



Northern Ireland
Assembly

Assembly and Executive Review
Committee
Legacy Report 2017 - 2022

Report: NIA 197/17-22

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List of abbreviations and acronyms used in the report

AERC:	Assembly and Executive Review Committee
CLG:	Chairpersons' Liaison Group
MLA:	Member of the Legislative Assembly
NDNA:	New Decade New Approach
NI:	Northern Ireland
Procedures Committee:	Committee on Procedures
RaISe:	Assembly Research and Information Service
The Commission:	Northern Ireland Assembly Commission

Powers and Membership of the Committee

Powers

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

- (1) There shall be a standing committee of the Assembly to be known as the Assembly and Executive Review Committee.

- (2) The committee may –
 - (a) exercise the power in section 44(1) of the Northern Ireland Act 1998;
 - (b) report from time to time to the Assembly and the Executive Committee.

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

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Mr Peter Weir MLA (Chairperson)^{1 2}
- Mr Maolíosa McHugh MLA (Deputy Chairperson)
- Mr Jim Allister QC MLA
- Ms Kellie Armstrong MLA
- Mr Jonathan Buckley MLA
- Mr Robbie Butler MLA
- Mr Gerry Kelly MLA
- Mr Colin McGrath MLA
- Mr George Robinson MBE MLA³

¹ From 14 June 2021, Ms Pam Cameron replaced Mr Mervyn Storey as Chairperson.

² From 6 July 2021, Mr Peter Weir replaced Ms Pam Cameron as Chairperson.

³ From 27 September 2021, Mr George Robinson replaced Alex Easton as a member of the Committee.

Review of 2017 – 2022 Mandate

Committee Work Areas

1. Over the course of the mandate, the Assembly and Executive Review Committee (AERC) has considered the following key issues:

Review of Opposition Entitlements

2. On 20 October 2021, the AERC published its [Report on the outcome of the Independent Review of the Adequacy and Effectiveness of the Statement of Entitlements for an Official Opposition at the Northern Ireland Assembly](#).
3. The independent review arose from a recommendation in paragraph 3.7 of Annex C of the *New Decade, New Approach* (NDNA) deal. The terms of reference for the review was agreed between the AERC and the Assembly Commission and, following a public procurement exercise, the AERC appointed Mr Trevor Reaney as the independent person to undertake the review exercise.
4. Following delivery of Mr Reaney's report in June 2021, the AERC sought responses from the Assembly Commission and the Committee on Procedures on the financial implications and procedural implications that might arise from the review recommendations respectively. Prior to agreeing its report, the AERC also wrote to the political parties represented in the Assembly to seek their views on Mr Reaney's review recommendations.
5. The Committee's report on the outcome of the review, including the sixteen recommendations of the Committee contained therein, was approved by the Assembly on 9 November 2021.
6. While the procedural and financial recommendations arising from the review will fall largely to the Committee on Procedures and the Assembly Commission to take forward respectively, the successor AERC will have the responsibility for implementing the following review recommendations in the next mandate:

- Review recommendation 3: *That the entitlements should be reviewed after a substantive period of operation to draw lessons from a meaningful period of experience (at least two years).*
 - Review recommendation 11: *That consideration be given to facilitating the creation of political or technical groups which may have the potential to meet the criteria for recognition as part of the official Opposition.*
 - Review recommendation 18: *An official Opposition should have adequate access to information from Ministers and Departments. A more robust approach should be explored through the development of protocols, Standing Orders or legislation, or a combination of these.*
7. In order to inform and facilitate the successor AERC's consideration of these recommendations in the next mandate, the Committee commissioned papers from the Assembly Research and Information Service (RaISe). These were considered at the Committee meeting on 19 January 2022 and include:
- A comparative research paper on technical/political groups (review recommendation 11) and on Opposition access to information (review recommendation 18).
 - A list of potential witnesses on Opposition access to information at Westminster (review recommendation 18).
 - A list of academics with suitable specialism in parliamentary opposition, who may be in a position to conduct the research necessary to underpin a future review of Opposition entitlements where applicable (review recommendation 3).
8. The comparative research paper on technical/political groups and on Opposition access to information was published and can be accessed via the following link:
- [Read the research paper](#)

Additional Strategic Priorities

9. To determine its additional strategic priorities (additional to its work on the Review of Opposition Entitlements), the AERC wrote to all party leaders and independent members represented in the Assembly to seek their views on potential topics for the AERC to consider.
10. Thirty-five topics were submitted. A feasibility assessment was carried out to establish the extent to which the topics fell within the AERC's remit and any overlap with other work being progressed, including by other committees. Following the feasibility assessment, seventeen topics were shortlisted.
11. The shortlisted topics were considered against a list of indicators, including whether they would gain support across the political groupings. Following this exercise, three topic groups were identified as strategic priorities and prioritised as follows: Designations and the Appointment of the First Minister and deputy First Minister (First Priority); Committee Effectiveness and Collaboration (Secondary Priority); and Gender and Diversity Imbalances in the Assembly and the Executive (Secondary Priority).
12. Given the limited time remaining in the mandate, the Committee agreed to carry out scoping work on the topic groups, with the intention that a body of preliminary research/evidence would be produced with possible review Terms of Reference for the next AERC to progress. Due to time constraints, Terms of Reference were not developed.

