances, he believes it's understandable that they may end up deferring to the judgment of parliamentary secretaries, who would be more knowledgeable about the issues at hand. He also contends that committees undertake too many studies, essentially to fill in time when there is no legislation requiring their attention. He questioned the impact these studies have.

5 New Zealand

Table 8: Information on New Zealand Parliament

| | | |
|--|--|--|
| Bicameral or unicameral? | Unicameral | |
| Number of members | 121 | |
| Current committee structure (as of February 2013) | Subject select committees <ul style="list-style-type: none"> • Commerce • Education and Science • Finance and Expenditure • Foreign Affairs, Defence and Trade • Government Administration • Health • Justice and Electoral • Law and Order • Local Government and Environment • Maori Affairs • Primary Production • Social Services • Transport and Industrial Relations | Specialist Committees <ul style="list-style-type: none"> • Business Committee • Officers of Parliament Committee • Privileges Committee • Regulations Review Committee • Standing Orders Committee |

Overview of committees

Standing Orders provide for the establishment of 13 subject committees and five other specialist committees (listed above). The Officers of Parliament Committee recommends the appropriations for Offices of Parliament (Auditor-General, Ombudsmen, and Parliamentary Commissioner for the Environment) so they can operate independently of government. The committee acts as the principal contact for the Officers of the Parliament in their relations with the House¹⁸.

The Regulations Review Committee (chaired by a member of the Opposition) principally carries out technical scrutiny of regulations on behalf of the House¹⁹.

An interesting innovation in relation to New Zealand committees is the ‘eCommittee’ service, which is the electronic information system for select committees. It is used to distribute papers to committee members electronically, allowing them to access their papers quickly in their parliamentary offices, at committee meetings, and from locations outside Wellington²⁰.

Reforms to the committee structure

The NZ committee system underwent significant change in 1985 ‘to strengthen the accountability of government to Parliament by more systematic, comprehensive scrutiny of government activity’²¹. Thirteen new subject committees with wide terms of reference and open to the public and media were aligned to ministerial portfolios, with almost all legislation sent to committees for scrutiny. This contrasted to the situation that had pertained until then, whereby little legislation was sent to committee. Furthermore, ministers were no longer allowed to serve on committees covering their portfolios and committees were able to scrutinise government departments and initiate their own inquiries.

From 1996 aggregate membership across select committees was made proportional to party numbers in the House, with Governments losing their automatic majority on almost all select committees, although understandings with minor parties allowed negotiated majorities to be created²².

The committees were also instrumental in enhancing the effectiveness of financial scrutiny within Parliament. Select committees examined the estimates and undertook financial reviews to assess whether the expenditure would contribute to the outcomes sought by government. The Finance and Expenditure Committee, in addition, audited government finance, revenue and taxation.

An article published in 2001²³ examined the evolution of the parliamentary committee system in New Zealand. The central theme of the article was that although the House of Representatives had to change due to a new electoral system, nevertheless to a considerable

18 Parliamentary Practice in New Zealand, 2005

19 Regulations are reviewed on the following grounds: is not in accordance with the general objects and intentions of the statute under which it is made; trespasses unduly on personal rights and liberties; appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made; unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal; excludes the jurisdiction of the courts without explicit authorisation in the enabling statute; contains matter more appropriate for parliamentary enactment; is retrospective where this is not expressly authorised by the empowering statute; was not made in compliance with particular notice and consultation procedures prescribed by statute; for any other reason concerning its form or purport, calls for elucidation.

20 <http://www.parliament.nz/en-NZ/AboutParl/HowPWorks/FactSheets/3/f/a/00H00CPubResAboutFactSheetsSelect1-Parliament-Brief-Select-committees.htm>

21 <http://www.parliament.nz/NR/rdonlyres/4F2311F0-99F1-485B-B767-CBDF627974CD/211099/ProceduralchangeintheNZParliament2.pdf>

22 As above

23 Parliamentary Committees in New Zealand: A House Continuously Reforming Itself? Dr. Elizabeth McLeay, New Zealand Political Change Project, School of Political Science and International Relations, Victoria University of Wellington, 2001

extent the New Zealand system of select committees was the product of internally-generated initiatives. According to the author, the result was an established and influential albeit flawed committee system.

- Two major rounds of reform to the NZ committee system: during the 1984-90 Labour Government and during the review of the Standing Orders in the transition to the multi-party Parliament that was the consequence of change to the electoral system
- **Committee system before 1985:** significant change occurred in 1962 when the Public Accounts Committee was replaced by the Public Expenditure Committee, whose activities set a broad template for subsequent committee reform:

The Public Expenditure Committee rapidly established a strong reputation for itself, principally because it enjoyed powers of investigation not granted to other committees and because it attracted able and ambitious members. It was the only committee able to set up its own inquiries (without reference from the House) had subcommittees chaired by opposition members, and enjoyed the support of staff from the Legislative department (now the Office of the Clerk) as well as the Audit Office. Public Expenditure maintained a watching brief over the departmental estimates and conducted numerous, often highly political, investigations into public service efficiency and economy.

- Bills were not routinely referred to committees and whether they were or not depended on the whim of the Government themselves and committees did not have the power to conduct inquiries unless instructed to do so by the Parliament
- From 1979, Bills were routinely referred to the appropriate committee after first reading. There were up to 20 select committees at this time which limited informed participation by MPs due to multiple committee sponsorship
- The 1985 reforms enhanced the powers of committees, although only relative to what they had been. Compared to the current structure in the NIA, they appear unremarkable. The reforms included provisions for most legislation to go through the committee process; the committees were specialised bodies that tracked (broadly) the functions of government; anyone could make a submission to a committee and hearings were in public
- The work of the committees was dominated by their legislative function and they were still subject to the dominance of the executive in terms of number of seats taken by Government MPs on committees

Table 9: The powers and functions of the committee systems, 1985-1995

| Committee structure and powers | Committees and the legislative process |
|---|---|
| <ul style="list-style-type: none"> • 13 subject committees plus ad hoc committees; memberships of five and quorums of three • Combination of legislative, inquiry and scrutiny functions • Continued to have the power to send for persons, papers and records • Abstention votes not recorded • Ministers no longer committee members • Chairperson had casting vote (as had always been the case) • Appropriation rule continued preventing MP from moving any expenditure proposal, unless government agrees • No role in international treaties | <ul style="list-style-type: none"> • Debate in House followed introduction of bill • No limit on committee time to consider bills • After consideration, bills reported to House with recommendations for change • 2nd reading debate followed by a stage where the committee of the whole House considers the bill clause by clause. After the 3rd reading debate the bill is enacted. |

- **Changes made in preparation for MMP:** reforms made allowances for predicted multi-party government: minority reports were allowed, and the Chair lost their casting vote (to recognise proportionality and the shifting balance of power)
- Eight member committees were to reflect the party shares in the House. In 1997 committee places were distributed in proportion to parties' strength in the House (there was no requirement in Standing Orders for this to happen). Due to the electoral make-up of the House at the time, the Government ended up with a majority on only one Committee, with half the seats in the rest

Table 10: The Powers and Functions of the Committee System, 1995-1996

| Committee structure and powers | Committees and the legislative process |
|---|--|
| <ul style="list-style-type: none"> • 12 subject committees plus ad hoc committees; memberships of 8 (app. By House); quorums of 4 • Ministers can brief committees, hear evidence, and answer for policy, but do not have voting powers • Retain power to send for persons, papers and records • Committee reports more significant and may give differing (or "minority") views • Government to respond to committee recommendations (excluding bills and some other reports) within 90 days after report is presented. • Greater access to independent advice • Abstention votes recorded • Chairperson has no casting vote • Financial veto procedure: MPs can propose expenditure or taxation but Government can veto proposal if it thinks it will have a more than minor impact on a range of fiscal aggregates. • Introduction of a set of natural justice procedures • No role in international treaties | <ul style="list-style-type: none"> • No House debate following introduction of bills • Main debate at 2nd reading, after which bills are referred to committees • Limit of 6 months for consideration of bills • Committees can now divide bills • Debate on consideration of reports from committees by committee of whole House. • Consider bills clause and bills enacted after 3rd reading |

- A new Business Committee was established which would determine the order of business; recommend to the House a programme of sitting s for each calendar year; operate as a committee of selection in respect of recommending the personnel to serve on select on committees and other duties as the House decides from time to time

Table 11: The Powers and Functions of the Committee System: the post-1996 changes

| Committee structure and powers | Committees and the legislative process |
|---|---|
| <ul style="list-style-type: none"> • Committees no longer to have automatic power to send for persons, papers and records (1999 Report) • Business Committee to assign MPs to select committees (1999 Report) • Procedures for parliamentary scrutiny of treaties adopted. A treaty, with a national interest analysis, presented to Parliament by Government and referred to the Foreign Affairs, Defence and Trade Committee. The Committee may examine a treaty referred to it itself, or it may refer the task to any other select committee. A select committee reports back to the House on any treaty referred to it (1999 Report). | <ul style="list-style-type: none"> • introduction of bills separated from 1st readings • bills referred to select committees before, rather than after, the 2nd reading |

- An interesting development occurred in 1999 when it was recommended by the Standing Order Committee that committees should lose a significant power: this was their authority to summon persons, papers and records. This had only been exercised once in living memory (June 1996 by the Justice and Law Reform Committee). The SO Committee argued that the power to order someone to attend a committee might be challenged under the NZ Bill of Rights Act 1990.

The paper also makes a number of useful general observations about the NZ committee system:

- Question of why the New Zealand Parliament has acquired an established committee system is a particularly interesting one given that, from the beginning of the modern party system until 1993, Parliament was dominated by the executive
- A major characteristic of the history of New Zealand's parliamentary committee system has been the growing assertiveness in monitoring and challenging the actions of the executive
- Committees have gradually separated themselves from the Government. This tendency really began with the creation of the Public Expenditure Committee and was accelerated by the 1985 stipulation that ministers no longer sit on the committees (they are not prohibited from doing so in the Northern Ireland Assembly but by convention do not) and further, that multi-functional subject committees be created
- Since introduction of Mixed-Member Proportional Representation (MMP) there has been a wider agenda in the committees with more policy perspectives coming through in the questioning and discussions
- Committee system has also become more open to media coverage and public participation since 1985
- There are also less successful features: small size of NZ Parliament led to multiple committee membership and too many substitutions. Increased membership since 1996 (now 120 MPs) reduced the scale of the problem but small size remains an obstacle in the way of MP specialisation
- Continuing struggle to align the different functions of the subject committees – another complicating factor has been the rapid pace of change in the state and public sectors, which has affected the capacity of the committees to scrutinise agency activities effectively. Although committees now have more access to independent expert advice than previously, they are still overly dependent on information from the public sector. This

means, for example, that financial scrutiny in particular is not always as informed as it might be

- Political balance between Government and legislature is of course crucial. The dominance of chairs held by Government MPs has not helped committee independence. A minority Government affords more scope and incentives to exercise muscle.

