



Northern Ireland  
Assembly

Assembly & Executive Review Committee

# Report into the Assembly & Executive Reform (Assembly Opposition) Bill

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NIA 299/11-16

# Contents

<b>Membership and Powers .....</b>	<b>3</b>
<b>List of Abbreviations and Acronyms used in the Report .....</b>	<b>5</b>
<b>Executive Summary .....</b>	<b>6</b>
<b>Introduction .....</b>	<b>8</b>
<b>Consideration of the Bill.....</b>	<b>11</b>
<b>Clause-by-clause scrutiny of the Bill .....</b>	<b>16</b>
<b>Links to appendices.....</b>	<b>89</b>

# Powers and Membership

## Powers

1. 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

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

- Stephen Moutray MLA, Chairperson
- Pat Sheehan MLA, Deputy Chairperson
- Caitríona Ruane MLA <sup>1,4,5</sup>
- Gregory Campbell MLA
- Seán Rogers MLA <sup>2,3,6</sup>

- Alex Attwood MLA <sup>7</sup>
- Trevor Lunn MLA <sup>8</sup>
- Paula Bradley MLA <sup>9</sup>
- Alastair Ross MLA <sup>10,11</sup>
- Raymond McCartney MLA
- Danny Kennedy MLA <sup>12,13</sup>

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

AERC	Assembly & Executive Review Committee
CETI	Committee for Enterprise, Trade & Investment
CFP	Committee for Finance and Personnel
DCU	Dublin City University
DUP	Democratic Unionist Party
ETI	Enterprise, Trade and Investment
FAPP	Financial Assistance for Political Parties
IFRP	Independent Financial Review Panel
MLA	Member of the Legislative Assembly
MoU	Memorandum of Understanding
OFMDFM	Office of the First Minister and deputy First Minister
PAC	Public Accounts Committee
PfG	Programme for Government
SDLP	Social Democratic and Labour Party
SoS	Secretary of State
UUP	Ulster Unionist Party

## Executive Summary

3. The principal objective of the Assembly and Executive Reform (Assembly Opposition) Bill is to enable the formation of an Opposition in the Assembly and to confer certain rights on that Opposition once formed. The Bill also seeks to enhance collective decision-making in the Executive, and to increase scrutiny of the Executive by the Legislature.
4. During the Committee Stage of the Bill, Members considered written evidence from 25 organisations and undertook 6 oral evidence sessions and held an additional 5 formal meetings to deliberate on the Bill and agree the Committee report. Additionally, the Committee sought and received legal advice and considered two research papers on the Bill from Assembly Research and Information Services. The Committee also participated in a Politics Plus legislative scrutiny session on the Bill which was facilitated by Mr Daniel Greenberg.
5. In November 2015, 'A Fresh Start: The Stormont Agreement and Implementation Plan' was published which contains provisions relevant to the Assembly and Executive Reform (Assembly Opposition) Bill. In particular, it contained provisions relating to the use of petitions of concern and the establishment of an official Opposition in the Northern Ireland Assembly.
6. A key issue discussed during the Committee's consideration of the Bill was whether provisions for an official Opposition in the Assembly could, or should, be put in place by administrative, or other, means not requiring primary legislation. In some cases, the Bill instructs that changes be made to the Standing Orders of the Northern Ireland Assembly. In others, the Bill allows for an Assembly and Executive Review Motion to be submitted to the Secretary of State, asking for changes to be made to the Northern Ireland Act 1998.

7. Discussion also focused on the implications of the Bill and compatibility with the principles of the Good Friday Agreement and whether certain provisions of the Bill were within the legislative competence of the Assembly. As noted the Committee sought its own legal advice on this matter and was content that the provisions of the Bill as drafted fall within the legislative competence of the Assembly. In their submissions to the Committee, some stakeholders raised concerns that certain provisions within the Bill and the Schedule potentially depart from the d'Hondt and cross-community principles of the Good Friday Agreement and its further iterations in subsequent negotiations. The Committee took the opportunity to raise and explore these concerns with both stakeholders and the Bill Sponsor on a number of occasions during the Committee Stage of the Bill.
8. The Committee divided and agreed that it was content with Clause 1 which sets out the purpose of the Bill. The Committee divided on the remainder of the 23 clauses and the 15 paragraphs of the Schedule. The Committee agreed to one of the Sponsor's thirty five proposed amendments to the Bill which related to the Sponsor's intention to oppose Paragraph 12 (Leaving the Opposition and re-joining the Executive) at Consideration Stage. The Committee divided on all other proposed amendments.

## Introduction

10. The Assembly and Executive Reform (Assembly Opposition) Bill was formally introduced to the Northern Ireland Assembly on 22 September 2015. Following approval by the Assembly at Second Stage on 12 October 2015, the Bill was referred to the Assembly and Executive Review Committee for consideration in accordance with Standing Order 33(1).
11. At introduction, the Bill's Sponsor, Mr John McCallister MLA made the following statement:  
*"I beg to introduce the Assembly and Executive Reform (Assembly Opposition) Bill [NIA62/11-16], which is a Bill to provide for the formation of an Assembly Opposition; to provide for the passing of an Assembly and Executive Reform Motion; to reform the Assembly and the Executive; and to provide that all Northern Ireland Departments are a single legal entity."*
12. The Bill as introduced contains nine parts, 24 clauses and a Schedule. The Schedule sets out some, but not all, of the provisions that could be included in an Assembly and Executive Reform Motion (AERM), the mechanism by which the Assembly would ask the Secretary of State to make legislative changes outside its competence. This would include changes to the Northern Ireland Act including, for example, petitions of concern and community designation.
13. The Committee Stage of the Bill commenced on 13 October 2015. The Committee had before it the Assembly and Executive Reform (Assembly Opposition) Bill (NIA 62/11-16) and the Explanatory and Financial Memorandum which accompanied the Bill.



14. At its meeting of 13 October 2015, the Committee agreed to table a motion seeking an extension of the Committee Stage until 26 January 2016. The purpose of the extension was to afford stakeholders the opportunity to consider the Bill, formulate their responses and to set aside enough time for the scrutiny of the clauses and the Schedule of the Bill by the Committee. The motion was agreed in plenary on 9 November 2015.
15. At its meeting of 13 October 2015, the Committee also agreed to issue a call for evidence. The Committee wrote directly to (129) key stakeholders and inserted notices in the Belfast Telegraph, Irish News and News Letter seeking written evidence on the Bill by 10 November 2015. The Committee also issued a press release to highlight its call for evidence which was also published on the Committee's webpage.
16. The Committee received 25 responses from a range of stakeholders including the Secretary of State for Northern Ireland, the Speaker of the Northern Ireland Assembly, the political parties represented in the Northern Ireland Assembly, Clerk/Chief Executive of the Northern Ireland Assembly, Committees of the Northern Ireland Assembly and academics from the UK and Ireland.
17. In addition, the Committee received oral evidence from:
  - Mr John McCallister MLA (Bill Sponsor) (13 October 2015; 17 November 2015 and in attendance at meetings on the 1 and 8 December 2015 and 12 January 2016).
  - Professor Christopher McCrudden and Dr Alex Schwartz, Queen's University Belfast. (3 November 2015)
  - Dr Eoin O'Malley, Dublin City University (3 November 2015)
  - Professor Derek Birrell, University of Ulster (17 November 2015)
  - Professor John Coakley, Queens University Belfast and Professor Emeritus at University College Dublin (24 November 2015)

18. The Committee carried out its informal deliberations on the Bill on 1 and 8 December 2015. The relevant extracts from the Minutes of Proceedings for these meetings and oral evidence sessions noted above are included in the Appendices, page 89.
19. To assist the Committee with its scrutiny on the individual clauses and schedules of the Bill, the Committee participated in a Politics Plus legislative scrutiny training session on the Bill which was facilitated by Mr Daniel Greenberg. The Committee also received advice from Assembly Legal Services and the Examiner of Statutory Rules. Finally Assembly Research Services briefed the Committee on its Bill Paper and also provided the Committee with a copy of a research paper it prepared on the costs of the Assembly and Executive Reform (Assembly Opposition) Bill.
20. At its meeting of 19 January 2016, the Committee agreed that its Report on the Assembly and Executive Reform (Assembly Opposition) Bill - this Report - would be the eighth Report of the Committee for the 2011-16 mandate. The Committee also agreed that this Report should be published.

### **Acknowledgements**

21. The Committee wishes to express its sincere appreciation to all those who provided written and oral evidence. This evidence was very beneficial to the Committee's consideration of the Bill.

# Consideration of the Bill

## Background

22. The Assembly and Executive Review Committee initially considered the issues relating to Opposition during its 2013 Review of D’Hondt, Community Designation and Provisions for Opposition. As part of this Review, the Committee took evidence on whether the accountability and effectiveness of the Northern Ireland Assembly and Executive could be improved through the introduction of provisions to formally recognise Opposition, while retaining the principles of power-sharing and inclusivity. In particular, the Committee took evidence on whether:

- Opposition Parties/Non-Executive Parties should be allocated appropriate financial resources to assist in their Assembly duties;
- Arrangements for allocating Chairs and Deputy Chairs of Assembly Committees should be changed to take account of a formal Opposition; and
- Opposition Parties/Non-Executive Parties should be guaranteed additional time to raise and debate non-Executive business in the Assembly – including priority speaking rights in response to Ministerial Statements and in Question Time.