Designations and the Appointment of the First Minister and deputy First Minister

13. The AERC strategic priority 'Designations and the Appointment of the First Minister and deputy First Minister' covered the following topics:
 - Scoping the removal of the designations requirement (to be replaced with a requirement for weighted majorities on defined key votes or in situations where a reformed Petition of Concern has been invoked); and

- Consideration of the method of appointing the First and deputy First Ministers as well as the titles, to reflect the joint and equal nature of the office and the principle of partnership.
14. To progress this area of work, the Committee identified and sought submissions from a wide range of expert witnesses. In total, seven submissions were received. The AERC also received evidence from an organisation promoting inclusive voting procedures.
 15. In addition, the AERC wrote to political parties and independent members asking for their views on the topics under consideration. One response was received.
 16. On 19 October 2021, the AERC contributed to the following Assembly debate: ‘Stability of Institutions and Referral to the Assembly and Executive Review Committee’. The motion welcomed the work initiated by AERC to consider the matter of replacing the current cross-community voting system with a weighted majority system free from designations, and called on the AERC to report on the outcome of this consideration to the Assembly before the end of this mandate.
 17. The Chairperson spoke to the motion reflecting the Committee’s agreed position that, given the limited time remaining in this mandate, scoping work would be carried out, resulting in a body of preliminary research/evidence and possible review Terms of Reference for the next AERC to progress.
 18. The AERC later agreed to report to the Assembly, via this Legacy Report, by publishing all the evidence it received under this strategic priority. The evidence can be found here:

<http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/assembly-and-executive-review-committee/legacy-report-2017---2022-associated-documents-and-papers/>

Committee Effectiveness and Collaboration

19. The AERC strategic priority ‘Committee Effectiveness and Collaboration’ covered the following topics:

- Examining the effectiveness of the Committee system including the policy development role; and
 - Considering collaboration between Committees, and between the Committees and the Executive, balancing the accountability and support roles to the benefit of the community while fully respecting the role of Committees in holding the Executive to account.
20. In considering this strategic priority, the Committee understood that the Chairpersons' Liaison Group (CLG) was undertaking work on improving scrutiny in committees and intended to publish a report, in autumn 2021, detailing practical, evidence-based recommendations to strengthen pre-and-post legislative scrutiny.
21. In light of the work being undertaken by CLG, the AERC agreed to await the CLG report and consider, at that time, the role the AERC might want to/could play in assisting the CLG.
22. Production of a report was delayed. A copy of the draft CLG *Report on Strengthening Committee Scrutiny* was considered by the AERC at its meeting on 9 March 2022, and CLG officials attended to provide oral evidence.
23. Given the limited time remaining in the mandate, the AERC could not progress this strategic priority any further.

Gender and Diversity Imbalances in the Assembly and the Executive

24. The AERC strategic priority 'Gender and Diversity Imbalances in the Assembly and the Executive' covered the following topics:
- Measures to address the under-representation of women and minority groups in the political institutions;
 - Following on from the previous AERC legacy report, review actions and research on introduction of legislation on gender quotas; and

- Given diversity imbalances across the Assembly as a whole, and the particular imbalances in some committees, consideration given to how the Committee might support and improve diversity amongst members.
25. To progress this strategic priority, the Committee conducted a stocktake of the work currently being undertaken throughout the Assembly to address gender and diversity imbalances. It also commissioned an issues paper that it forwarded to the Assembly Good Relations group to help inform its consultations when developing the Assembly's Good Relations Action Plan.
26. The AERC's stocktake illustrated the wide range of actions that are being undertaken by various sectors within the Assembly to address gender and diversity issues and, in particular, the breadth of work being undertaken by the Assembly Women's Caucus.
27. Following analysis of its stocktake, the AERC commissioned a research paper to identify:
1. initiatives in other jurisdictions to support women in parliament and profile their work;
 2. the work being carried out in other jurisdictions to create gender sensitive parliaments;
 3. how corporate bodies in other political institutions promote good relations between persons of different religious belief, political opinion or racial group; and
 4. the work being carried out by women's caucuses in other jurisdictions and details of any significant achievements.
28. In addition, the AERC sought an update from the political parties represented in the Assembly on progress made under relevant recommendations contained in the 2015 AERC [Report on Women in Politics and the Northern Ireland Assembly](#). Two responses were received.
29. To supplement its initial stocktake, the AERC sought details from other Assembly committees of issues identified in relation to gender and diversity in

the context of the Assembly and the Executive, and asked for an indication of whether any relevant areas of work might be included in their Legacy Reports for successor committees to progress.