6 Sweden/Norway

Sweden

A 2008 article in Parliamentary Affairs looked at the changing landscape with regard to committees of the Swedish Parliament. The article is summarised below:

The move to a unicameral legislature witnessed the creation of multi-purpose standing committees in the Riksdag. These committees have combined legislative, deliberative and inquiry functions. There are currently 15 committees each with a membership of 17 and the committees shadow their respective government departments. Newer parliamentarians serve an ‘apprenticeship’ as a substitute member of a committee as there are 349 MPs to fill only 255 committee slots.

The Swedish constitution states that all matters in the Riksdag must be prepared in a parliamentary standing committee before a definitive decision can be taken in the chamber. Bills go directly to one of the standing committees and there is no equivalent of a Second Reading as at Westminster. The deliberation of government bills takes place behind closed doors.

One interesting development occurred in 1993 when it was recommended that committees should carry out ‘follow-up and evaluation’ work in their area of jurisdiction. It was not until 2001 that the Riksdag Act was amended to require standing committees to engage in follow-up and evaluation.

A number of other initiatives in the 2002-2006 Riksdag were designed to encourage committees to take a more pro-active rather than reactive approach to their work: to plan ahead, focus on selected themes and generally become more independent policy actors. Therefore 15-17 March 2005 were designated as ‘future days’, following a recommendation²⁴ that committees needed to plan their work more thematically and adopt a longer-term perspective.

24

Recommendation from the commission ‘The Riksdag on the Threshold of the New Millennium’

Norway

Table 12: Information on the Storting

| | |
|--|--|
| Bicameral or unicameral? | Unicameral |
| Number of members | 169 |
| Current committee structure (as of February 2013) | <ul style="list-style-type: none"> • Business and Industry • Education, Research and Church Affairs • Energy and the Environment • Family and Cultural Affairs • Finance and Economic Affairs • Foreign Affairs and Defence • Health and Care Services • Justice • Labour and Social Affairs • Local Government and Public Administration • Scrutiny and Constitutional Affairs • Transport and Communications |

The website of the Norwegian parliament provides the following information on its committees:

The composition of the Standing Committees is decided by an Election Committee of 37 members. The parties are proportionally represented as far as possible on this committee, with geographical distribution also being taken into account. In practice, however, the preparatory work is done in the parliamentary party groups, which determine how their members are allocated among the various committees, and by contact between the party groups. The matter is then dealt with by the Election Committee, which usually approves the proposals made by the party groups.

The provisions concerning the composition and duties of the committees are laid down in the Storting's Rules of Procedure. It is not always possible to achieve the same party political distribution in all of the committees as is found in the Storting as a whole due to the fact that not every party group has enough members to be represented on all 12 committees.

Once the committees have been appointed, each committee elects a chair, first deputy chair and second deputy chair. The committees vary in size, but normally have from 8 to 18 members.

The committees are supported by a secretariat. Each committee has a committee secretary (the Standing Committee on Finance and the Standing Committee on Scrutiny and Constitutional Affairs have two), employed by the Storting to assist members in performing the work of the committee.

Most of the matters deliberated by the Storting are first prepared by one of the Standing Committees. Matters are usually prepared by the committee whose remit most closely reflects that of the Ministry responsible for the matter. For example, the Standing Committee on Transport and Communications deals with matters within the remit of the Ministry of Transport and Communications.

Normally, the committees may only consider matters referred to them by the Storting. The Standing Committee on Scrutiny and Constitutional Affairs is an exception in this respect. This committee has the power to raise issue on its own initiative, the Rules of Procedure stating that it is free to "make any further inquiries within the administration deemed necessary for the Storting's scrutiny of the public administration".

Apart from the President and Vice President of the Storting for whom it is optional, all MPs must be members of one (and only one) of the standing committees. There are 13 such

committees, each covering an area of government responsibility (e.g. Defence, Health and Care Services). The membership of each committee has to represent party proportionality; and an attempt is also made to ensure a degree of geographical balance. Each committee has between 8 and 20 members. There is a permanent secretary (clerk) for each committee, plus a pool of other staff available to all committees on demand²⁵.

Reforms to committee structure

The present structure can be traced to reforms implemented in 1993, the most significant structural change since 1949. The key change was a move away from the rule that parliamentary committees should correspond to the jurisdictions of government ministries. In the new rule governing the division of labour between the standing committees, all references to ministries were omitted. Matters to be dealt with by each committee are specified with reference to policy areas and specific issues only. The main arguments in favour of the restructuring were:

- Equalisation of workload between committees
- Parliamentary 'emancipation' from the structure of government ministries
- De-segmentation and co-ordination of policy areas
- • Symbolic effects with respect to policy priorities

Separation from government ministries

The frequent changes of government experienced in Norway meant the Parliament had to rewrite the Rules of Procedure concerning the division of labour between standing committees. Therefore, a break from the relationship with a ministry avoided this practical problem and allowed the Parliament to focus on the structure that best suited it's, rather than the Government's, requirements.

Previous research looked at the impact this separation had on the relationship between committees and ministries. It examined 'budget connections before and after the reforms took place. The budget proposal from the government is divided into several budget chapters, and each ministry is responsible for a set of budget chapters related to the ministry's policy area. The proposal is then considered by the committees. The research defined that a 'budget connection' is established when a specific committee is dealing with a budget chapter under the jurisdiction of a specific ministry:

Table 13: Relationships between committees and ministries in relation to the budget before and after structural reforms

| | 1980-81 | 1992-93 | 1993-94 | 1994-95 |
|---|---------|---------|---------|---------|
| Total number of committees | 12 | 12 | 12 | 12 |
| Total number of ministries | 15 | 16 | 15 | 15 |
| Connections between committees and ministries | 26 | 36 | 39 | 39 |

The research highlighted the fact that the process of so-called 'emancipation' was beginning as far back as 1980-81, but the 1993 reforms increased the pace of change.

7 Liaison Groups/Committees in other legislatures

House of Commons – Westminster

The Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and, by a decision of the House on 14 May 2002, to hear evidence from the Prime Minister on matters of public policy.

The National Policy Statements Sub-Committee comprises the Chairs of the Communities & Local Government, Energy & Climate Change, Environment, Food & Rural Affairs, Transport and Welsh Affairs committees and two other members of the Liaison Committee. Its role is to decide which committee should scrutinise each proposal for a National Policy Statement made by the government under the Planning Act 2008.

In November 2012 the Committee published a significant report: *Select committee effectiveness, resources and powers*²⁶.

Canadian House of Commons

The Liaison Committee is a permanent committee, but not a standing committee, established pursuant to Standing Order 107(1). It is made up of the Chairs of all the standing committees and the House Chairs of standing joint committees.

The Liaison Committee has the authority to disperse funds to standing committees from the money allocated to it for that purpose by the Board of Internal Economy. It usually meets in camera to deliberate on administrative and financial matters relating to standing committees and has a quorum of seven members, as set out in Standing Order 107(4). It is empowered, pursuant to Standing Order 107(3), to report to the House from time to time and has occasionally carried out studies on the effectiveness of the committees of the House.

The Vice-Chairs of standing committees and the House Vice-Chairs of standing joint committees are deemed associate members of the Liaison committee. The Procedure and House Affairs Committee may also prepare lists of additional associate members for the Liaison Committee.

Liaison Committee members and associate members may serve as members of subcommittees, as provided for in Standing Order 107(6). The Liaison Committee usually establishes a Budget Subcommittee charged with apportioning the funds provided by the Board of Internal Economy to the various standing committees²⁷.

Scottish Parliament

The Conveners Group is chaired by the Presiding Officer or a Deputy Presiding Officer and is a forum where Committee Conveners meet to take a strategic view on the operation of committees and to facilitate liaison between the Committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body. The Group handles a range of matters, for example:

- promotion of practices to improve the performance of committees, in particular their scrutiny function
- making recommendations to the Bureau on Committee business to be scheduled in the Chamber
- approval of meetings of Committees outside Edinburgh
- approval of travel by Committees or Committee members outside the UK

26 <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmliaisn/697/69702.htm>

27 http://www.parl.gc.ca/About/House/compendium/web-content/c_d_liaisoncommittee-e.htm

The Conveners' Group (CG) - formerly the Conveners Liaison Group - was initially an informal but regular (fortnightly) meeting of Parliamentary committee conveners. It was chaired formally by the Presiding Officer but in practice by a Deputy Presiding Officer. On 19 December 2002, the Group was formally constituted and given a remit and powers under Standing Orders. Agendas and meeting papers of the Group are available on the Scottish Parliament website. This followed a 2003 recommendation that the transparency of the Group's work should be increased²⁸.

28 <http://archive.scottish.parliament.uk/business/committees/historic/procedures/reports-03/prr03-03-vol01-04.htm>



Northern Ireland
Assembly

Research and Information Service Briefing Note

Paper 000/00

4 June 2013

NIAR 000-00

External Advisers to Parliamentary Committees

1 Introduction

There is provision in Standing Orders for the appointment of external advisers¹ in the Scottish Parliament, National Assembly for Wales, House of Commons and Dail Eireann. There does not generally seem to be a distinction drawn between advisers appointed on short or longer-term contracts, at least in Standing Orders. However, the Scottish Parliament's Finance Committee does employ a Standing Budget Adviser who is employed on a renewable two-year contract.

In the House of Commons advisers can be appointed for a one-off inquiry or on a rolling contract which must be renewed each year. The terms and conditions of appointment are at the discretion of the committees based on guidelines drafted by the Liaison Committee.

In the National Assembly for Wales, the Finance Committee appointed an expert advisor to assist with its inquiry into Devolved Funding: Borrowing Powers and Capital². Reference to this advisor is also made in the Finance Committee's report on the scrutiny of the Welsh Government's proposed budget. In this context the person in question is referred to as a 'technical advisor', who: "In addition to advising the Finance Committee on the budget... has provided training to Assembly Members and their support staff, and also to National Assembly for Wales staff"³.

One distinction that could perhaps be drawn is between those advisers working with committees with responsibility for financial scrutiny that might require ongoing advice tied

1 According to Oxford Dictionaries, both 'adviser' and 'advisor' are acceptable. 'Advisor' is more common in North America. 'Adviser' is used in this briefing note, except when quoted material uses the alternative spelling.

2 <http://www.senedd.assemblywales.org/mglssueHistoryHome.aspx?lId=2601>

3 <http://www.senedd.assemblywales.org/documents/s11480/Scrutiny%20of%20Welsh%20Government%20Draft%20Budget%20motion%202013-2014%20-%20November%202012.pdf>

to the budget cycle, as opposed to departmental or subject committees that might require advice for a particular inquiry.

Section 2 provides more detail on the arrangements in each legislature.

2 Arrangements in legislatures in the UK and Ireland

Scottish Parliament

Standing Orders allow for the appointment of advisers:

Rule 12.7 Advisers

1. A committee may, with the approval of the Parliamentary Bureau, issue directions to the Parliamentary corporation in connection with the appointment by the Parliamentary corporation of any person to inquire into and advise the committee or any sub-committee upon any competent matter. Different advisers may be appointed for different competent matters.