23. In respect of the provisions for Opposition, the Committee concluded the following:

Conclusions from the AERC 2013 Review of D’Hondt, Community Designation and Provisions for Opposition:

- There is no consensus at present to move to a formal Government and Opposition model, such as exists in Westminster. It also concluded that there is no consensus to move from the current opt-out model, whereby Parties can exercise their right to opt-out of taking up their Ministerial post or withdraw from the Executive,

based on existing Assembly provisions.

- That financial support for political parties should continue to be allocated on a broadly proportional basis and did not consider that additional resources should be allocated to non- Executive/ Opposition Parties.
- Parties that exercise their right not to take their Executive entitlement would have “informal” recognition of non- Executive/Opposition status on a proportional basis by:
  - Additional speaking rights;
  - Recognition of status by order of speaking; and
  - Allocation of time for additional non-Executive business - the use of the allocation to be determined by non-Executive Party/Opposition.
- The representatives of Sinn Féin stated that they were unable to support this conclusion.
- Parties that have failed to meet the Executive threshold for d’Hondt but have reached a suitable threshold should attract appropriate recognition in terms of speaking rights, status by order of speaking and allocation of time for non-Executive business in proportion to their Party strength.
- The Committee recognised that there may be some value in Technical Groups and recommended that this facility for smaller Parties of the Assembly be reviewed.
- The Committee concluded that the Parties of the incoming Executive should aim to agree a Heads of Agreement of a Programme for Government in advance of the formation of the Executive, with a full draft Programme for Government published in accordance with current procedures.

## Stormont House Agreement

24. The Stormont House Agreement, which was agreed by all five Executive parties in December 2014, contained a number of provisions relating to institutional reform and the formation of an official Opposition. These are detailed below:

Paragraphs 59 & 61:

“Arrangements will be put in place by the Assembly by March 2015 to enable those parties which would be entitled to ministerial positions in the Executive, but choose not to take them up, to be recognised as an official Opposition and to facilitate their work. These measures will include:

- Designated speaking rights including the opportunity to ask questions and table business sufficient to permit the parties to discharge their Opposition duties
- Provision for financial and research assistance (from within existing Assembly budgets keeping these changes cost neutral)
- The threshold for Petitions of Concern should remain at 30 members. Changes will be made to the operation of the Petition of Concern mechanism through a protocol agreed between the parties.

After the Assembly meets following an election and before the FM/DFM are elected and the d’Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government. Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days. The draft Programme would, once the Executive was formed be passed to the Assembly for approval.”

**A Fresh Start: The Stormont Agreement and Implementation Plan**

25. In November 2015, 'A Fresh Start: The Stormont Agreement and Implementation Plan' was published. The Fresh Start document contains provisions relating to Petitions of Concern and an Official Opposition which reflect on those provided for in the Stormont House Agreement but which also contains a 'Statement of Proposed Entitlements for an Official Opposition' and a 'Protocol on the Use of the Petition of Concern' which sets out the terms of a protocol governing the use of the Petition of Concern mechanism in the NI Assembly.

The **Statement of Proposed Entitlements for an Official Opposition** provides that:

- (i) Those parties which would be entitled to ministerial positions in the Executive but choose not to take them up, to be recognised as an official Opposition. Those parties which choose to go into Opposition should elect to do so at the time they decline the offer of a ministerial position in the Executive when d'Hondt is run.
- (ii) Provisions for an official Opposition to be put in place by administrative, or other, means not requiring primary legislation. Parties noted that giving the provisions a legislative footing would require Westminster legislation as the issue was an excepted matter.
- (iii) No formal titles are to be conferred upon individual members, including leaders of parties, within the official Opposition. It is acknowledged that titles may come to be conferred informally on such office holders through custom and practice.
- (iv) Provision should be made for cost neutral financial and research assistance for Opposition parties, either through the Financial Assistance to Political Parties Scheme (FAPP), or a ring-fencing of Assembly research facilities.
- (v) Official Opposition should have enhanced speaking rights during plenary business, and these should comprise the following:

(a) Question Time

The first supplementary question after the tabling Member for the first 3 listed Oral Questions to each Minister.

The first Topical Question to each Minister to be allocated outside the ballot.

The first supplementary after the tabling Member for a Question for Urgent Oral Answer.

(b) Executive Business - Budget and PfG debates

The first contributor following the Minister to Budget and PfG debates.

(c) Executive Business - Legislation

The first contributor following the relevant Statutory Committee Chairperson in Executive Bill debates; subordinate legislation motions; and legislative consent motions.

(d) Ministerial Statements

The first question to the Minister following an oral statement.

(e) Matters of the Day

The first contributor after the tabling Member to a Matter of the Day.

(f) Opposition Debates

The frequency of Opposition debates to be determined by the Speaker in consultation with the Business Committee.

- (vi) Should the official Opposition comprise more than one party the apportionment of speaking rights amongst parties will be determined by such parties themselves on the basis of party strength, in a manner similar to the allocation of Private Members' Business by the Business Committee.

## Committee Deliberations on the Bill

26. Following the conclusion of the oral evidence sessions, the Committee carried out its informal deliberations on the Bill at its meetings on 1 and 8 December 2015. The Committee reviewed the responses received from stakeholders in respect of each clause, in addition to considering the oral evidence received, the report from the Examiner of Statutory Rules, the relevant Research Papers and the legal advice from Assembly Legal Services.

### **Clause 1: Purpose**

27. Clause 1 sets out the purpose of the Bill which is to facilitate the formation of an Official Opposition in the Northern Ireland Assembly with certain rights and benefits; to promote constitutional change and to reform the Executive. In the responses received under the call for evidence, concern was raised that the open-ended reference to promote constitutional change could be destabilising and possibly beyond the competence of the Northern Ireland Assembly.
28. In its consideration of this clause at the meeting of 1 December 2015, the Committee noted these concerns in addition to the support expressed by some stakeholders for the formation of an Official Opposition in the Assembly. The Committee also considered the advice it received from Assembly Legal Services.
29. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 1.

### **Clause 2: Formation of the Opposition**

30. Clause 2 sets out the two ways in which the Assembly Opposition may be formed either by one or more qualifying parties or by one or more



technical groups. In its deliberations on this clause, the Committee noted the responses from stakeholders in respect of this clause primarily in relation to clause 2(b) which deals with the formation of the Opposition by one or more technical groups and the draft proposed amendments by the Sponsor.

31. Some stakeholders expressed concern about the proportionality of proposals in clause 2, particularly if the Opposition is always very small in numbers. Professors Gormley-Heenan and Professor Birrell suggested that given the kind of politics in Northern Ireland at present where the number of representatives not in government might be quite small, clause 2 risks “*conferring a series of special privileges [that] may make the operation and procedures of the Assembly somewhat unbalanced and lopsided.*” This view was shared by Professor McCrudden and Dr Schwartz who suggested that the “*Bill’s proposal for “technical groups” to be able to form and constitute themselves as a formal Opposition is ill-advised in giving disproportionate resources to independents and small parties that do not command significant electoral support across Northern Ireland.*”
  
32. Professor Coakley, in his written and oral evidence to the Committee, recognised the role of technical groups in parliaments elsewhere and considered that: “*there is a good case for making similar provision in the Assembly with a view to enhancing the role of non-aligned members.*” However, Professor Coakley queried whether these arrangements should extend as far as having a formally recognised Opposition. He was concerned that “*the result risks being some kind of Frankenstein’s monster with key principles in the majoritarian model grafted onto a body that is essentially consensus based or consociational in conception.*” The leader of NI21, Mr Basil McCrea MLA, also expressed concern about clause 2 and was “*not convinced of the need for technical*

*groupings and believes any Member in a Party or an Independent Members outside the Executive should form an Opposition.”*

33. The Committee explored with the Bill Sponsor how technical groups would be regulated in practice and what impact the proposed reduction in Assembly Members would have on the 5% threshold for the formation of technical groups. In his briefing to the Committee, the Sponsor advised that his proposed amendments to clause 2 “*would make sure that a technical group could not be formed as a flag of convenience for 24 hours at the start of the mandate and still accrue the rights of the Opposition.*” The proposed amendments also tighten the criteria for the qualifying party provided in clause 2(2)(a) as the Sponsor committed to do during the Second Stage debate.
34. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 2.

### **Clause 3: Timing of formation of the Opposition**

35. Clause 3 provides for the timing of the formation of the Opposition. The Committee noted the Sponsor’s response to the concerns raised by stakeholders with regards to the timeframe for the formation of the Opposition. In correspondence to the Committee dated 9 November 2015, the Sponsor clarified that clause 3 “*ensures that an Opposition can only be formed when the Executive is being formed, removing a fear that people will, potentially use the rights to an Opposition to either leave the Government prior to an election for electoral advantage or form an Opposition, and access additional rights, prior to an election.*” Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 3.