30. The Committee agreed to publish all research/evidence gathered under this strategic priority. The research/evidence can be found here:

<http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/assembly-and-executive-review-committee/legacy-report-2017---2022-associated-documents-and-papers/>

Suggested Issues for the successor Committee

31. The Committee considered a number of issues which have yet to be formally concluded. These are discussed briefly below.

Opposition Entitlements

32. In light of the Assembly's approval of the Committee's report on the outcome of the Review of Opposition Entitlements, the incoming Committee may wish to consider the appropriate means to implement review recommendations 3, 11 and 18. In that regard, the incoming Committee may wish to avail of the abovementioned research and information which has been provided by RaISe.

Designations and the Appointment of First Minister and deputy First Minister

33. The scoping work undertaken in this area by the AERC has produced a limited amount of evidence in what is a particularly niche area of expertise. The incoming Committee may wish to revisit this strategic priority with a view to gathering further evidence and examining the removal of the designations requirement; and the method of appointing the First and deputy First Ministers as well as the titles, to reflect the joint and equal nature of the office and the principle of partnership.

Committee Effectiveness

34. The AERC made little progress under this strategic priority.
35. The next AERC may wish to revisit this area of work and build upon the work that the CLG has completed to date. In particular, the AERC may wish to progress Recommendation 7 of the CLG [Report on Strengthening Committee Scrutiny](#), which recommends that the AERC considers how committees could be given amending powers in relation to subordinate legislation. The AERC may also wish to consider if there are other recommendations contained in report that it would be best placed to take forward, and assume a monitoring role with regard to the implementation of the remaining recommendations.

Gender and Diversity Imbalances

36. The scoping work carried out by the AERC illustrates the wide range of work that is being undertaken throughout the Assembly to address gender and diversity imbalances. The next AERC may wish to consider undertaking further work in this area with a view to making recommendations that will address any imbalances identified, including measures to address the under-representation of women and minority groups in the political institutions, including committees.

List of Appendices

Appendix 1 – Changes in Membership

The Committee has 9 members. The membership of the Committee throughout the current mandate was as follows:

Democratic Unionist Party	Mr Peter Weir MLA, Chairperson ^{4 5} Mr Jonathan Buckley MLA Mr George Robinson MBE MLA ⁶
Sinn Féin	Mr Maolíosa McHugh MLA, Deputy Chairperson Mr Gerry Kelly MLA
Social Democratic and Labour Party	Mr Colin McGrath MLA
Ulster Unionist Party	Mr Robbie Butler MLA
Alliance Party	Ms Kellie Armstrong MLA
Traditional Unionist Voice	Mr Jim Allister QC MLA

⁴ From 14 June 2021, Ms Pam Cameron replaced Mr Mervyn Storey as Chairperson.

⁵ From 6 July 2021, Mr Peter Weir replaced Ms Pam Cameron as Chairperson.

⁶ From 27 September 2021, Mr George Robinson replaced Alex Easton as a member of the Committee.

Appendix 2 – Mandate facts and figures

Committee meetings & visits

Session	Number of meetings held	Percentage minutes public / closed	Number of meetings held outside Parliament Buildings	Number of committee visits
2019/2020	2	Public – 62.39% Closed – 37.61%	0	0
2020/2021	5	Public – 63.50% Closed – 21.29% Informal – 15.21%	0	0
2021/2022	6	Public – 82.93% Closed – 16.59%	0	0

Committee Inquiries / Reviews / Micro inquiries

Session	Name of report	Committee Report (ordered to print)	Date debated in Plenary (if applicable)
2021/2022	Report on the outcome of the independent Review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition at the Northern Ireland Assembly	20 October 2021	9 November 2021

Committee Motions Debated in Plenary (excluding Inquiries / Reviews / Membership changes)

Session	Motion	Date debated in Plenary
2021/2022	That this Assembly notes the Report of the Assembly and Executive Review Committee on the outcome of the independent Review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition (NIA 137/17-22); further notes that this addresses the applicable recommendation in paragraph 3.7 of Annex C of New Decade, New Approach; and calls on the Assembly to approve the Committee's recommendations contained in the Report.	9 November 2021

Committee Reports (excluding Bill and Inquiry reports)

Session	Name of report	Date (date approved by Committee)	Date debated in Plenary (if appropriate)
2021/2022	Assembly and Executive Review Committee Legacy Report 2017 - 2022		

Witnesses

Session	Number of Organisations who gave evidence to the committee
2020/2021	1
2021/2022	1

Appendix 3 – Expenditure for the period 1 September 2017 – 28 March 2022

Budget area	Details	Expenditure
Committee Travel - committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings	n/a	-
Advertising	Includes the cost of advertising relating to:	-
External Consultancy	Report of the Assembly and Executive Review Committee on the outcome of the independent Review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition – Consultancy Fee.	£14,487.50
General expenses	Cost of refreshments for committee meetings, committee events, working lunches, seminars, room hire, witness expenses, and conference fees for members etc.	£321.79
All budget areas	All details	£14,809.29

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