It is for the Parliamentary Bureau to decide on matters relating to the appointment of committee advisers⁴.

Guidance on committees

Further details on the role of Advisers are contained in the Parliament's *Guidance for Committees*:

After obtaining approval from the Parliamentary Bureau for the appointment of an adviser, a committee places a notice on its web page inviting nominations/applications to act as an adviser. Potential candidates then have their details included in the database. On conclusion of the period for applications, SPICe identify potential candidates based on the person specification approved by the committee. Candidates are asked to declare any interests, including political activity. All candidates meeting the person specification and requirements of the post are put to the committee which agrees an order of preference. The selection process is normally done on paper, although, exceptionally, candidates can be asked to make a presentation to the committee. Candidates are then approached in order of preference and offered the appointment. Appointments are made to provide specific services for a set number of days (normally fifteen or fewer) at a fixed daily rate⁵.

Professor David Bell acted, until recently, as Budget Adviser to the Finance Committee of the Scottish Parliament. He will be replaced shortly with another adviser who will be retained for the next three years. Professor Bell's commitment worked out at around four days per month. In 2010 he gave evidence to the Northern Ireland Assembly's Department of Finance and Personnel Committee on his role:

I am Budget adviser to the Finance Committee in the Scottish Parliament. I started that work in 2007 on a two-year contract, which was renewed in 2009. My task is to help the Finance Committee through the Budget process and to engage with it on any other inquiries in which it feels that my advice would be useful.

I write a report on the draft Budget when it is published. I also engage with advisers on other Committees who are hired on a more short-term basis than me and discuss the general strategy of the Budget. They take that information to their Committees, which report back to the Finance Committee, before an overall report is written just before the end of the year,

4 Guidance for Members:
<http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/GuidanceForMembers-rev2.pdf>

5 <http://www.scottish.parliament.uk/parliamentarybusiness/24416.aspx#26>

which is discussed in Parliament. The Budget then goes through to the next legislative phase in January/February...

Basically, the budget advisers are helping the Committees to look at their particular budgets and at how they might be realigned. They might be looking at efficiency savings or particular programmes within their remits. They might suggest that higher priority is given to one programme than that which it is being given in the budget. So, to clarify; budget advisers are mostly academics or retired civil servants who are hired on a short-term basis for a certain number of days, less than 20 or thereabouts, and so they are relatively cheap. However, they are hired because they have an expertise in a particular area such as health, education and so on.

When budget advisers work well with the Committees, they are considered to be extremely useful because they understand the finances. Sometimes, Committees are not that focused on a regular basis on the finances of their particular Department. That is the key role that the advisers have: they clarify financial issues in relation to whatever Department or area they service. They are hired on a relatively short-term basis⁶.

National Assembly for Wales

17.55 Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.

Consideration of appointing an expert adviser

HSC(4)-33-12 (Paper 4): 5 December 2012

Expert advisers

Purpose

1. The purpose of this paper is to provide advice on the possible appointment of an expert adviser to the Health and Social Care Committee in its Stage 1 scrutiny of the Social Services and Wellbeing (Wales) Bill.

Background

2. The basis for the appointment of advisers, contained in Standing Order 17.55, is that 'Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice'.

3. We anticipate the Social Services and Wellbeing (Wales) Bill to be introduced in the Assembly on 28 January 2013. As the Committee could be scrutinising three Bills during the spring term, it may be helpful for Committee to discuss, at an early stage, whether it wishes to appoint an expert adviser to enable a shortlist of suitable candidates to be prepared and presented to Committee.

Discussion

Role of an adviser

4. The purpose of expert advice is to:

- complement the in-house expertise of the National Assembly for Wales's Research Service; and
- add value to a Committee's consideration of any particular subject area.

5. This is achieved by providing an additional source of information, advice and analytical capacity to a committee from an external party with a specific and proven specialism in the subject area under committee consideration.

6. As Members will be aware from the factual briefing received on the draft Social Services Bill in May 2012 this is a very detailed Bill. Members may find it helpful to receive additional briefings on each of the main areas contained in the Bill together with suggested lines of inquiry. These briefing papers would, of course, supplement the papers routinely received from the Research Service.

7. Suggested terms of reference for the adviser could be to provide expert advice to the Health and Social Care Committee in its Stage 1 scrutiny of the Social Services and Wellbeing (Wales) Bill. This work could involve providing, to the Clerk of the committee and to agreed deadlines:

- written briefings;
- summaries of each section contained in the Bill;
- suggested lines of inquiry based on consultation responses received;
- suggested areas of questioning for the Deputy Minister for Children and Social Services based on written and oral evidence of witnesses;
- key issues arising from all evidence submitted;
- commenting on a first draft of the committee's report.

8. The Committee is likely to be working to a very tight deadline and as a result, the adviser could be required to produce written briefs at very short notice. The adviser may also be expected to attend some or all of the committee's meetings.

Next steps

9. Should the committee agree to appoint an adviser, the Clerking team will prepare a paper with a list of potential advisers for Members to consider at an early meeting in the spring term

Recommendation

10. The Committee is asked to agree:

1. whether they wish to appoint an expert adviser for the Stage 1 scrutiny of the Social Services and Wellbeing (Wales) Bill;
2. to note that a further paper with a list of potential witnesses will be prepared for consideration at an early meeting in January 2013.

Legislation Office

November 2012

Colleagues in the National Assembly for Wales have provided the following information in relation to the use of experts by committees:

- The Environment and Sustainability Committee utilised academics from Cardiff University to supplement the Assembly's in-house research expertise during their energy and planning inquiry.
- The Environment and Sustainability Committee appointed two academic expert advisors during the Committee's work on the Single Environment Body Business Case.
- The Health and Social Care Committee also used a varied approach to utilising expertise for its inquiry into Residential Care. This included appointing separate external experts to support the inquiry, to facilitate external engagement work and to provide specific expert advice on the residential market in Wales.
- The Finance Committee appointed an expert adviser from CIPFA for its inquiry into Devolved Funding: Prudential Borrowing and Capital and for its consideration of the Welsh Government's draft budget.

UK Parliament

Standing Orders of the House of Commons provide for the appointment of specialist advisers "to supply information which is not readily available or to elucidate matters of complexity

within (a) committee's order of reference"⁷. An example of this was the Health Committee's recruitment of a specialist adviser following the May 2010 UK Parliamentary election:

Arrangements for recruitment of Specialist Advisers

05 August 2010

Following its appointment after the General Election, the Health Committee is seeking to improve the way in which it identifies specialist advisers to assist in its work.

Specialist advisers perform an invaluable task for select committees. The role of an adviser is formally 'to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference'. In practice, this usually means explaining policy and practice and helping to interpret the evidence gathered during inquiries. Advisers may be appointed to help a committee on a particular inquiry or to advise on a particular policy issue over a longer period. Advisers are paid only for the days on which they do work for a committee. There are currently three daily rates, depending on levels of experience and knowledge.

The new Health Committee is anxious to ensure that the process by which these appointments are made is more open than has previously been the case.

The Committee is therefore seeking to appoint an adviser who would act as a "talent scout" in its search for the most appropriate people to provide it with policy advice. The Committee's objective is to secure advice from people who are well-informed and active in the health field but do not necessarily have a public profile and who might not otherwise come to the Committee's attention. People who have previously advised the Committee are welcome to apply.

Anyone who is interested in taking on this role is asked to set out in a statement of no more than 750 words why they consider they would be an appropriate candidate and to send that statement, along with a copy their CV, to the Health Committee...⁸

Guidance issued by the House of Commons

The House of Commons issues guidance on the appointment of specialist advisers and some of the key points from the guidance are⁹:

- Their (specialist advisers) purpose is to assist Committees in carrying out their scrutiny functions by being a readily available source of expert advice, in connection with a particular inquiry, a specific subject area or the full range of the Committee's remit.
- The inception and termination of the contract with Specialist Advisers is entirely at the discretion of Committees.
- As a matter of good practice a Committee will, whenever possible, be offered a choice of candidates for appointments of Specialist Advisers.
- The contract of a Specialist Adviser can be terminated at any time and such action is entirely at the discretion of a Committee. Where an Adviser is appointed in respect of a particular inquiry, the date of termination of the contract should be specified in the letter of appointment, allowing a sensible margin of appreciation for the completion of the inquiry and production of the report.
- Specialist Advisers are not infrequently appointed by a Committee on a "retained" basis – i.e. to assist it on a continuing basis in connection with an area of its remit (say "agriculture" or "defence procurement") rather than for a specific inquiry. The Committee

7 Extract from House of Commons Standing Orders. See for example SO 152(4)(b)

8 <http://www.parliament.uk/business/committees/committees-a-z/commons-select/health-committee/news/100805-specialist-advisers/>

9 Please note that the Commons is updating its guidance around the appointment of such posts. The new guidance should be available in the next 4-5 weeks.

Office Management Group has agreed that normal practice should adhere to the principle of contracting with Advisers for no more than 12 months at a time, so that a Committee must make a conscious decision on whether to re-appoint them on each anniversary.

- When an appointment is renewed on or before the date of termination, it is not necessary to go through all processes of appointment again. A letter from the Clerk should be sent to the Adviser confirming the renewal and the new termination date, and any change in the rate of the daily honorarium. All that is then required is completion of an acceptance form.
- When a general election is called and Parliament is dissolved, the appointment of a Specialist Adviser is automatically terminated.

Dail Eireann

Standing Order 83 of the Oireachtas gives select committees the “power to engage, subject to the consent of the Houses of the Oireachtas Commission, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters...”¹⁰

10 Standing Orders of the Oireachtas



Northern Ireland
Assembly

Research and Information Service Briefing Note

Paper 000/00

29 May 2013

NIAR 386-13

Standing Committees in legislatures in the UK and Ireland

1 Introduction

This briefing paper provides information on standing committees in the following institutions:

- Scottish Parliament
- National Assembly for Wales
- House of Commons
- Dail Eireann

It also outlines the role of the equivalent of the Northern Ireland Assembly's Chairperson's Liaison Group in these institutions (where one exists).

2 Standing committees in legislatures in the UK and Ireland

Scottish Parliament

There are two basic types of committee in the Scottish Parliament: mandatory and subject. Mandatory committees are the equivalent of the Northern Ireland Assembly's standing committees. The mandatory committees are the:

- Standards, Procedures and Public Appointments Committee
- Finance Committee
- Audit Committee

- European and External Relations Committee
- Equal Opportunities Committee
- Public Petitions Committee and
- Subordinate Legislation Committee

The Standards, Procedures and Public Appointments Committee and Finance Committee must be proposed to the Parliament by the Bureau within 21 sitting days of the general election (Rule 6.1.6). The other mandatory committees must be proposed by the Bureau within 42 sitting days of a general election. All mandatory committees are established for the duration of the session (Rule 6.12.1).