#### Clause 4: Membership of the Opposition

36. Clause 4 provides that once the Opposition is formed, all parties who are not in government are automatically part of an Opposition. Some stakeholders expressed concerns about clause 4(2) which provides that all parties and independent MLAs will automatically become part of any Opposition that is formed. Professor Coakley considers that “*the present proposal comes close to being a violation rather than a modification of the existing consociational arrangements.*” Professor Coakley noted the distinction between parties and independent MLAs who are automatically excluded from the Executive as they fail to meet the threshold and those parties who may be entitled to executive representation but turn it down to signal their Opposition to the Executive. Professor Coakley considers that “*especially in consensus based systems, non-participation in the government should not be equated with Opposition to the government.*”
37. Professor Cochrane and Dr Loizides suggested that “*it may be preferable to connect membership of the Opposition to membership of those qualifying political parties and technical groups who opt for it.*” Professors Birrell and Gormley-Heenan echoed the concerns with the automaticity of membership of the Opposition provided for in clause 4. They suggested alternatives such as ‘parties not in government’ as used in Scotland and Wales which avoids the need for the formation of an official Opposition but still accords Members/political parties special rights and as such may be more appropriate than the term “Opposition” . They also queried what would happen in the event that some members may wish to decline membership of the Opposition and what would be the process for doing so.
38. In response to the concerns raised by the Committee and stakeholders both in written and oral evidence to the Committee, the Sponsor advised the Committee at the meeting of 1 December 2015, that he had listened

to these concerns and proposed amendments to clause 4 to address them. In particular the proposed amendment provides for members to “*opt out of the Opposition within such period of time as standing orders may provide.*”

39. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to Clause 4.

#### **Clause 5: Dissolution of the Opposition**

40. Clause 5 provides that the Opposition is dissolved if all Executive Ministers cease to hold office. Members noted that apart from one request for clarification, no issues were raised by stakeholders in respect of clause 5. In its deliberations on this clause, the Committee considered the Sponsor’s proposed amendment to clause 5 which is to add additional potential scenarios that would lead to the dissolution of the Opposition. At the meeting of 1 December 2015, Members sought clarification from the Sponsor that if the Executive were to fall, the Opposition would fall by consequence, and would not form or attempt to form an alternative Administration.
41. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 5.

#### **Clause 6: Leader and Deputy Leader of the Opposition**

42. Clause 6 provides for the appointment of the Leader and Deputy Leader of the Opposition. Some stakeholders expressed concern about the process by which the Leader and Deputy Leader of the Opposition will be chosen. In his submission to the Committee, the leader of NI21, Mr Basil McCrea MLA considered that there should be a free vote to select the Leader and Deputy Leader of the Opposition. Professors Gormley-

Heenan and Birrell raised the potential scenario of the Opposition being formed by one or more technical groups as opposed to qualifying parties and questioned what would happen if members of that technical group fail to reach a consensus on who to nominate as Leader and Deputy Leader. Professor Birrell noted that the Scottish Parliament and Welsh Assembly do not have such positions but use the more flexible designation of Leader of each party not in the Executive.

43. Professor Cochrane and Dr Loizides suggested that the process for nominating the Leader and Deputy Leader as set out in clause 6(3) *“potentially departs from the d’Hondt and cross-community principles of the Good Friday Agreement and its further iterations in subsequent negotiations.”* They proposed alternative wording for clause 6(3) to reflect the cross-community power-sharing principles of the consociational settlement in 1998 and the coherence of the existing political structures.
44. The Committee explored these proposed amendments with the Bill Sponsor during its deliberations on clause 6 at its meeting of 1 December 2015. The Sponsor stated his intention was always to maintain d’Hondt and that he had listened to the Committee and some of the academics on changing the terminology around the Leader and Deputy Leader of the Opposition and has suggested in his proposed amendments that other titles could be used. He considered that the proposed amendments to clause 6 are much more in line with the agreements reached in ‘A Fresh Start’.
45. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 6.

## **Clause 7: Topical Questions from Leader and Deputy Leader to the Opposition**

46. Clause 7 provides that the Leader and Deputy Leader of the Opposition should have the first opportunity for questions during topical questions to the First Minister and deputy First Minister. Some stakeholders were concerned that the proposals in clause 7 had the potential to over incentivise Opposition.
47. In their written submission, Professor Cochrane and Dr Loizides consider that more nuanced wording was required as “*we believe that in a case where the Opposition is comprised of only one qualifying party or technical group, the current draft of clause 7 risks doing this- thus effectively allowing one political party to double dip in respect to topical questions.*” Other stakeholders, including Professor Birrell considered that this clause “*may be somewhat restrictive on power of backbenchers*”.
48. In his response to the Committee’s call for evidence, the Speaker noted the intention of the clause and the implication that this would reduce the time available for backbenchers. The Speaker cautioned that “*care will be required to ensure that there is the right balance to offer protection for backbenchers of Government parties to be able to raise issues of their constituents.*” The Speaker suggested that this provision should also be examined in the context of the Committee on Procedures review of topical questions. He suggested that in light of this review and the expected changes in OFMDFM “*it would be better that any provisions in the Bill retain flexibility to deal with any subsequent changes in the arrangements and procedures of the House.*”
49. The question was also raised as to whether it was the intention of the Bill to create a statutory duty rather than a right to ask questions and what would happen in the event that neither the Leader nor Deputy Leader wanted or were available to ask the first topical questions to the First Minister and deputy First Minister.

50. In its deliberations to the Committee on this clause, Members considered correspondence from the Bill's Sponsor dated 9 November 2015 in which he stated that he "*does not think there is anything within the Bill that disallows Standing Orders to be drafted in such a way as to allow for such flexibilities, without distorting the intention of the clause.*" The Committee also considered the Sponsor's proposed amendment to the clause which would remove 'Leader and Deputy Leader of the Opposition' and replace it with 'leadership of the Opposition'. In his evidence to the Committee on 1 December 2015, the Bill Sponsor clarified that leadership of the Opposition "*can mean leadership of non-Executive parties*". The Sponsor noted that this is very much in keeping with 'A Fresh Start'.
51. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 7.

### **Clause 8: Enhanced Speaking Rights for the Opposition**

52. Clause 8 provides for enhanced speaking rights for the Opposition. Whilst some stakeholders were in favour of providing additional speaking rights for the Opposition or those MLAs not in government, clarity was sought on what was meant by 'enhanced speaking rights'. There was also concern raised about the speaking rights of backbenchers and the possible impact of the proposal for 15 days a year for Opposition business on the Assembly sitting times.
53. In his submission to the Committee, the Speaker advised that there are a number of procedural issues which would have to be clarified and stressed that the importance that the introduction of Opposition Days should not mean longer sittings to the Assembly. The Speaker advised that "*identifying those minimum fifteen days will only be able to be done if either the Executive better organises its business further ahead of time*

*or if the role and authority of the Business Committee is refined in this context.”* He noted that he has already communicated his concerns regarding the need for more effective coordination between departments when scheduling Assembly business to the First and deputy First Minister and has received a positive response to date. He suggested that *“the outline of an indicative legislative programme and estimated timeframe at the start of each session would be helpful to the whole Assembly. This could be introduced in a number of ways, including through additions to Standing Orders, but the key issue is introducing what would be accepted as a key element of the parliamentary culture in institutions elsewhere.”*

54. In its deliberations on the 1 December 2015, the Committee considered the concerns expressed by stakeholders, particularly those raised by the Speaker, the Business Committee and the Clerk to the Assembly on the practical implications of the proposal for enhanced speaking rights for the Official Opposition. The Committee also considered the Sponsor’s proposed amendments to clause 8 subsection (2). Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 8.
  
55. At its meeting on 12 January 2016, the Committee considered, as part of its formal clause-by-clause scrutiny of the Bill, the Sponsor’s revised amendments to Clause 8, notably the inclusion of a new clause 7A (Speaking Rights in the Assembly) and the inclusion of new subsection 8 (2A) which provides greater clarity on what is meant by enhanced speaking rights.

#### **Clause 9: Opposition Rights to Chair the Public Accounts Committee**

56. Clause 9 provides that the Opposition should nominate the Chair and Deputy Chair of the Public Accounts Committee (PAC). In its deliberations on this clause, the Committee noted stakeholder



comments in respect of this clause which did not oppose the proposal in clause 9. In their submission, Professors Gormley-Heenan and Birrell noted that “*The chair and deputy chair of PAC, by UK convention, are by members of the Opposition or by parties not in government. [...] A review of Commonwealth Public Accounts Committees in 2011 showed that of the 24 countries reviewed for the research, only 3 had committees chaired by a Member of the Opposition (Pelizzo, 2011)*”. The Committee also noted the findings from the Bill Paper (NIAR 592-15) prepared by Assembly Research Services which found that a member of the Opposition chairs the PAC in the Scottish Parliament, the Welsh Assembly and Dáil Éireann.

57. The Committee also noted the Sponsor’s proposed amendment to replace the titles of “Leader/Deputy Leader of the Opposition”. The proposed amendment provided a number of other options such as “Leader and Deputy Leader of the Non-Executive Party” or ‘Leader of the Largest Non-Executive Party/Leader of the Second-Largest Non-Executive Party’ or Leader/Deputy Leader of the Non-Executive Group’.
58. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 9.

#### **Clause 10: Membership of the Business Committee for the Opposition**

59. Clause 10 provides that members of the Opposition are entitled to be represented on the Business Committee. The stakeholders who commented on this clause were generally in favour of this proposal with Professor Birrell noting that “*in Scotland and Wales it is written into the system that Opposition parties are involved in the Business Committee*”. The Business Committee added a caveat to its response by stating that clarification was required on clause 8 before an assessment of the clause 10 could be made.

60. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 10.