Table 1: Role and remit of mandatory committees in the Scottish Parliament¹

| | | |
|--|--|---|
| Standards, Procedures and Public Appointments Committee | <p>Membership: 7 4 SNP, 2 Labour, 1 Conservative SNP Chair, Labour Deputy Chair</p> | <p>The Standards, Procedures and Public Appointments Committee is responsible for matters relating to the Standing Orders of the Scottish Parliament (which set out the rules governing the management of parliamentary proceedings) and the Code of Conduct for MSPs (which sets out the standards of conduct for Members in undertaking their parliamentary duties). The Committee is also responsible for considering reports from the Public Standards Commissioner for Scotland in relation to compliance with the Code of Conduct for MSPs and the Interests of Members of the Scottish Parliament Act 2006.</p> <p>The Committee publishes reports detailing any changes it is recommending to either the Standing Orders or Code of Conduct. These reports are debated in the Chamber and any proposed changes must be agreed to by the Parliament before they can come into effect.</p> <p>The Committee also considers reports and consultations in relation to ministerial appointments to public bodies in Scotland from the Public Appointments Commissioner for Scotland.</p> |
| Finance Committee | <p>Membership: 7 3 SNP, 2 Labour, 1 Conservative, 1 Independent SNP Chair and Deputy Chair</p> | <p>The role of the Committee is to consider the Scottish Government's spending plans, both through the annual budget process and examining the cost implications of bills. The Committee can also launch inquiries on any other matter within its remit.</p> |

1

<http://www.scottish.parliament.uk/parliamentarybusiness/Committees.aspx>

| | | |
|--|---|--|
| Public Audit Committee | <p>Membership: 9 5 SNP, 2 Labour, 1 Conservative, 1 Liberal Democrat</p> <p>Labour Chair, Conservative Deputy Chair</p> | <p>The Committee's main area of work is consideration of reports from the Auditor General for Scotland (AGS). The AGS is responsible for scrutinising the expenditure and performance of directorates of the Scottish Government and most other public spending bodies, with the exception of local authorities, and police and fire boards. Audit Scotland is the agency which carries out auditing work on behalf of the AGS.</p> <p>The majority of AGS reports fall into two categories:</p> <p>Section 23 reports - examine the economy, efficiency and effectiveness of the public sector.</p> <p>Section 22 reports - concern the audit of accounts of individual public bodies.</p> <p>The AGS gives evidence to the committee on every report produced. Having received this evidence, the Committee can take a range of actions, including noting the report, referring the report to another Committee for consideration, writing to the Accountable Officer of the body concerned or agreeing to conduct an inquiry.</p> |
| European and External Relations Committee | <p>Membership: 7 4 SNP, 2 Labour, 1 Conservative</p> <p>SNP Chair, Labour Deputy Chair</p> | <p>The European and External Relations Committee was established on 1st June, 2011. The Committee's role is to consider and report on issues relating to the European Communities and the European Union, the Scottish Government's links with countries and territories outside Scotland and the international activities of the Scottish Government.</p> |
| Equal Opportunities Committee | <p>Membership: 7 3 SNP, 2 Labour, 1 Conservative, 1 Independent</p> <p>Labour Chair, SNP Deputy Chair</p> | <p>The Equal Opportunities Committee considers matters of discrimination relative to sex or marital status, race, disability, age, sexual orientation, language, social origin or other personal attributes, including beliefs or opinions on, for example, religion or politics.</p> |
| Public Petitions Committee | <p>Membership: 7 4 SNP, 2 Labour, 1 Conservative</p> <p>Labour Chair, SNP Deputy Chair</p> | <p>The purpose of the Public Petitions Committee is to consider public petitions addressed to the Parliament. The Committee will decide in a case of dispute whether a petition is admissible, what action should be taken upon an admissible public petition and it will keep under review the operation of the petitions system. A petition may be brought by an individual person (other than a member), a body corporate or an unincorporated association of members.</p> |

| | | |
|--|--|---|
| Subordinate Legislation Committee | Membership: 7 4 SNP, 2 Labour, 1 Conservative SNP Chair and Deputy Chair | The primary role of the Subordinate Legislation Committee is to scrutinise subordinate legislation and delegated powers within proposed primary legislation. The Committee considers all Scottish statutory instruments laid before the Parliament and decides whether to draw them to the attention of the Parliament under certain grounds. Those grounds, and more details about subordinate legislation procedure, are set out in Chapter 10 of Standing Orders. The Committee also scrutinises the proposals to delegate powers in Bills before the Parliament. The clerking team to the Committee also provides advice on all aspects of subordinate legislation procedure to Members and to persons within and outwith the Parliament. |
|--|--|---|

Convenors' Group

The Convenors Group is chaired by the Presiding Officer or a Deputy Presiding Officer and is a forum where Committee Conveners meet to take a strategic view on the operation of committees and to facilitate liaison between the Committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body.

The Group handles a range of matters including:

- promotion of practices to improve the performance of committees, in particular their scrutiny function
- making recommendations to the Bureau on Committee business to be scheduled in the Chamber
- approval of meetings of Committees outside Edinburgh
- approval of travel by Committees or Committee members outside the UK

The Convenors Group was constituted in 1999 by the Presiding Officer to provide an informal forum where Committee Conveners could meet to discuss matters of mutual interest and to facilitate liaison between the Committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body. The Group is chaired by the Presiding Officer.

On 19 December 2002, the Group was formally constituted and given a remit and powers under Standing Orders:

Rule 6A.2 The Conveners Group²**1. The functions of the Conveners Group shall be—**

- (a) to consider and make recommendations in connection with the operation of committees;
 - (b) to report to and be consulted by the Parliamentary Bureau on questions regarding competence under Rule 6.13;
 - (c) to report to and be consulted by the Parliamentary Bureau on any decision on joint consideration by committees under Rule 6.14;
 - (d) to decide with the Parliamentary Bureau on the approval of the place in Scotland of a committee meeting in accordance with Rule 12.3.2;
 - (e) to decide with the Parliamentary Bureau on the approval of travel by a committee member outwith the United Kingdom in accordance with Rule 12.10;
- and
- (f) to refer matters to the Parliamentary Bureau, a committee or the Parliamentary corporation where it considers it appropriate to do so.

2. The Conveners Group shall not be regarded as a committee for the purpose of these Rules.

National Assembly for Wales

Table 2: Role and remit of standing committees in the National Assembly for Wales³

| | | |
|---|--|--|
| Constitutional and Legislative Affairs Committee | Membership: 5 2 Conservative, 1 Labour, 1 Liberal Democrat, 1 Plaid Cymru Conservative Chair | The Committee was established on 15 June 2011 with a remit to carry out the functions of the responsible committee set out in in Standing Orders 21.2 and 21.3 and to consider any other legislative matter, other than the functions required by Standing Order 26, referred to it by the Business Committee. |
| Finance Committee | Membership: 8 5 Labour, 2 Plaid Cymru, 1 Lib Dem Plaid Cymru Chair | The Finance Committee's role is to carry out the functions set out in Standing Order 19. This includes consideration of the use of resources by the Assembly Commission or Welsh Ministers, and in particular reporting during the annual budget round. The Committee may also consider any other matter relating to expenditure from the Welsh Consolidated Fund. |
| Petitions Committee | Membership: 4 1 Labour, 1 Plaid Cymru, 1 Conservative, 1 Lib Dem Lib Dem Chair | Its role is to consider all admissible petitions that are submitted by the public. Petitions must be about issues that the National Assembly has powers to take action on. The petitions process enables the public to highlight issues and directly influence the work of the National Assembly. Its specific functions are set out in Standing Order 23. |

² Standing Orders of the Scottish Parliament

³ <http://www.senedd.assemblywales.org/mgListCommittees.aspx?bcr=1>

| | | |
|---|---|--|
| Public Accounts Committee (formerly the Audit Committee) | <p>Membership: 8</p> <p>4 Labour, 2 Conservative, 1 Plaid Cymru, 1 Lib Dem</p> <p>Conservative Chair</p> | <p>The role of the Public Accounts Committee is to ensure that proper and thorough scrutiny is given to Welsh Government expenditure. The specific functions of the Committee are set out in Standing Order 18. The Committee will consider reports prepared by the Auditor General for Wales on the accounts of the Welsh Government and other public bodies, and on the economy, efficiency and effectiveness with which resources were employed in the discharge of public functions. Their remit also includes specific statutory powers under the Government of Wales Act 2006 relating to the appointment of the Auditor General, his or her budget and the auditors of that office.</p> |
| Committee for the Scrutiny of the First Minister | <p>Membership: 5</p> <p>2 Conservative, 1 Labour, 1 Plaid Cymru, 1 Lib Dem</p> <p>Conservative Chair</p> | <p>The Committee was established on 2 May 2012 with a remit to scrutinise the First Minister on any matter relevant to the exercise of the functions of the Welsh Government.</p> |
| Standards of Conduct | <p>Membership: 4</p> <p>1 Labour, 1 Plaid Cymru, 1 Conservative, 1 Liberal Democrat</p> <p>Labour Chair</p> | <p>The Committee's role is to carry out the functions set out in Standing Order 22. These include: the investigation of complaints referred to it by the Standards Commissioner; consideration of any matters of principle relating to the conduct of Members; establishing procedures for the investigation of complaints, and arrangements for the Register of Members' interests and other relevant public records determined by Standing Orders.</p> |

| | | |
|--|---|---|
| <p>Business Committee</p> <p>Note: The Business Committee of the National Assembly of Wales combines some of the functions of, for example, the NIA's Business Committee and those functions that would usually lie with a Procedures Committee.</p> | <p>Membership: 5</p> <p>Presiding Officer, 1 Labour, 1 Conservative, 1 Plaid Cymru, 1 Lib Dem</p> <p>Chaired by the Presiding Officer</p> | <p>The Business Committee is responsible for the organisation of Assembly Business. It is the only Committee whose functions and remit is set out in Standing Orders. Its role is to “facilitate the effective organisation of Assembly proceedings” as stated in Standing Order 11.1.</p> <p>The Presiding Officer chairs the meetings, which are attended by the Minister for Government Business and a Business Manager from each of the other parties represented in the Assembly.</p> <p>The Committee usually meets weekly in private when the Assembly is in session, to comment on proposals for the organisation of Government business and to determine the organisation of Assembly business in Plenary. For these meetings, only the minutes are published (see below).</p> <p>The Committee may meet publicly on an ad hoc basis, to make recommendations on the general practice and procedure of the Assembly in the conduct of its business, including any proposals for the re-making or revisions of Standing Orders.</p> |
|--|---|---|

Panel of Chairs (apparently discontinued)

Chairs of Subject Committees were selected from a panel of Members elected by the Assembly so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the panel. The panel had as many members as there were Subject Committees. Ministers are not eligible to be members of the panel. At the end of the Second Assembly, the Panel of Chairs consisted of the seven Subject Committee Chairs, and met to consider issues relating to the operation of Subject Committees. Chairs of the Standing Committees on Audit, Equality of Opportunity and European and External Affairs were invited to attend panel meetings as observers. The Panel met once a month in private, and meetings were chaired by the Presiding Officer.

There is no reference to the Panel of Chairs in the current edition of Standing Orders and there appears to be no obvious equivalent to the Panel in Standing Orders.

House of Commons

In November 2006 Standing Committees were renamed as ‘General Committees’. In addition, Standing Committees on Bills were renamed ‘Public Bill Committees’. The committees listed in table 3 are in fact labelled select committees in the House of Commons.

Table 3: Role and remit of relevant select committees in the House of Commons⁴

| | | |
|-------------------------------------|--|--|
| Administration Committee | <p>Membership: 16 8 Conservative, 6 Labour, 2 Lib Dem Conservative Chair</p> | <p>The Administration Committee, appointed on 26 July 2010, considers the services provided for and by the House of Commons, and makes recommendations to the Speaker, the Commission and the Management Board as required. Among those services are those provided directly for MPs and those for the public, including visitor facilities, the Parliament website and education services.</p> |
| Backbench Business Committee | <p>Membership: 8 4 Conservative, 3 Labour, 1 Lib Dem Labour Chair</p> | <p>The Backbench Business Committee meets weekly on Tuesdays at 3pm to hear representations from MPs for debates in backbench time. This is the first business committee of any kind to be established by the House and gives an opportunity to backbench Members to bring forward debates of their choice.</p> <p>The committee can consider any subject for debate, including those raised in e-petitions or national campaigns but an MP must make the case for their consideration.</p> |
| Public Accounts Committee | <p>Membership: 14 8 Conservative, 5 Labour, 1 Lib Dem, Labour Chair</p> | <p>The Committee of Public Accounts is appointed by the House of Commons to examine “the accounts showing the appropriation of the sums granted to Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the Committee may think fit” (Standing Order No 148).</p> <p>The Committee does not consider the formulation or merits of policy (which fall within the scope of departmental select committees); rather it focuses on value-for-money criteria which are based on economy, effectiveness and efficiency.</p> |
| Procedure Committee | <p>Membership: 12 6 Conservative, 5 Labour, 1 Lib Dem Conservative Chair</p> | <p>The Procedure Committee considers the practice and procedure of the House in the conduct of public business.</p> |

| | | |
|--|--|---|
| Standards Committee | <p>Membership: 13 (10 MPs plus 3 lay members)</p> <p>5 Conservative, 4 Labour, 1 Lib Dem</p> <p>Labour Chair</p> | <p>The Committee on Standards was appointed on 13 December 2012 by the House of Commons following its separation from the now former Committee on Standards and Privileges to:</p> <ul style="list-style-type: none"> • oversee the work of the Parliamentary Commissioner for Standards • examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House • review from time to time the form and content of those registers • consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner • consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner • recommend any modifications to the Code of Conduct as may from time to time appear to be necessary. |
| Political and Constitutional Reform Committee | <p>Membership: 11</p> <p>5 Conservative, 5 Labour, 1 Lib Dem</p> <p>Labour Chair</p> | <p>The House of Commons agreed in June 2010 that this committee should be established, to consider political and constitutional reform, scrutinising the work of the Deputy Prime Minister in this area.</p> |

Liaison Committee

The Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and, by a decision of the House on 14 May 2002, to hear evidence from the Prime Minister on matters of public policy. Standing Order 145 of the House of Commons sets out the remit of the Liaison Committee⁵:

Table 4: Standing Order 145 of the House of Commons

Standing Order 145

(1) A select committee shall be appointed, to be called the Liaison Committee—

- (a) to consider general matters relating to the work of select committees,
- (b) to give such advice relating to the work of select committees as may be sought by the House of Commons Commission, and
- (c) to report to the House its choice of select committee reports to be debated on such days as may be appointed by the Speaker in pursuance of paragraph (13) of Standing Order No. 10 (Sittings in Westminster Hall).

(2) The committee may also hear evidence from the Prime Minister on matters of public policy.

(3) The committee shall report its recommendations as to the allocation of time for consideration by the House of the estimates on any day or half day which may be allotted for that purpose; and upon a motion being made that the House do agree with any such report the question shall be put forthwith and, if that question is agreed to, the recommendations shall have effect as if they were orders of the House:

Proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.

(4) The committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to report from time to time.

(5) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

(6) The committee shall have power to appoint a sub-committee, which shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to report to the committee from time to time.

(7) The committee shall have power to report from time to time the minutes of evidence taken before the sub-committee.

(8) The quorum of the sub-committee shall be three.

Dail Eireann

Table 5: Role and remit of Standing Committees of Dail Eireann

| | | |
|--|--|--|
| Committee on Procedure and Privileges | <p>Membership: 10 5 Fine Gael, 2 Labour, 1 Fianna Fail, 1 Sinn Féin, 1 Independent Fine Gael Chair</p> | <p>The Committee on Procedure and Privileges considers matters of procedure, recommends any additions or amendments to the Standing Orders and considers and reports as and when requested to do so on Members' privileges.</p> <p>Four sub-committees stem from this committee:</p> <ul style="list-style-type: none"> • Sub-Committee on Administration • Sub-Committee on Compellability • Sub-Committee on Dáil Reform • Sub-Committee on Privileges <p>Administration: (8 members) The sub-Committee's role is to represent the views of Members to the Houses of the Oireachtas Commission in relation to services provided to support Members in undertaking their parliamentary and representative duties.</p> <p>Compellability: (5 members but has not met) To perform the functions conferred on it by the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997.</p> <p>Dail Reform: (5 members) Considers matters of procedure and recommend changes to Standing Orders, to oversee procedure in committees and to consider and report as to the privileges attaching to members.</p> <p>Privileges: (5 members) To examine the issue of privilege in relation to the private papers of members along with the recommendations contained in the report of the Morris Tribunal.</p> |
| Committee of Public Accounts | <p>Membership: 13 6 Fine Gael, 3 Labour, 2 Fianna Fail, 1 Sinn Féin, 1 Independent Fianna Fail Chair, Fine Gail Deputy Chair</p> | <p>The Committee on Public Accounts is a standing Committee of the Dáil and is responsible for examining and reporting on reports of Comptroller and Auditor General on Departmental expenditure and certain other accounts. It also considers the Comptroller and Auditor General's reports on his or her examinations of economy, efficiency, effectiveness evaluation systems, procedures and practices.</p> |

| | | |
|--|--|---|
| Select Committee on Members' Interests of Dáil Éireann | Membership: 5 2 Fine Gael, 1 Fianna Fail, 1 Labour, 1 Independent Independent Chair | The Select Committee on Members' Interests of Dáil Éireann is set up under the Ethics in Public Office Acts 1995 and 2001 to draw up and publish guidelines to assist members in compliance with the terms of the Acts, to draw up a code of conduct for non-office holders and to investigate alleged contraventions of the Acts as regards statements of interest. |
| Joint Committee on Public Service Oversight and Petitions | Membership: 19 (15 Oireachtas, 4 Seanad) Dail: 5 Fine Gael, 3 Labour, 2 Fianna Fail, 2 Sinn Fein, 3 Independent Seanad: 2 Labour, 1 Fine Gael, 1 Sinn Fein | <p>The newly established Joint Oireachtas Committee on Public Service Oversight and Petitions seeks to focus its work on investigating and identifying improvements in the delivery of public services to citizens. As part of its new remit, the Committee will receive and process public petitions submitted to the Houses of the Oireachtas, and will also regularly engage with the Ombudsman.</p> <p>Under its Terms of Reference two sub-Committees have been established. These are:</p> <ul style="list-style-type: none"> • The Joint sub-Committee on Public Petitions and • The Joint sub-Committee on the Ombudsman <p>All Members of the Joint Committee are Members of both sub-Committees.</p> <p>The information and insights gained from engagement with the Ombudsman and consideration of public petitions will assist the Joint Committee in making an informed evaluation of how a particular policy, programme or statutory framework is being administered. Where underlying and systematic shortcomings are identified, the Joint Committee could propose recommendations thereby helping to drive improvements to the quality and standards of public services.</p> |

Working Group of Committee Chairmen

Standing Order 100 of Dail Eireann provides for the establishment of a Working Group of Committee Chairmen consisting of Chairman of each Standing, Select, Special and Joint Committee, other than the Committee on Procedure and Privileges. The role and remit of the Working Group is set out below:

Table 6: Extract from Standing Order 100 of Dail Eireann

100. (2) The Working Group may consider matters affecting services to Committees generally, may liaise and consult on matters of common interest to Committee Chairmen, and shall make recommendations in

relation to—

(a) apportionment of moneys available to Committees for consultancy and travel, subject to the consent of the Houses of the Oireachtas Commission;

(b) allocation of accommodation available for Committee meetings;

and

(c) any other matter which may be referred to the Working Group from time to time:

Provided that no such recommendation shall be made in relation to the exercise by the Committee on Procedure and Privileges of its powers under Standing Order 99.

(3) The Working Group may, subject to the provisions of the Staff of the Houses of the Oireachtas Act 1959, and the consent of the Houses of the Oireachtas Commission, also make recommendations on any matter relevant to the provision of services to Committees falling within its remit.



Northern Ireland
Assembly

Appendix 3

Committee Review Group Discussion Papers

Committee Review Group

Discussion Paper: Organising Committees

11 June 2013

Introduction

1. At its meeting on 21 May 2013 the Committee Review Group (CRG) asked that further work be done around the theme of enabling members to utilise their time more effectively. This paper puts forward some discussion points and options.
2. Committee business is only one aspect of an MLA's work; the others include their constituency and party work and at different times, different aspects take priority. CRG has noted that most members sit on at least two committees. This involves not only attending the relevant weekly meeting but usually reading substantial sets of papers in order to be able to contribute effectively to all the component parts of the work of an average committee such as evidence sessions, scrutiny sessions, discussions and stakeholder engagement events. CRG is exploring how a more strategic approach to the planning of committee business might be valuable in prioritising specific areas of work and allowing capacity for particular issues to be explored in greater depth.
3. Another way of making better use of members' time might be to reconsider how the whole committee system is organised. For example, there could be fewer committees, or the existing number of committees could have fewer members or meet less frequently. Alternatively the same number of committees as at present could be reorganised to include cross cutting or 'themed committees' such as budget scrutiny, or Europe & international affairs, or public petitions, or indeed to facilitate more ad-hoc, cross-cutting committees. A further option would be to consider greater use of sub-committees. The broad aim of such changes would be to maintain or increase the level of scrutiny of the Executive, while ensuring that committee time and thus member time is used to its fullest and best extent.