**Clause 11: Financial Assistance for Opposition Parties & Clause 12: Salary for Office holders of the Opposition.**

61. Clause 11 provides for additional payments to be made to political parties in the Opposition. Clause 12 adds office holders of the Opposition to the list of persons who may be entitled to additional salary and allowances. The proposal for additional payments to be made to political parties was welcomed by some stakeholders, whilst the Speaker and Clerk/Chief Executive of the Assembly expressed concern about the possible impact on the resources provided to the Assembly at a time of cuts and additional pressures to the existing time. The Committee considered these submissions and the findings from a recent Assembly Research paper on the costs of the implementation of an Official Opposition in the Assembly (Assembly and Executive Reform (Assembly Opposition) Bill: Assessing the Costs (NIAR123/15)).
62. During its deliberations on this clause on 1 December 2015, the Committee sought clarification from the Bill Sponsor on how clause 11 could be made cost neutral. In his response, the Sponsor noted the cost savings which would be realised as a result of the reduction in the number of Departments and the subsequent reduction in the number of Committees. The Sponsor considered that these cost savings would cover the cost of the proposed Budget Committee (clause 19), a salary to the leaders of the first and second largest non-Executive parties and probably still have some money left over for reallocation to other parties. The Sponsor considers that it would be possible to implement the Bill on a cost-neutral basis in line with 'A Fresh Start'. However, the Sponsor also considers that it is important that it is the Independent Financial

Review Panel (IFRP) which determines the proposed additional payments and salaries *“so that politicians and Members do not put their hands up for more money for themselves or their parties”*.

63. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clauses 11 and 12.

### **Clause 13: Assembly and Executive Reform Motion**

64. Clause 13 allows the Assembly to pass an Assembly and Executive Reform Motion calling for Westminster legislation to reform the Assembly and Executive. During its deliberations the Committee noted in particular the contributions from the Green Party NI, the Speaker to the NI Assembly and the Secretary of State. In his response to the Committee, the leader of the Green Party NI echoed his views expressed during Second Stage debate that *“it would be great to consider the organisation of a referendum in order to involve the people of Northern Ireland in the reform process of the Northern Irish institutions.”* The Secretary of State, in her response, confirmed that she would give *“careful consideration to legislating on matters outside the Assembly’s legislative competence if I was confident that such changes commanded a broad, cross-community consensus within the Assembly. I must be clear that such support would not in itself guarantee UK Government legislation. I would need to be satisfied that the content of such a Motion was consistent with the principles of inclusivity and power-sharing that are central to the Belfast Agreement.”*
65. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to Clause 13.

### **Clause 14: Tabling of Assembly and Executive Reform Motion and Clause 15: Reports by the AERC**

66. Clause 14 provides that the AERC are responsible for ensuring that the motion provided for in clause 13 is tabled within five days of this clause coming into operation. Clause 15 requires the AERC to report to the Executive every three months on the progress being made by the Secretary of State in bringing forward legislation. There were no issues raised by stakeholders on clauses 14 and 15.
67. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clauses 14 and 15.

### **Clause 16: Formation of Technical Groups within the Opposition**

68. Clause 16 allows for the formation of technical groups by smaller parties and independents. There was a mixed response from the two political parties who responded. While the Green Party NI was content with the proposal, the leader of NI21 considered that further discussion was required on the merit of having qualifying parties and technical groupings. The Speaker, in his submission, spoke about the need to have mechanisms in place to deal with any disagreements that may arise in the technical groups. The Committee considered these submissions and the Sponsor's proposed amendments to clause 16 at its meeting of 1 December 2015.
69. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 16.

### **Clause 17: Membership of Business Committee for Technical Groups**

70. Clause 17 provides that there is still a role for technical groups in the Business Committee. As with clause 10, the Business Committee

caveated its response by stating that clarification was required on clause 8 before an assessment of clause 17 could be made. During its deliberations on this clause, Members discussed with the Sponsor how potential disagreements with technical groups would be managed.

71. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 17.

### **Clause 18: First Topical Question to Minister from Chairperson of Statutory Committee**

72. Clause 18 provides that during topical questions to Ministers, the first question is to come from the Chairperson of the Committee established to advise and assist that Minister. At the meeting of 13 October 2015, this proposal was welcomed by a representative of the DUP as *“the only real Opposition at the moment for a Minister.”* Stakeholders who responded to this clause were generally in favour of this proposal. In his written submission to the Committee, Mr Basil McCrea from NI21 suggested that the format of topical questions should be revised as a whole. He suggested that *“there may be merit in having a discussion about removing the ballot system for topical questions and instead just allocating some of the slot to Members who are present in the Chamber.”* The Committee also considered the Sponsor’s proposed amendment to remove reference to the ‘Leader and Deputy Leader of the Opposition’ and replace with ‘leadership of the Opposition’.
73. During deliberations on this clause, Members discussed with the Bill’s Sponsor the possibility that the Chair of the Committee may come from the same political party as the Minister of that Department. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 18.

## Clause 19: Establishment of Budget Committee

74. Clause 19 provides for the establishment of a Budget Committee. The establishment of a Budget Committee was discussed with the Bill's Sponsor at the meeting of 13 October 2015. During this briefing the Sponsor explained that the broad policy intent of this clause *“is to separate the Budget process from the Committee for Finance and Personnel. Keep the Committee for Finance and Personnel doing rating policy, voluntary exit schemes, civil law reform... but to move to a much more Scottish-style model of having a dedicated Budget Committee to drive forward...improving the Budget process, making it more transparent and looking at the explanatory and financial memorandums of Bills.”* At the same meeting, the Alliance Party representative suggested that the Sponsor may wish to consider a standing ad-hoc committee as an alternative to the Budget Committee: *“Such a Committee would form the basis of your Budget Committee that would be separate from the Finance Committee and would have other roles, but it could take over that role at Budget time.”* This suggestion was welcomed by the Bill Sponsor.
75. In its deliberations on this clause at the meeting of 1 December 2015, Members noted the response from the Committee for Finance and Personnel (CFP). The Committee for Finance and Personnel, and its predecessor in the previous mandate, undertook work which is of relevance to the provision for the establishment of a Budget Committee in the Assembly as part of its Inquiry into the Role of the Northern Ireland Assembly in Scrutinising the Executive's Budget and Expenditure.
76. In particular, Members noted the following extract from the 3<sup>rd</sup> Report on the CFP Inquiry which was published on 21 March 2011 in which the Committee for Finance and Personnel concluded that: *“The Committee believes that the idea of reforming the Assembly financial scrutiny system to establish a more powerful central budget committee should be*

*reconsidered in the future, if the proposed reforms to processes and procedures that are set out in this Report fail to have the desired outcome.*” Part of these proposed reforms to processes and procedures include a proposed Memorandum of Understanding (MoU) between the Assembly and the Executive. A draft MoU was prepared jointly by Committee staff and DFP officials and considered by the CFP in January 2014. The CFP awaits a further response on the draft MoU from the Department.

77. Members also considered the amendments to clause 19 proposed by the Bill Sponsor and agreed that no further information was required and that it would not be seeking a Committee amendment to clause 19.

**Clause 20: Renaming of the Office of the First Minister and deputy First Minister and Paragraph 8 of the Schedule: First Minister and deputy First Minister renamed as First Ministers**

78. Clause 20 provides for the renaming of the Office of the First Minister and Deputy First Minister to the Office of the First Ministers. This proposal was discussed by the Committee during a number of evidence sessions in conjunction with paragraph 8 of the Schedule which provides for the First Minister and deputy First Minister to be renamed as the First Ministers.
79. In their oral evidence to the Committee on 3 November 2015, Professor McCrudden and Dr Schwartz welcomed this idea as *“a proactive way of addressing a potential problem down the road in terms of how the balance of power may change and evolve here.”* In his submission to the Committee, the leader of the Green Party NI, Mr Steven Agnew MLA considered the proposed renaming to be *“helpful since it better reflects reality”*. Mr Basil McCrea MLA, leader of NI21, also agreed with the proposal and *“believes it to be of particular importance in creating a more progressive Assembly.”*

80. In their submission, Professor Cochrane and Dr Loizides supported the proposed renaming but suggested that the Committee could consider other alternatives or the “*potential for rotating the First and Deputy First Minister positions across the unionist and nationalist parties within a parliamentary term.*” At the meeting of 13 October 2015, a representative from the DUP was not in favour of the proposed renaming and noted that “*there is a difference between the First Minister and the deputy First Minister, not least in who chairs Executive meetings and in protocols and such things.*”
81. Following its deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 20 or paragraph 8 of the Schedule.

#### **Clause 21: Departments to be Single Legal Entity**

82. Clause 21 provides that each Northern Ireland Department is to be a single legal entity. Whilst this clause was welcomed and considered unproblematic by some stakeholders, others such as Professor McCrudden and Dr Schwartz cautioned against the proposal to unify Northern Ireland’s government departments as a single legal entity. In their oral evidence to the Committee on 3 November 2015, they suggested that “*Collective ministerial responsibility and the inability of legal Departments to take legal action against one another would be awkward fits and perhaps dysfunctional, in the context of the power sharing system that we have.*” In his evidence to the Committee, Professor Birrell considered that this clause “*may be more suitable as part of a separate Bill related to Public Sector Reform.*”
83. During its deliberations on this clause, the Committee also noted the findings of the Examiner of Statutory Rules who expressed concern about the appropriateness of the order making power in clause 21(2)



given the high degree of uncertainty surrounding clause 21(1) and its effect. Following deliberations, the Committee agreed that no further information was required and that it would not be seeking a Committee amendment to clause 21.

## Schedule of the Bill

### Scope of Assembly and Executive Reform Motion

84. At its meeting of 8 December 2015, the Committee moved on to consider the content of the Schedule of the Bill. The Committee noted that paragraphs 1 and 2 of the Schedule provide for the scope of the Assembly and Executive Reform Motion. A representative from Sinn Féin reiterated the party's position that "*we believe the Fresh Start Agreement is the way to go. We do not see the need for [the] Bill- we can do most of it in Standing Orders.*"

### Replacement of cross-community support with weighted majority voting

85. On the suggested replacement of cross-community support with weighted majority voting (Paragraphs 3-6 of the Schedule), the consensus from stakeholders was that this was a complex issue and not one that could be easily resolved in the Bill. In their oral evidence to the Committee on 3 November 2015, Dr Schwartz noted: "*Replacing the cross-community vote with a weighted majority makes us very uneasy because, for reasons which we explain, it would be effectively be removing this mechanism of both communities having a mutual veto, which is one of the essential elements of the power-sharing system. It would be replacing that with something else which is a less reliable mechanism for ensuring that certain kinds of decisions enjoy cross-community support.*"
86. The NI Human Rights Commission in its submission advised the Committee that "*the Bill affords an opportunity to scrutinise the*

*proportionality of the current cross community vote mechanism. Establishing a reasonable and objective justification requires continuous review. The Commission also advises the Committee that it should consider whether or not the proposed weighted majority voting mechanism is a more proportionate way of achieving the same aim which is ultimately directed at safeguarding community interests.”*

87. In their written submission to the Committee, Professor Cochrane and Dr Loizides cautioned against replacing the current cross community support with weighted majority voting. They noted that: “*while cross community designation may not be the most bespoke mechanism ever devised - it is particularly appropriate for the current political context in Northern Ireland.*” They also suggested that: “*the political parties (and this Bill) consider agreeing to changing the catch-all third designation from ‘other’ to something more positive. Possibilities here might include ‘non-aligned’ ‘non-partisan’ or perhaps ‘dissenter’, all of which could provide a clearer and more dynamic alternative to the ‘other’ designation. This relatively modest change would not overly complicate existing arrangements and may over time produce the sort of partisan dealignment that the Bill is seeking to achieve.*”

### **Speaker**

88. In respect of the seven provisions aimed at making the role of the Speaker (Paragraph 7 of the Schedule) more independent and above party politics, this was discussed by the Committee during a number of evidence sessions at Committee Stage. In particular, the Committee discussed with the Bill’s Sponsor the proposal to elect the Speaker by secret ballot and to lift him or her out of the constituency in which they were elected to serve. At the meeting of 13 October 2015, the Sponsor outlined that: “*the policy intent behind that is to make the Speaker a true servant of the House and Back Benchers, completely above party and constituency politics.*”

89. At the same meeting, a representative from the DUP commented he did not think: *“legislation is needed unless it is proven to be needed. It strikes me that, if the convention is for the Speaker to withdraw from the Assembly after his or her term, then legislation is perhaps not needed.”* In his detailed submission to the Committee, the current Speaker acknowledged the importance of independence and impartiality but considered that *“the conventions existing in the Assembly clearly underline the principle that the Speaker is not an active party representative and should undertake the role of Speaker independently and impartially.”* He suggested that *“the Committee and Members may wish to decide whether further provisions are necessary in legislation.”*
90. In respect of the proposals that a Speaker can no longer represent a constituency or seek re-election following his or her appointment, the Speaker considered that this poses the risk of *“a Speaker being out of touch with the wider role of a Member if he/she is in post over a number of mandates without having constituency responsibilities.”* The representative from the UUP also expressed concern about the proposal in the Bill to prohibit the Speaker from returning to the Assembly and raised concern about the proposal in the Bill to co-opt the Speaker’s seat: *“There is a sense that a political party could use one of its warhorses to fight and, effectively, guarantee a seat and then transfer that seat on. There is nothing ignoble about that, but in some way, it is an abuse of electoral mandate.”*
91. In his submission, the Clerk/Chief Executive of the Assembly observed that the position tends to go to a more experienced Member of the House owing to their level of procedures and the dynamics in the House. He cautioned that *“if the position of Speaker was seen as a platform to achieving office as a Minister for example, there would be a danger of misperceptions of being motivated by seeking future progression in their*

*party and that would only serve to undermine the independence and impartiality of the Office.”*

92. On the issue of the election of the Speaker by secret ballot, at the meeting of 13 October 2015, a representative from the DUP noted that *“if you have a secret ballot and nationalists and unionists vote against each other, you will be left in a position a bit like the one with the Justice Minister. It will always be someone from the Alliance Party.”* Sinn Féin also expressed concern about this proposal and questioned why they would lend their support to a new system which had the potential to exclude them.
93. In their evidence to the Committee on 3 November 2015, Professor McCrudden and Dr Schwartz expressed their support for the idea of depoliticising the Speaker, in the sense of severing ties to political parties and making the Speaker beyond the control of any party. They did however have legislative competence concerns about the proposal to elect the Speaker by secret ballot and suggested this would be a *“bad move”*, preferring instead to remain with the existing system: *“It is good that the Speaker should command some kind of cross -community legitimacy in the way he handles business in the Assembly.”*
94. At the same meeting, Dr O’Malley commented that: *“Opposition will normally be more effective if the Speaker is independent of government. Election by secret ballot might be a way to ensure that in most places. But it is possible that parties could game this election.”*
95. Finally, in his submission to the Committee, the Speaker also highlighted that the Bill, as drafted, fails to consider the role or election of the Deputy Speakers and suggested that the Committee may wish to include them in their discussions. The Speaker considered that *“If the Committee was to favour the election of the Speaker by secret ballot then the logic would be that the Deputy Speakers should equally be selected this way to elect*

*the Members who most had the confidence of the House rather than those who were nominated by their party leaders.*” The Speaker also suggested that if the secret ballot was proposed then consideration should again be given to measures to ensure that at least one representative in the Speaker’s team was female, similar to a requirement in Westminster.

### **Collective Ministerial Responsibility**

96. At its meeting of 8 December 2015, the Committee noted that the Sponsor’s proposed amendments to paragraph 7 which reflect the suggestions made by the Speaker in his submission to the Committee in relation to the election of a Deputy Speaker and the proposal to ensure that at least one representative of the Speaker’s team was female. The Committee agreed that no further information was required and that it would not be seeking a Committee amendment to Paragraph 7 of the Schedule relating to the position of the Speaker.
97. Paragraph 9 of the Schedule provides that the Assembly and Executive Reform motion may request that the Ministerial Code referred to in section 28A of the Northern Ireland Act 1998 includes provision that Ministers uphold the principle of collective responsibility. Stakeholders raised concerns about the regulation of this and the potential for a code of conduct to be produced. In his oral evidence to the Committee, Professor McCrudden expressed his Opposition to the imposition of collective ministerial responsibility: *“We suggest that adopting a Westminster-style principle of “collective responsibility” is confusing and potentially destabilising in the Northern Ireland context, a radical modification of the Agreements of 1998 and 2006, and should be rejected.”*
98. However, Dr O’Malley in his written and oral evidence to the Committee on 3 November 2015 noted that because of the D’Hondt system *“in*

*Northern Ireland power tends to be shared out rather than shared.*

*Ministers become dictators in their fiefdom. The current arrangement therefore gives a great deal of power to individuals who are not sharing power across communities. As far as I can see that is one of the areas that might need to be addressed in the any reform of the current system.”*

*This view was contested by representatives from Sinn Féin who argued that it did not take account of the “checks and balances that are in place in our committees, the cross-community votes on legislation and the potential to block any legislation and the mechanisms in the Executive.”*

99. In his written submission to the Call for Evidence, Mr Steven Agnew MLA, GPNI, welcomed the obligation for collective ministerial responsibility. He added that *“the absence of mechanism to complain about a Minister must be underlined as it is a big issue. A mechanism for investigating breaches of Ministerial Code is needed to increase the accountability of Ministers. The transparency of the political process in general will be improved if an investigation mechanism regarding ministerial accountability will be provided by the bill.”*
100. Following its deliberations on the issue of collective ministerial responsibility, the Committee agreed that no further information was required and that it would not pursue an amendment.

### **Threshold for Nomination of Minister and Nomination of Ministers and chairpersons of statutory committees**

101. Paragraph 10 of the Schedule provides that the Assembly and Executive Reform Motion may request that a threshold be set for the nomination of a Minister. Paragraph 11 of the Schedule provides that the nomination of Chairpersons and Deputy Chairpersons forms part of the same process as the nomination of ministerial offices. Although the idea of a threshold was welcomed by some stakeholders, Professor McCrudden

and Dr Schwartz expressed concern that this proposal would  
*“needlessly tamper with the working of the d’Hondt formula, creating an arbitrary barrier for participation in power-sharing with potentially undesirable effects, and should be rejected.”*

102. In oral evidence to the Committee on 13 October 2015, the Bill’s Sponsor explained that: *“Having a threshold of 16.6% would mean that a Minister would currently need the support of 18 Members to be nominated. If we were to drop to a 90-Member Assembly, it would be 15 Members. The purpose of that is to remove the automatic right to be in government. The advantage from doing that is that you would still get a d’Hondt calculation. You could not get to pick a Ministry but would get to pick a Committee Chair. Therefore, the Opposition parties would not have all the Committee Chairs, but they would have a higher percentage.”*

103. Professor Coakley in his oral evidence to the Committee on 24 November 2015, reminded Members that the support base of the main parties may vary greatly in the coming years particularly in light of the reduction of the number of members with fewer Executive positions to be distributed following the reduction in the number of Departments. The Committee explored with Professor Coakley the implications of the proposed threshold in paragraph 10 of the Schedule. Professor Coakley considered that the proposed threshold of 16.6% presented *“a very big challenge to all except the largest two parties, as matters stand at the moment.”* He also cautioned that: *“we do not know what may happen in the future from an electoral perspective- one block may fragment. All the parties may fall below the new threshold proposed for Executive representation, which, at 16.6% is very high.”* The Committee was content that no further information on Paragraphs 10 and 11 of the Schedule was required and that it would not pursue an amendment.