Assumptions

4. It is clear that an infinite number of models could be prepared using different assumptions based on a different number and configuration of Executive departments and a reduced number of members. In preparing the options/models for this paper, however, the following assumptions have been made:
 - that the chairperson and deputy chairperson roles continue to be filled using d'Hondt;
 - that the way that committee places are allocated remains unchanged i.e. that the number of places per party is agreed based on party strength;
 - that the previous assumptions relate to this mandate i.e. 108 MLA's, and therefore respective party strengths remain unchanged; and
 - that every member continues to be entitled to at least 1 statutory committee place.

Statutory Provision and Standing Orders

5. At this stage it is also worth noting some key rules regarding the establishment of statutory committees. Under Standing Order 46 the number of committees is established by the Assembly agreeing a motion put forward by the Business Committee. This determination by the Assembly of the number of statutory committees occurs only where ministerial offices are filled (and a recommendation is made) following the election of the Assembly. Under current Standing Orders there is consequently only one occasion per mandate on which the Business Committee can make a recommendation to set up the statutory committees.

6. The 1998 Act provides at s29 (1) that *‘Standing Orders shall make provision:*
 - (a) *for establishingstatutory committees.... to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister;*
 - (b) *for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one;...*

Therefore statutory committees are not ‘tied’ to their respective departments and at any stage it could be agreed that a single committee could advise two or more ministers. This is confirmed by Standing Order 49(6) which provides that the Assembly may determine that a statutory committee shall discontinue.

7. Once d’Hondt has been run for ministerial positions and the chairs and deputy chairs of committees, the whips agree the composition of each committee taking into account Standing Orders 47, 48, 49 and 52 which provide that membership of each committee and of committees overall is to be in proportion to party strengths in the Assembly, and the Speaker must be satisfied that every member who is not a minister or junior minister has been offered a place. The membership then is agreed by the Assembly, as is any subsequent change of membership.
8. Under Standing Order 49(4) committee membership has to be reviewed by the Business Committee following any numerical changes to party membership.
9. Under Standing Order 51 the nomination of chairs and deputy chairs for standing committees is a distinct procedure from that for statutory committees.

Standing Committees

10. The Committee on Procedures, the Business Committee, the Public Accounts Committee, the Committee on Standards and Privileges and the Audit Committee are all required to be set up under Standing Orders. The Assembly and Executive Review Committee is a requirement of s11 of the Northern Ireland (St Andrews Agreement) Act 2006. While new standing committees can be established or existing ones dissolved, the effect of doing so is that all chairs and deputy chairs of standing committees cease to hold office but other standing committee membership remains unchanged. (Standing Order 52A).

Remuneration

11. Following a determination by the Independent Financial Review Panel (IRFP) only chairpersons of statutory committees and PAC are remunerated for the post.

Discussion

12. **Table 1** shows the current configuration of statutory committees and Table 2 shows the current configuration of standing committees. There are 132 places on statutory committees and 58 places on standing committees, making a total of 190 places. The Speaker, ministers and junior ministers do not take committee places therefore there are 92 members to fill 190 places, making an average of 2 committee places per member. This is demonstrated at **Table 3**, which also shows there are 16 members who sit on 3 committees. This ratio is high compared to Scotland, where there are 107 members available to occupy 110 places on subject and mandatory committees, a ratio of 1.02 spaces per member.
13. CRG could consider whether this is an appropriate committee workload. Factors to consider include the varying workloads between committees and over a mandate, and also the need for capacity to respond to other work demands such as ad hoc committees. For example, when the Ad Hoc Committee on Welfare Reform was established in November 2012, some parties replaced the ad hoc members on their existing statutory committees in recognition of the need for those members to prioritise their ad hoc work.

14. **Table 4** shows the composition of the number of statutory committees was reduced by 2 to make 10, and **Table 5** shows the composition if there were 9 statutory committees. Members of CRG may wish to consider the relative proportionality of these models. The effect of reducing to 10 or 9 committees of 11 members is that membership:committee ratios reduce to 1.2 and 1.07 respectively. Another effect might be that 2 or 3 additional standing committees could be introduced without significant impact on members' time and these could deal with thematic issues or cross-cutting issues. Alternatively members may wish to leave capacity for more ad hoc committees or sub committees. Sub committees have not to date been a feature of the Assembly committee system even though there is specific provision in Standing Orders.
15. **Table 6** illustrates an additional option of reducing the membership of statutory committees to 9. Currently, Assembly Committees other than the Audit Committee and the Business Committee must have 11 members, unlike other legislatures which allow some flexibility. To change this number would require a change to Standing Orders. **Table 7** shows a further option of 9 committees of 9 members each.
16. If CRG were to agree that they wished to reconfigure the existing committee structure, further consideration would need to be given to implementation. It would appear, for example, that the number of statutory committees could be reduced in accordance with Standing Order 49 (6) which allows for the Assembly to determine that a statutory committee may discontinue. It is not spelt out in Standing Orders, however, whether this would trigger a re-run of d'Hondt for remaining committees. The only situation foreseen by Standing Order 49B to trigger a change in the number of statutory committees is where all Northern Ireland ministers cease to hold office; however, it would seem that a re-run of d'Hondt would be required to maintain consistency with standing committees so as not to undermine proportionality. In the event that CRG agreed to recommend reducing the number of statutory committees, it may need to be coupled with a recommendation to refer the matter to the Procedures Committee to assist with implementation.
17. Any cross cutting or thematic committees would be established as either standing or ad hoc committees, if not as sub committees. Ad hoc committees are time bound and report to the Assembly on dissolution. Their establishment has no impact on the existing standing or statutory committee membership or chairing arrangements under d'Hondt. Standing committees are permanent committees of the Assembly and the establishment of a new standing committee triggers the re-running of d'Hondt for all standing committees. Sub committees are established using membership from the parent committee; they act under the direction of the parent committee and report back to it at the end of their mandate.
18. CRG may wish also to consider whether the Chairpersons Liaison Group should be given a formal role in recommending the establishment or otherwise of ad hoc committees. This could be considered when CRG is reviewing the role of CLG.
19. Any change to the number of members per statutory committee would be effected by way of an amendment to Standing Order 49 (2); changes to SOs require cross community consent.
20. **Table 8** is for information and shows the d'Hondt order for selecting ministers, chairs and deputy chairs. The running order is fixed at the first sitting of each mandate and is not affected by any subsequent changes in party membership.

Table 1: Existing statutory committees: 12 committees of 11 members each.

| | Employment & Learning | Environment | OFMDFM | Health | F&P | CAL | Soc Dev | ETI | Reg Dev | Agric | Education | Justice | Total |
|--------------|-----------------------|-------------|--------|--------|-----|-----|---------|-----|---------|-------|-----------|---------|------------|
| DUP | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 3 | 4 | 4 | 4 | 47 |
| SF | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 36 |
| UUP | 1 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 1 | 16 |
| SDLP | 1 | 2 | 1 | 1 | 1 | 2 | 1 | 2 | 2 | 1 | 1 | 2 | 17 |
| All | 1 | 1 | 1 | 1 | 1 | | 1 | | 1 | 1 | 1 | 1 | 10 |
| Other | 1 | | | | 1 | 1 | 1 | 1 | 1 | | | | 6 |
| Total | | | | | | | | | | | | | 132 |

Table 2: Existing standing committees

| | AERC | Procedures | PAC | Standards & Privileges | Business* | Audit | Total |
|-------|------|------------|-----|------------------------|-----------|-------|-------|
| DUP | 4 | 4 | 4 | 4 | 2 | 1 | 19 |
| SF | 3 | 3 | 3 | 3 | 2 | 1 | 15 |
| UUP | 1 | 1 | 2 | 1 | 2 | 1 | 8 |
| SDLP | 2 | 1 | 2 | 1 | 2 | 1 | 9 |
| All | 1 | 1 | | 1 | 1 | 1 | 5 |
| Other | | 1 | | 1 | | | 2 |
| Total | | | | | | | 58 |

*The Speaker chairs the Business Committee but is not counted in these figures

Table 3: Members and committee places

| | | | | | |
|-----------------|----------------------|------------------|-----------------|--------------------|---------------|
| Agnew Steven | ETI, S&P | Girvan Paul | F&P, PAC | McGimpsey Michael | CAL |
| Allister Jim | SD, Procedures | Givan Paul | Justice, AERC | McGlone Patsy | ETI, Justice |
| Anderson Sydney | ETI, Health, Justice | Hale Brenda | OFMDFM, RD | McIlveen David | Health, PAC |
| Beggs Roy | Health, AERC | Hamilton Simon | AERC | McIlveen Michelle | CAL, Agri |
| Boylan Cathal | Envir, S&P | Hazzard Chris | Educ, PAC | McKay Daithi | F&P, PAC |
| Boyle Michaela | Educ, Audit, PAC | Hilditch David | CAL, E&L, Audit | McKevitt Karen | CAL, Business |
| Bradley Dominic | CAL, F&P, Audit | Humphrey William | CAL, Justice | McLaughlin Maeve | ETI, Health |
| Bradley Paula | Procedures, SD, S&P | Hussey Ross | RD, PAC | McLaughlin Mitchel | F&P, ETI |

| | | | | | |
|------------------|------------------------|-------------------|-----------------------|------------------|------------------------|
| Brady Mickey | Health, SD | Irwin William | Agric, CAL | McMullan Oliver | Agric, CAL, Procedures |
| Brown Pam | Health, Envir | Kelly Dolores | SD | McNarry David | RD |
| Buchanan Thomas | Agric, E&L | Kelly Gerry | Business, Procedures | McQuillan Adrian | F&P, PAC |
| Byrne Joe | Agric | Kinahan Danny | Educ, Audit | Milne Ian | Agric, Envir |
| Campbell Gregory | SD, AERC | Lo Anna MBE | Envir, Audit | Lord Morrow | Envir, Business, Proc |
| Clarke Trevor | Agric, Procedures, PAC | Lunn Trevor | Agri, Education, AERC | Moutray Stephen | OFMdfM, Educ, AERC |
| Cochrane Judith | Finance | Lynch Sean | Justice, RD | Nesbitt Mike | OFMdfM |
| Copeland Michael | SD, PAC | Lyttle Chris | OFMdfM, E&L | Newton Robin | Educ |
| Craig Jonathan | Educ | Maginness Alban | ETI, Justice, Proc | Ó hOisín Cathal | CAL, RD |
| Cree Leslie MBE | OFMdfM, F&P | Maskey Alex | OFMdfM, SD | Overend Sandra | ETI, Business, S&P |
| Dallat John | RD, PAC | McAleer Declan | Agric, RD, S&P | Ramsey Pat | E&L, Business |
| Dickson Stewart | Justice, SD, Business | McCallister John | F&P | Ramsey Sue | Health |
| Dobson Jo-Anne | Agric, Educ | McCann Fra | E&L, S&P | Robinson George | OFMdfM, Procedures |
| Douglas Sammy | E&L & ETI | McCarthy Kieran | Agric, Health, Proc | Rogers Sean | Educ, AERC, PAC |
| Dunne Gordon | ETI, Health | McCartney Raymond | Justice, AERC | Ross Alastair | E&L, S&P |
| Easton Alex | PAC, RD | McClarty David | E&L | Ruane Caitríona | AERC, Business |
| Eastwood Colum | Envir, S&P | McCorley Rosaleen | CAL, Justice | Sheehan Pat | Educ, AERC |
| Elliott Tom | Envir, Justice | McCrea Basil | CAL | Spratt Jimmy | OFMdfM, RD |
| Fearon Megan | OFMdfM, F&P | McCrea Ian | Envr, F&P, S&P | Storey Mervyn | Educ, S&P |
| Flanagan Phil | E&L, ETI | McKinny Fearghal | ETI, Health | Swann Robin | Agric, E&L, Business |
| Frew Paul | Agric, ETI | McElduff Barry | Envir, Procedures | Weir Peter | Business, Envir, F&P |
| Gardiner Sam | Health, Procedures | McGahan Bronwyn | OFMdfM, E&L | Wells Jim | Health, Justice |
| | | | | Weir Peter | Business, Envir, F&P |
| | | | | Wells Jim | Health, Justice |
| | | | | Wilson Sammy | SD |