## Leaving the Opposition and re-joining the Executive

104. Paragraph 12 of the Schedule provides that the Assembly and Executive Reform Motion may request that provision is made for a member leaving the Opposition and joining the Executive. At its meeting of 8 December 2015, the Committee noted a response from the Sponsor dated 16 November 2015, in which the Sponsor clarified that the policy intent behind Paragraph 12 of the Schedule was to ensure stability by preventing opting back into the Executive within an Assembly term. At the same time, the Bill's Sponsor did not want to rule out the circumstances in which the Executive may wish to bring a party into Government through negotiation, in which case the whole d'Hondt process should not be run again. In his response to the Committee, the Sponsor acknowledged that "*the wording of the Paragraph 12 of the Schedule does not amply clarify [the policy intent] and may lead to some confusion with regards the Bill's intention. I am satisfied that there is nothing in the Bill which currently precludes the scenario I have outlined so I am content to seek the removal of Paragraph 12 from the Schedule at Consideration Stage.*" The Committee was content that no further information on Paragraph 12 of the Schedule was required and that it would not pursue an amendment.

### **Programme for Government**

105. Paragraph 13 of the Schedule provides that the Executive set out a Programme for Government at the outset. In a letter to the Committee dated 16 November 2015, the Sponsor explained that "*by focusing the running of d'Hondt on the creation of a Programme for Government, the Executive parties will be able to focus their consensus on a robust document, which, if negotiated appropriately, should help create cohesion amongst Executive parties over the mandate.*" In response to concerns raised about what consequences, if any, would follow from a failure to agree a programme for government and budget outlines the Sponsor noted that the period in the Bill is twice as long as the



provisions in the Stormont House Agreement and suggested that the potential consequence of an election may be the catalyst required. The Committee was content that no further information on Paragraph 13 of the Schedule was required and that it would not pursue an amendment.

### Function of Statutory Committees

106. Paragraph 14 of the Schedule provides that the Assembly and Executive Review Motion may request that the function of statutory committees is focused on scrutinising rather than assisting and advising Ministers. The Enterprise Trade and Investment (ETI) Committee proposed that the wording of Paragraph 14 be revised to: “*The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formation of policy*”. The ETI Committee considered that this wording will retain the broader remit of statutory committees and will formalise committee role in scrutinising Ministers. At the meeting of 8 December 2015, the Bill’s Sponsor confirmed that he agreed with the ETI Committee’s recommendation to include scrutinise as one of the function of statutory committees and he would be happy to make this amendment. Following its deliberations, the Committee was content that no further information on Paragraph 14 of the Schedule was required and that it would not pursue an amendment.

### Simple majority for budget approval

107. Paragraph 15 of the Schedule provides that the Assembly and Executive Reform Motion may request that any budget under section 64 of the NI Act 1998 be approved by simple majority. In this evidence to the Committee, Professor Birrell considered that “*strong justification*” was required whereas Professor McCrudden and Dr Schwartz in their written evidence to the Committee suggested that “*cross community support for budgetary decisions remains an essential element of power-sharing in Northern Ireland at the present time and that the proposal that only*

*simple majority support for budget approval is necessary should be rejected.*” Following its deliberations, the Committee was content that no further information on Paragraph 15 of the Schedule was required and that it would not pursue an amendment.

## Other Issues

### Is legislation required for the formation of an official Opposition?

108. A key issue discussed during the Committee’s consideration of the Bill was whether provisions for an official Opposition in the Assembly could, or should, be put in place by administrative, or other, means not requiring primary legislation. In some cases the Bill instructs that changes be made to the Standing Orders of the Northern Ireland Assembly. In others, the Bill allows for an Assembly and Executive Review Motion to be submitted to the Secretary of State, asking for changes to be made to the Northern Ireland Act 1998.
109. In the Explanatory and Financial Memorandum accompanying the Bill, the Sponsor recognises that Standing Orders could facilitate some of the Bill’s provisions, but wanted any such changes to have the weight of legislation behind them: “*The Sponsor determined that to legislate would represent a conscious, active and authoritative statement of intent. A Bill could bring disparate measures into one comprehensive whole and allow them to be considered in one place. The legislative process is also very transparent so the full and open debate of this scheme and would lend it the legitimacy required for constitutional change, as piecemeal changes to Standing Orders might not. Finally, the passage of legislation is a deliberate, formal and discursive process. The Sponsor was sure this was the only fitting way for the Assembly to determine whether and how it might reform the institutions.*”
110. During the deliberations on the Bill, the representatives from Sinn Féin explored with the Sponsor and those witnesses who appeared before

the Committee their view that “*most Oppositions are designed by convention and can be shaped by the system in place. We have the ability to that both by convention and Standing Orders.*” They advised the Sponsor that they “*believe the Fresh Start Agreement is the way to go. We do not see the need for [the] Bill- we can do most of it in Standing Orders.*” In their formal submission to the Committee, Sinn Féin advised that: “*The Fresh Start provisions for an official Opposition is the best and most appropriate approach on this issue. Sinn Féin therefore supports the provisions for an official Opposition as set out in the Fresh Start Agreement.*”

111. The representative from the SDLP also explored with Professor McCrudden and Dr Schwartz the idea that many of the provisions in the Bill could be introduced in the Assembly via Standing Orders. In his response, Dr Schwartz considered that this is a political judgement that needs to be made but noted: “*Part of the proposed arrangements for the official Opposition could be done through Standing Orders. There are all sorts of reasons why you might want to have legislation, even if you could do it by Standing Orders, and we are not really taking a position on that.*”
112. The fact that many provisions in the Bill could be introduced in the Assembly via means other than legislation was raised by a number of stakeholders in their responses to the Committee’s call for evidence. The Speaker in his written submission advised that: “*the Committee does need to consider the strengths and advantages of reflecting provisions either in legislation or by alternative means such as Standing Orders.*” The Clerk/Chief Executive cautioned that while “*it is of course right that the Bill does not include a level of detail which should be set out in Standing Orders; otherwise any relatively minor change to the procedures of the Assembly would require primary legislation.*”

113. In their submission to the Committee, Professor Cochrane and Dr Loizides advised that: *“While this Bill places the emphasis upon formal legislative reform, a key recommendation of our comparative analysis of power-sharing systems is adding more informal features to the existing structures of Northern Ireland comparable to the less-known constitutional arrangements in the Brussels Capital Region. New informal features might better address some of the weaknesses we have identified in Northern Ireland’s political structures more nimbly and organically, than the formal reforms outlined in this Bill. These may also have greater capacity for moving in tandem with the political context in Northern Ireland -and at a pace acceptable to the political parties and their supporters -rather than requiring further legislative change at a later date.”*

#### Compatibility with the principles of the Good Friday Agreement

114. Discussion also focused on the legislative competence of proposals in the Bill and, in particular, the proposal in the Schedule for an Assembly and Executive Review Motion to call on the Secretary of State to make the necessary amendments to expected provisions of the NI Act 1998 to enable listed reforms to be made. The clauses of the Bill describe actions that can be legislated for currently within the Assembly’s powers; and the Schedule to the Bill lists the items that would require to be signalled to the Secretary of State by agreement of the Assembly so that legislation to give them force might be enacted at Westminster.
115. The Committee sought and considered its own legal advice on this matter at the meeting of 1 December 2015. The Committee was content that concerns raised by stakeholders in respect of legislative competence of the Bill to become law were unfounded.
116. In their submissions to the Committee, some stakeholders raised concerns that certain provisions within the Bill and the Schedule

potentially depart from d'Hondt and the cross-community principles of the Good Friday Agreement and its further iterations in subsequent negotiations.