Table 4: 10 Statutory committees: 11 members each

| | A | B | C | D | E | F | G | H | I | J | TOT |
|-------|---|---|---|---|---|---|---|---|---|---|------------|
| DUP | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 3 | 39 |
| SF | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 30 |
| UUP | 1 | 2 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | 2 | 14 |
| SDLP | 2 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 13 |
| All | 1 | | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 8 |
| Other | | 1 | | | 1 | 1 | 1 | 1 | | 1 | 6 |
| Total | | | | | | | | | | | 110 |

Table 5: 9 Statutory committees: 11 members each

| | A | B | C | D | E | F | G | H | I | Total |
|--------------|---|---|---|---|---|---|---|---|---|-----------|
| DUP | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 3 | 35 |
| SF | 3 | 2 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 26 |
| SDLP | 2 | 2 | 1 | 1 | 2 | 1 | 2 | 1 | 1 | 13 |
| UUP | 2 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 2 | 12 |
| All | | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 7 |
| Other | | 1 | 1 | 1 | | 1 | | 1 | 1 | 6 |
| Total | | | | | | | | | | 99 |

Table 6: 12 committees of 9 members each

| | A | B | C | D | E | F | G | H | I | J | L | M | Total |
|--------------|---|---|---|---|---|---|---|---|---|---|---|---|------------|
| DUP | 3 | 3 | 4 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 38 |
| SF | 3 | 2 | 3 | 2 | 3 | 2 | 3 | 2 | 3 | 2 | 2 | 2 | 29 |
| SDLP | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 1 | 14 |
| UUP | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 13 |
| All | 1 | 1 | 1 | | 1 | | 1 | | 1 | 1 | 1 | | 8 |
| Other | | 1 | | | 1 | 1 | 1 | 1 | 1 | | | | 6 |
| Total | | | | | | | | | | | | | 108 |

Table 7: 9 Statutory committees, 9 members each

| | A | B | C | D | E | F | G | H | I | Total |
|------|---|---|---|---|---|---|---|---|---|-------|
| DUP | 3 | 3 | 3 | 3 | 4 | 3 | 3 | 3 | 3 | 28 |
| SF | 3 | 2 | 3 | 2 | 3 | 2 | 3 | 2 | 2 | 22 |
| SDLP | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 10 |
| UUP | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 9 |
| All | | 1 | 1 | 1 | | 1 | 1 | 1 | | 6 |

| | A | B | C | D | E | F | G | H | I | Total |
|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Other | 1 | 1 | | 1 | | 1 | | 1 | 1 | 6 |
| Total | | | | | | | | | | 81 |

Table 8 D'Hondt

| | | |
|----------|-----------|--|
| Stage 1 | DUP | |
| Stage 2 | Sinn Féin | |
| Stage 3 | DUP | |
| Stage 4 | UUP | |
| Stage 5 | Sinn Féin | |
| Stage 6 | SDLP | |
| Stage 7 | DUP | |
| Stage 8 | Sinn Féin | |
| Stage 9 | DUP | |
| Stage 10 | ALL | The d'Hondt process for the Executive stops here. The 2 additional ministries – FM/dFM and Justice are elected |
| Stage 11 | UUP | |
| Stage 12 | DUP | |
| Stage 13 | Sinn Féin | |
| Stage 14 | SDLP | |
| Stage 15 | DUP | |
| Stage 16 | Sinn Féin | |
| Stage 17 | DUP | |
| Stage 18 | UUP | If there were 9 statutory committees the d'Hondt process for chairs/deputy Chairs would stop here |
| Stage 19 | Sinn Féin | |
| Stage 20 | DUP | |
| Stage 21 | SDLP | |
| Stage 22 | DUP | |
| Stage 23 | Sinn Féin | |
| Stage 24 | Alliance | D'Hondt for chairs/deputy chairs of statutory committees currently stops here |

Committee Review Group

Discussion Paper: Turnover in Membership of Committees

11 June 2013

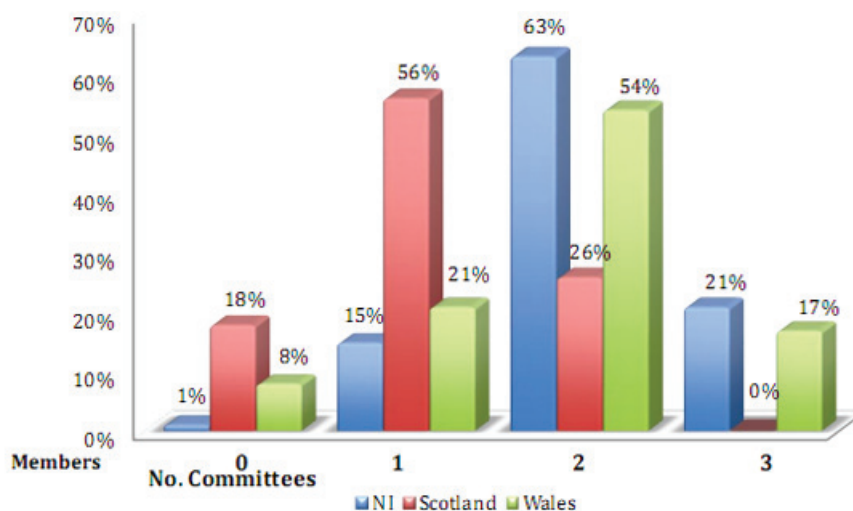
Background

1. It has been suggested that a high turnover rate might impact negatively on a number of factors linked to committee effectiveness, such as developing a collective purpose and establishing expertise on the issues that fall within the committee's brief, particularly if the remit is wide, complex or specialised in nature. Low turnover, on the other hand, can assist in supporting strategic planning by building on lessons learned and in retaining memory of commitments provided previously, facilitating better follow-up work by committees.
2. A bursary student, Donie Sullivan has recently completed a report on "Rates of Churn and Parliamentary Committees".¹ The report recognises that a certain degree of turnover on committees is unavoidable but sought to review the position at the Northern Ireland Assembly and whether it has changed over time and to compare the position here with that at the Scottish Parliament.

Findings

3. The first key issue to note is the number of committee spaces to be filled in the NI Assembly is much higher than in the Scottish Parliament. At the Assembly, there are 190 spaces available to the 92 members who are available to sit on committees (i.e. excluding the Speaker and ministers) or 2.06 spaces per member. In Scotland there are 110 spaces for 107 members who are available to fill the committee spaces, a ratio of 1:02. In the Welsh Assembly, there are only 48 members available for committee spaces and there are 89 spaces or 1.85 places per member. This results in a much higher percentage of members at the NI Assembly serving on two or more committees (see Figure 1 below).

Figure 1: Committees per member; NI, Scotland, Wales



¹ O'Sullivan Donie, Rates of Churn and Parliamentary Committees, Northern Ireland & Queen's University Belfast Bursary Programme, 2012-2013

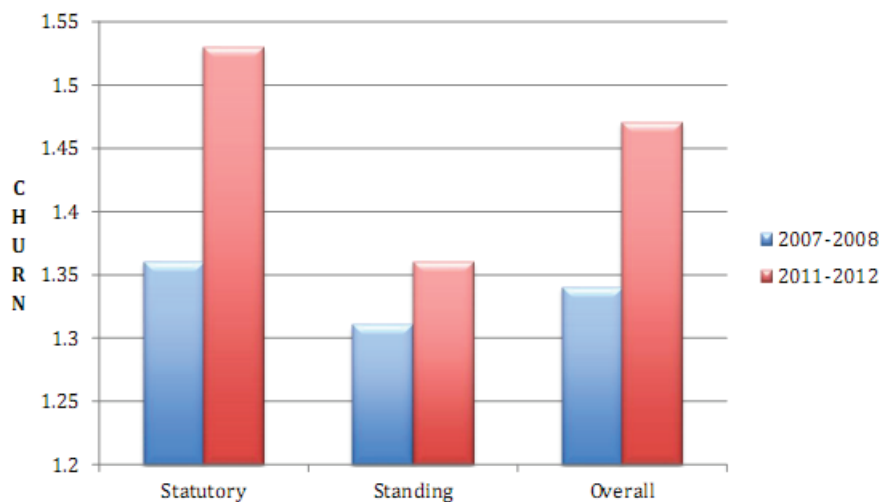
4. In relation to turnover in committee membership there would seem to be two key factors to consider. First, it is important to consider the rate of churn, within a defined period of time, which is calculated as follows:

$$\text{Rate of Churn} = \frac{\text{total members to sit on a committee}}{\text{number of committee spaces}}$$

Therefore, if during a mandate 22 members sat on a committee with 11 spaces then the rate of churn would be 2.0.

5. The second factor is the percentage of members on a committee who remain constant over a period of time. So if all members remained on a committee throughout the mandate the % constant would be 100%. This is considered to be an important factor as it could be argued that it doesn't matter too much if a small number of members regularly change committees as long as a significant majority remain on the committee and hence help to sustain and transfer knowledge, expertise, culture, etc.
6. The rate of churn for both statutory and standing committees in the first 18 Months of 2007-2011 mandate compared with the rate in the first 18 months of this mandate is set out below.