117. During the Second Stage debate on the Bill, a Sinn Féin representative on the Committee advised that during Committee Stage his party would: *“Ensure that whatever legislation goes through the Assembly must be Good Friday Agreement-proofed. That is the position we will take as the Bill is taken forward. ... In our opinion, there are aspects [of the Schedule] that need to be Good Friday proofed. Some of them hand too much power and responsibility to the British Secretary of State in terms of legislation.”* During the same debate, the SDLP representative on the Committee stated: *“The SDLP would expect to see the reforms of the institutions proposed by Mr McCallister to remain faithful to the tenets of the Good Friday Agreement. The SDLP will not support anything that erodes or dilutes anything in the Good Friday Agreement.”*
118. In their formal submission to the Committee, Sinn Féin stated: *“In relation to the Assembly Opposition Bill, throughout Committee Stage Sinn Féin has outlined our concerns that aspects of the Bill can and do impact on the principles of equality, inclusiveness and representativeness as set out in the Good Friday Agreement.”* The party reiterated its support for the provisions for Opposition in the Fresh Start Agreement which they stated *“do not impinge upon the principles of equality, inclusiveness and representativeness underpinned in the Good Friday Agreement and subsequently in the St Andrew’s and Hillsborough Agreements.”*
119. In his evidence to the Committee on 13 October 2015, the Bill Sponsor Mr John McCallister stated that: *“I do not accept that there are departures from the broad principles of the Good Friday Agreement. I am sticking with the principles of power-sharing and inclusivity. I think that the Good Friday Agreement did not deliver genuine power-sharing.”*

*I want to see power shared out and not regarded as, "I am a Minister in my silo and I will do whatever I want", which is what we get at times. I want to see genuine power-sharing with a collective Government and every Minister putting their shoulder to the wheel to deliver that, whether on social change, hospitals or whatever. That is the change, but is very much fully consistent with the Good Friday Agreement."*

120. In his evidence to the Committee, Dr O'Malley argued that reforms to share out power was needed but cautioned: "*We are not sure that you can design a constitution that will divide power perfectly. There is never going to be anything perfect. There will always be imperfections, and I suppose that it is a matter of slowly trying to find small improvements along the way.*"
  
121. Professor Cochrane and Dr Loizides also shared the idea that reform is needed but urged caution in implementing these reforms: "*If the political institutions in Northern Ireland are not able to offer robust scrutiny of government and if the current dysfunction within those institutions is not addressed, the advances that have so far been made since 1998 (and since the restoration of devolution in 2007) risk being lost. At the same time of course, ambitious institutional proposals for change such as represented by this Bill, might risk the progress already made and the benefits of the existing system.*"
  
122. Some stakeholders also cautioned against the "tinkering" with the Good Friday Agreement. Professor Coakley cautioned that: "*Any change would need to be finely balanced to ensure that it will not have serious, negative unexpected consequences. For this reason, there may be a case for a longer delay before any fundamental revision of the Good Friday agreement is undertaken. This might mean proceeding carefully with amendments of the kind proposed in this bill, and ensuring that any*

*new arrangements are compatible with the consensus-based logic of the agreement.”*

## Clause-by-Clause Scrutiny of the Bill

123. The Assembly and Executive Review Committee conducted its formal clause-by-clause scrutiny of the Bill at its meeting of 12 January 2016.
124. This section gives the decisions on the Committee's scrutiny of the clauses and schedule of the Assembly and Executive Reform (Assembly Opposition) Bill. Members and other readers of this report may wish to refer to the previous section so as gain a full understanding of the Committee's consideration and deliberations on the individual clauses and schedule, alongside the decisions set out below.
125. The Committee divided and agreed that it was content with Clause 1 which sets out the purpose of the Bill. The Committee divided on the remainder of the 23 clauses and the 15 paragraphs of the Schedule. The Committee agreed to one of the Sponsor's thirty five proposed amendments to the Bill which related to the Sponsor's intention to oppose Paragraph 12 (Leaving the Opposition and re-joining the Executive) at Consideration Stage. The Committee divided on all other proposed amendments. The detailed narrative of the Committee's votes on each amendment and on each clause and paragraph of the Schedule are set out below. The table below provides details of the Sponsor's proposed amendments.



**Clause 1: Purpose**

127. The Committee divided and agreed that it was content with Clause 1 as drafted.

128. Question put: that the Committee is content with Clause 1 as drafted.

The Committee divided: Ayes 4; Noes 3; Abstentions 0;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Paula Bradley	Raymond McCartney	
Gregory Campbell	Caitríona Ruane	
Danny Kennedy	Pat Sheehan	
Trevor Lunn		

129. Question put and agreed that the Committee agreed that it was content with clause 1, as drafted.

**Clause 2: Formation of the Opposition**

130. The Committee divided and agreed that it was not content with the Sponsor’s proposed amendment and it was not content with Clause 2 as drafted.

131. Question put: that the Committee is content with the Sponsor’s proposed amendment 1 (see table below).

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	Danny Kennedy
	Gregory Campbell	
	Raymond McCartney	
	Caitríona Ruane	
	Pat Sheehan	

132. The Committee agreed that it was not content with the Sponsor’s amendment 1.

133. Question put: that the Committee is content with Clause 2 as drafted.

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	Danny Kennedy
	Gregory Campbell	
	Raymond McCartney	
	Caitriona Ruane	
	Pat Sheehan	

134. The Committee agreed that it was not content with Clause 2 as drafted.

**Clause 3: Timing of the Opposition**

135. The Committee divided and agreed that it was not content with the Sponsor’s proposed amendments and that it was not content with Clause 3 as drafted.

136. Question put: that the Committee is content with the Sponsor’s proposed amendments 2, 3 and 4 (see table below).

The Committee divided: Ayes 2; Noes 5; Abstentions 0;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Danny Kennedy	Paula Bradley	
Trevor Lunn	Gregory Campbell	
	Raymond McCartney	
	Caitriona Ruane	
	Pat Sheehan	

137. The Committee agreed that it was not content with the Sponsor’s proposed amendments 2, 3 and 4.

138. Question put: that the Committee is content with Clause 3 as drafted.  
The Committee divided: Ayes 2; Noes 5; Abstentions 0;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Danny Kennedy	Paula Bradley	
Trevor Lunn	Gregory Campbell	
	Raymond McCartney	
	Caitriona Ruane	
	Pat Sheehan	

139. The Committee agreed that it was not content with Clause 3 as drafted.

**Clause 4: Membership of the Opposition**

140. The Committee divided and agreed that it was not content with the Sponsor’s proposed amendments and that it was not content with Clause 4 as drafted.

141. Question put: that the Committee is content with the Sponsor’s proposed amendments 4A and 5 (see table below).

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	Danny Kennedy
	Gregory Campbell	
	Raymond McCartney	
	Caitriona Ruane	
	Pat Sheehan	

142. The Committee agreed that it was not content with the Sponsor’s proposed amendments 4A and 5.

143. Question put: that the Committee is content with Clause 4 as drafted.

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	Danny Kennedy
	Gregory Campbell	
	Raymond McCartney	
	Caitriona Ruane	
	Pat Sheehan	

144. The Committee agreed that it was not content with clause 4 as drafted.

### **Clause 5: Dissolution of the Opposition**

145. The Committee divided and agreed that it was not content with the Sponsor's proposed amendment and that it was not content with Clause 5 as drafted.

146. Question put: that the Committee is content with amendment 6, (see table below).

The Committee divided: Ayes 2; Noes 3; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
Danny Kennedy	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	

147. The Committee agreed that it was not content with the Sponsor's proposed amendment 6.

148. Question put: that the Committee is content with Clause 5 as drafted.

The Committee divided: Ayes 2; Noes 5; Abstentions 0;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	
Danny Kennedy	Gregory Campbell	

Raymond McCartney

Caitríona Ruane

Pat Sheehan

149. The Committee agreed that it was not content with clause 5 as drafted.

**Clause 6: Leader and Deputy Leader of the Opposition**

150. The Committee divided and agreed that it was not content with the Sponsor's 12 proposed amendments and that it was not content with Clause 6 as drafted.

151. Question put: that the Committee is content with amendments 6A-6H, 7, 8, 8A and 9, (see table below).

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

**Ayes**

Trevor Lunn

**Noes**

Paula Bradley

Gregory Campbell

Raymond McCartney

Caitríona Ruane

Pat Sheehan

**Abstentions**

Danny Kennedy

152. The Committee agreed that it was not content with the Sponsor's 12 proposed amendments.

153. Question put: that the Committee is content with Clause 6 as drafted.

154. The Committee agreed that it was not content with Clause 6 as drafted.

**Clause 7: Topical questions from Leader and Deputy Leader of the Opposition**

155. The Committee divided and agreed that it was not content with the Sponsor’s proposed editorial amendments and that it was not content with Clause 7 as drafted.

156. Question put: that the Committee is content with amendments 9A and 9B (see table below).

The Committee divided: Ayes 1; Noes 5; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Paula Bradley	Danny Kennedy
	Gregory Campbell	
	Raymond McCartney	
	Caitríona Ruane	
	Pat Sheehan	

157. The Committee agreed that it was not content with the Sponsor’s proposed amendments 9A and 9B.

Question put: that the Committee is content with Clause 7 as drafted.

The Committee divided: Ayes 0; Noes 5; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Paula Bradley	Danny Kennedy
	Gregory Campbell	Trevor Lunn
	Raymond McCartney	
	Caitríona Ruane	
	Pat Sheehan	

158. The Committee agreed that it was not content with clause 7 as drafted.

**New Clause 7A**

159. The Committee divided and agreed that it was not content with the insertion of the new Clause 7A.

160. Question put: that the Committee is content with the insertion of a new Clause 7A after Clause 7 (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

161. The Committee agreed that it was not content with the insertion of the new Clause 7A.

### **Clause 8: Enhanced Speaking Rights for the Opposition**

162. The Committee divided and agreed that it was not content with the proposed amendments and that it was not content with Clause 8 as drafted.
163. Question put: that the Committee is content with the amendment (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

164. The Committee agreed that it was not content with the proposed amendment.
165. Question put: that the Committee is content with Clause 8 as drafted.