Figure 2: NI Assembly Committee Churn 2007-08, 2011-12



7. The overall rates of churn are higher than in the previous mandate. Churn in statutory committees is 1.5, equating to an average of 17 different members on each committee in the first 18 months of the mandate.
8. Table 1 below shows that whilst there is considerable variation between committees. 69% of members were in place for the first 18 months of the 2007-2011 mandate, with 54% remaining constant in the first 18 months of this mandate. Churn rates in standing committees did not vary significantly between the two periods being compared.

| | 2007-October 2008 | | 2011-October 2012 | |
|---------------------------------|-------------------|----------|-------------------|----------|
| | Churn | Constant | Churn | Constant |
| Agriculture & Rural Development | 1.18 | 81% | 1.7 | 81% |
| Culture, Arts, & Leisure | 1.18 | 81% | 1.27 | 54% |
| Education | 1.45 | 45% | 1.36 | 64% |
| Employment & Learning | 1.5 | 45% | 1.36 | 64% |
| Enterprise, Trade, & Investment | 1.45 | 54% | 2.09 | 36% |
| Environment | 1.27 | 73% | 1.6 | 54% |
| Finance & Personnel | 1.36 | 64% | 1.5 | 54% |
| Health | 1.18 | 81% | 1.27 | 73% |
| OFMdfM | 1.09 | 91% | 1.7 | 36% |
| Regional Development | 2.09 | 81% | 1.7 | 45% |
| Social Development | 1.27 | 73% | 1.36 | 73% |
| Overall Churn (excl. Justice) | 1.36 | 69% | 1.53 | 58% |
| Justice | N/A | N/A | 1.45 | 54% |
| Churn (incl. Justice) | | | 1.53 | 57% |

Table 2: NI Assembly Standing Committees

| | 2007-October 2008 | | 2011-October 2012 | |
|--------------------------|-------------------|----------|-------------------|----------|
| | Churn | Constant | Churn | Constant |
| Assembly & Executive | 1.36 | 72% | 1.36 | 81% |
| Audit | 1.2 | 80% | 1.4 | 60% |
| Business | 1.2 | 80% | 1.5 | 60% |
| Public Accounts | 1.6 | 54% | 1.45 | 54% |
| Procedures | 1.09 | 91% | 1.09 | 91% |
| Standards and Privileges | 1.45 | 54% | 1.36 | 72% |
| Churn | 1.3 | | 1.36 | |

9. As part of the research undertaken by the bursary student, comparisons were also made between the turnover rates for Assembly committees during the 2007-2011 mandate and the turnover rates for committees of the Scottish Parliament. The overall turnover rate for Assembly committees was 2.17 compared with 1.96 for the committees of the Scottish Parliament. However, whilst the turnover rate of 2.3 for statutory committees at the Assembly was much higher than the rate for their closest equivalents (subject committees) in Scotland of 1.58, the turnover rate for mandatory committees in Scotland was 2.35 compared with the 2.04 for their closest equivalents at the Assembly, the standing committees.

Table 4: Statutory Committees Churn Northern Ireland Assembly 2007-2011

| Committee | Churn | Constant % |
|-----------------------------------|--------------|------------|
| Employment and Learning | 2.7 | 18% |
| Enterprise, Trade, and Investment | 2.4 | 27% |
| Environment | 2.36 | 9% |
| Finance & Personnel | 2.36 | 36% |
| Culture, Arts, & Leisure | 2.27 | 27% |
| Education | 2.18 | 45% |
| Agriculture & Rural Development | 2.09 | 36% |
| Health | 2.09 | 45% |
| Regional Dev. | 2.09 | 27% |
| Social Dev. | 2.09 | 36% |
| OFMdFM | 1.9 | 36% |
| Average | 2.23 | 31% |
| Justice | 1.45 | 54% |
| Average Incl. Justice | 2.309 | |

Table 5: Subject Committee Churn Scotland 2007-2011

| Committee | Churn | Constant |
|---|-------------|------------|
| Local Government and Regeneration | 1.85 | 44% |
| Rural Affairs, Climate Change and Environment | 1.77 | 33% |
| Justice | 1.55 | 44% |
| Economy, Energy and Tourism | 1.44 | 22% |
| Education and Culture | 1.44 | 44% |
| Health and Sport | 1.44 | 56% |
| Average | 1.58 | 41% |

Issues for discussion

10. There would seem to be some evidence that Assembly committees have a relatively high rate of membership turnover. Although there are significant variations between committees, the turnover rate has been higher during the first 18 months of this mandate than during the same period of the previous mandate. In some instances this is particularly concerning as it is coupled with a relatively low percentage of members remaining constantly on a committee for the full mandate.
11. It is unclear why this should be the case and chairpersons may wish to offer their own views on this. It may be impacted upon by political factors or the high number of spaces on committees within the NI Assembly and by the high number of members on 2 or more committees. It should also be noted that a number of new members are co-opted each mandate resulting in an almost automatic reallocation of places. There is also a healthy

recognition amongst Members of this Assembly that low attendance rates are not appropriate or publicly acceptable. This can result in timely action by whips to change committee membership to deal with changed circumstances which are impacting on attendance rates.

12. As indicated previously a degree of turnover is unavoidable and indeed healthy as it can bring new ideas and new thinking to a committee. However, it would seem that turnover rates of 2.7, representing 30 different members sitting on a committee during a mandate, or constancy rates of 9%, that is 1 member remaining on a committee throughout a mandate, are unlikely to be conducive to effective working. The House of Commons Liaison Committee concluded,

“Some turnover of membership is inevitable, but a percentage change of [over 50%] is regrettable and inevitably has a negative impact on committee cohesion and effectiveness”.²

13. Members of CRG will wish to consider and discuss the above findings and consider whether the current level of turnover is an issue for concern/action. If it is an area of concern, Chairpersons may wish to discuss potential solutions such as regularly reviewing and reporting on turnover of membership so that chairpersons and whips can consider whether further action is required to minimise turnover. CRG may also wish to consider the potential contribution of reducing the overall number of committee places to maximising the number of members who remain on committees for a significant period.

2 Liaison Committee, Select Committee Effectiveness, Resources and Powers, Committee Activity, paragraph 23

Committee Review Group

Discussion Paper: The Role of Chairperson Liaisons Group

11 June 2013

1. CLG fulfills a practical liaison role in relation to the work of Assembly committees, helping to develop common approaches to common problems and promoting good practice. It is not a standing or statutory committee and is not covered by Standing Orders.
2. Its remit is *“helping to develop common approaches to common problems and promoting good practice” and to “identify, evaluate and assess options for improving the collective effectiveness of Assembly committees”*.¹
3. In particular CLG seeks to:
 - represent the common interests of Assembly committees;
 - identify, evaluate and assess options for improving the collective effectiveness of Assembly committees;
 - identify, on behalf of committee members and the staff in the Central Committee Office, common areas for development and training; and
 - guide the Clerk Assistants in making decisions about financial and other resource allocations.
4. The terms of reference for the review include an examination of the role of CLG and to consider whether it should be put on a more formal footing. In other legislatures, equivalent bodies have been given a formal remit and powers under Standing Orders as detailed below².

The Scottish Parliament

5. The Conveners Group was constituted in 1999 by the Presiding Officer to provide an informal forum where committee conveners could meet to discuss matters of mutual interest and to facilitate liaison between the committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body. The Group is chaired by the Presiding Officer.
6. On 19 December 2002, the Group was formally constituted and given a remit and powers under Standing Orders:
7. The Conveners Group is chaired by the Presiding Officer or a Deputy Presiding Officer and is a forum where committee Conveners meet to take a strategic view on the operation of committees and to facilitate liaison between the committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body.
8. The Group handles a range of matters including:
 - promotion of practices to improve the performance of committees, in particular their scrutiny function;
 - making recommendations to the Bureau on committee business to be scheduled in the Chamber;
 - approval of meetings of committees outside Edinburgh; and
 - approval of travel by committees or committee members outside the UK.

1 <http://assist.assemblyni.gov.uk/services/committees/chairlaisonGroup/clg.htm>

2 Standing Committees in legislatures in the UK and Ireland, Research and Information Briefing Paper, 29 May 2013

National Assembly for Wales

9. The Welsh Assembly does not currently have a formal Panel of Chairs/Liaison Committee. However a formal Panel did exist during the Second Assembly (2003-2007).³
10. Committee chairs do currently meet on an informal basis, usually each term. The meetings are chaired by the Presiding Officer or Deputy Presiding Officer but they are not governed by Standing Orders, so they are conducted informally in private and there are no published minutes or transcripts.

House of Commons Liaison Committee

11. The Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and, by a decision of the House on 14 May 2002, to hear evidence from the Prime Minister on matters of public policy. Standing Order 145 of the House of Commons sets out the remit of the Liaison Committee.⁴

Working Group of Committee Chairmen

12. Standing Order 100 of Dail Eireann provides for the establishment of a Working Group of committee chairmen consisting of chairman of each standing, select, special and joint committee, other than the Committee on Procedure and Privileges. The role and remit of the Working Group is set out below:

Table 1: Extract from Standing Order 100 of Dail Eireann

100. (2) The Working Group may consider matters affecting services to committees generally, may liaise and consult on matters of common interest to committee Chairmen, and shall make recommendations in relation to—

- (a) apportionment of moneys available to committees for consultancy and travel, subject to the consent of the Houses of the Oireachtas Commission;
- (b) allocation of accommodation available for committee meetings;

and

- (c) any other matter which may be referred to the Working Group from time to time:

Provided that no such recommendation shall be made in relation to the exercise by the Committee on Procedure and Privileges of its powers under Standing Order 99.

(3) The Working Group may, subject to the provisions of the staff of the Houses of the Oireachtas Act 1959, and the consent of the Houses of the Oireachtas Commission, also make recommendations on any matter relevant to the provision of services to committees falling within its remit.

The Northern Ireland Assembly Chairpersons' Liaison Group

13. Despite the informal nature of CLG, it is influential in that decisions it makes are observed by all committees. Given the standing CLG has in the Assembly, CRG may wish to consider expanding the role that CLG, and whether it should be put on a formal footing.
14. In addition to its current remit, CLG's role could be expanded to include the following functions:
 - a strategic oversight role in relation to statutory and standing committees: this would include the agreement of committee 'core tasks'; highlighting areas of cross cutting

3 (<http://www.assemblywales.org/bus-home/bus-third-assembly/bus-committees/bus-committees-all-committees/bus-committees-second-poc-home/bus-committees-second-poc-agendas.htm>)

4 <http://www.publications.parliament.uk/pa/cm200607/cmstords/405/40523.htm#a162>

themes emerging from committee plans; and identifying mechanisms to deal with cross-cutting issues, e.g. the establishment of sub-committees and or ad-hoc committees;

- a role in monitoring committees' scrutiny of the Programme for Government (PfG). Another option would be the creation of a PfG standing committee to carry out this function, if it was deemed necessary by CRG;
- a role in relation to improving committee attendance;
- a role in approving committee budgets including bids for external research support;
- a role in approving travel by committees or committee members outside the UK; and
- a role in identifying and agreeing a programme of members' development including specific training for chairs; and
- Under-taking and reporting to Plenary on matters within its remit.

Issues in relation to expanding the role CLG

15. CRG may wish to consider the implications of expanding the role of CLG and placing it on a formal footing. For example, an increase in its role might require a greater commitment by chairs, mainly in terms of time. However a forward work programme could be devised that includes 3-4 strategic meetings per year to deal with additional responsibilities, thereby not requiring a substantial increase in chairs' time.
16. Furthermore, if it was to be formally adopted in Standing Orders, consideration might also have to be given to other procedural issues and reporting arrangements.