The Committee divided: Ayes 0; Noes 3; Abstentions 4;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy
		Trevor Lunn

166. The Committee agreed that it was not content with clause 8 as drafted.

**Clause 9: Opposition Right to Chair the Public Accounts Committee**

167. The Committee divided and agreed that it was not content with the proposed amendments and that it was not content with Clause 9 as drafted.

168. Question put: that the Committee is content with the proposed amendments 9D and 9E (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

169. The Committee agreed that it was not content with the proposed amendments 9D and 9E.

170. Question put: that the Committee is content with Clause 9 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy



171. The Committee agreed that it was not content with clause 9 as drafted.

**Clause 10: Membership of Business Committee for the Opposition**

172. The Committee divided and agreed that it was not content with clause 10 as drafted.

173. Question put: that the Committee is content with Clause 10 as drafted.

The Committee divided: Ayes 2; Noes 3; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
Danny Kennedy	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	

174. The Committee agreed that it was not content with clause 10 as drafted.

**Clause 11: Financial assistance for Opposition parties**

175. The Committee divided and agreed that it was not content with clause 11 as drafted.

176. Question put: that the Committee is content with Clause 11 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

177. The Committee agreed that it was not content with clause 11 as drafted.

**Clause 12: Salary for office holders of the Opposition**

178. The Committee divided and agreed that it was not content with clause 12 as drafted.

179. Question put: that the Committee is content with Clause 12 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

180. The Committee agreed that it was not content with clause 12 as drafted

### **Clause 13: Assembly and Executive Reform Motion**

181. The Committee divided and agreed that it was not content with clause 13 as drafted.

182. Question put: that the Committee is content with Clause 13 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

183. The Committee agreed that it was not content with clause 13 as drafted

### **Clause 14: Tabling of Assembly and Executive Reform Motion**

184. The Committee divided and agreed that it was not content with clause 14 as drafted.

185. Question put: that the Committee is content with Clause 14 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

186. The Committee agreed that it was not content with clause 14 as drafted

**Clause 15: Reports by AERC**

187. The Committee divided and agreed that it was not content with Clause 15 as drafted.

188. Question put: that the Committee is content with Clause 15 as drafted.

The Committee divided: Ayes 0; Noes 3; Abstentions 4;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy
		Trevor Lunn

189. The Committee agreed that it was not content with Clause 15 as drafted

**Clause 16: Formation of the technical groups within the Opposition**

190. The Committee divided and agreed that it was not content with the proposed amendments and that it was not content with Clause 16 as drafted.

191. Question put: that the Committee is content with the proposed amendments 10 and 11 (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney Caitriona Ruane Pat Sheehan Danny Kennedy	Paula Bradley Gregory Campbell

192. The Committee agreed that it was not content with the proposed amendments 10 and 11.
193. Question put: that the Committee is content with Clause 16 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney Caitriona Ruane Pat Sheehan	Paula Bradley Gregory Campbell Danny Kennedy

194. The Committee agreed that it was not content with clause 16 as drafted.

**Clause 17: Membership of Business Committee for technical groups**

195. The Committee divided and agreed that it was not content with Clause 17 as drafted.
196. Question put: that the Committee is content with Clause 17 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney Caitriona Ruane Pat Sheehan	Paula Bradley Gregory Campbell Danny Kennedy

197. The Committee agreed that it was not content with Clause 17 as drafted.

**Clause 18: First topical question to Minister from chairperson of statutory committee**

198. The Committee divided and agreed that it was not content with the proposed amendment and that it was not content with Clause 18 as drafted.

199. Question put: that the Committee is content with the proposed amendment 9C (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

200. The Committee agreed that it was not content with the proposed amendment 9C.

201. Question put: that the Committee is content with Clause 18 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

202. The Committee agreed that it was not content with clause 18 as drafted.

**Clause 19: Establishment of Budget Committee**

203. The Committee divided and agreed that it was not content with the proposed amendments and that it was not content with Clause 19 as drafted.

204. Question put: that the Committee is content with the proposed amendments 13 and 14 (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	
	Danny Kennedy	

205. The Committee agreed that it was not content with the proposed amendments 13 and 14.

206. Question put: that the Committee is content with Clause 19 as drafted.

The Committee divided: Ayes 0; Noes 4; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Trevor Lunn	Paula Bradley
	Raymond McCartney	Gregory Campbell
	Caitriona Ruane	Danny Kennedy
	Pat Sheehan	

207. The Committee agreed that it was not content with clause 19 as drafted.

**Clause 20: Renaming of the Office of the First Minister and deputy First Minister**

208. The Committee divided and agreed that it was not content with Clause 20 as drafted.

209. Question put: that the Committee is content with Clause 20 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

210. The Committee agreed that it was not content with Clause 20 as drafted.

**Clause 21: Departments to be single legal entity**

211. The Committee divided and agreed it was not content with Clause 21 as drafted.

212. Question put: that the Committee is content with Clause 21 as drafted.

The Committee divided: Ayes 0; Noes 5; Abstentions 2;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Paula Bradley	Danny Kennedy
	Gregory Campbell	Trevor Lunn
	Raymond McCartney	
	Caitríona Ruane	
	Pat Sheehan	

213. The Committee agreed that it was not content with Clause 21 as drafted.

**Clause 22: Interpretation**

214. The Committee divided and agreed it was not content with Clause 22 as drafted.

215. Question put: that the Committee is content with Clause 22 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

216. The Committee agreed that it was not content with Clause 22 as drafted.

**Clause 23: Commencement**

217. The Committee divided and agreed that it was not content with Clause 23 as drafted.

218. Question put: that the Committee is content with Clause 23 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

219. The Committee agreed that it was not content with Clause 23 as drafted.

**Clause 24: Short Title**

220. The Committee divided and agreed that it was not content with Clause 24 as drafted.

221. Question put: that the Committee is content with Clause 24 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy



222. The Committee agreed that it was not content with Clause 24 as drafted.

**Schedule: Content of Assembly and Executive Reform Motion.**

**Paragraphs 1 and 2 Scope of the Assembly and Executive Reform Motion**

223. The Committee divided and agreed that it was not content with Paragraphs 1 and 2 as drafted.

224. Question put: that the Committee is content with Paragraph 1 as drafted.  
The Committee divided: Ayes 0; Noes 3; Abstentions 4;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy
		Trevor Lunn

225. Question put: that the Committee is content with Paragraph 2 as drafted.  
The Committee divided: Ayes 0; Noes 3; Abstentions 4;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy
		Trevor Lunn

226. The Committee agreed that it was not content with Paragraphs 1 and 2 as drafted.

**Paragraphs 3-6: Replacement of cross community support with weighted majority voting**

227. The Committee divided and agreed that it was not content with Paragraphs 3, 4, 5 and 6 as drafted.

228. Question put: that the Committee is content with Paragraph 3 as drafted.

The Committee divided: Ayes 3; Noes 3; Abstentions 1;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Paula Bradley	Raymond McCartney	Danny Kennedy
Gregory Campbell	Caitriona Ruane	
Trevor Lunn	Pat Sheehan	

229. Question put: that the Committee is content with Paragraph 4 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

Question put: that the Committee is content with Paragraph 5 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

Question put: that the Committee is content with Paragraph 6 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

230. The Committee agreed that it was not content with Paragraphs 3, 4, 5 and 6 as drafted.

**Paragraph 7: Speaker**

231. The Committee divided and agreed that it was not content with the proposed amendment and Paragraph 7 as drafted.

232. Question put: that the Committee is content with the proposed amendment (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

233. The Committee agreed that it was not content with the proposed amendment.

234. Question put: that the Committee is content with Paragraph 7 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

235. The Committee agreed that it was not content with Paragraph 7 as drafted.

**Paragraph 8: First Minister and deputy First Minister renamed as First Ministers**

236. The Committee divided and agreed that it was not content with Paragraph 8 as drafted.

237. Question put: that the Committee is content with Paragraph 8 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

238. The Committee agreed that it was not content with Paragraph 8 as drafted.

### **Paragraph 9: Collective Ministerial Responsibility**

239. The Committee divided and agreed that it was not content with Paragraph 9 as drafted.

240. Question put: that the Committee is content with Paragraph 9 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

241. The Committee agreed that it was not content with Paragraph 9 as drafted.

### **Paragraph 10: Threshold for nomination of Minister**

242. The Committee divided and agreed that it was not content with Paragraph 10 as drafted.

243. Question put: that the Committee is content with Paragraph 10 as drafted.

The Committee divided: Ayes 0; Noes 4; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
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Trevor Lunn	Paula Bradley
Raymond McCartney	Gregory Campbell
Caitríona Ruane	Danny Kennedy
Pat Sheehan	

244. The Committee agreed that it was not content with Paragraph 10 as drafted.

### **Paragraph 11: Nomination of Ministers and Chairpersons of Statutory Committees**

245. The Committee divided and agreed that it was not content with Paragraph 11 as drafted.

246. Question put: that the Committee is content with Paragraph 8 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitríona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

247. The Committee agreed that it was not content with Paragraph 11 as drafted.

### **Paragraph 12: Leaving the Opposition and re-joining the Executive**

248. The Committee divided and agreed that it was content with the Sponsor's proposal to oppose paragraph 12 as drafted at Consideration Stage.

### **Paragraph 13: Programme for Government**

249. The Committee divided and agreed that it was not content with the proposed amendment and Paragraph 13 as drafted.

250. Question put: that the Committee is content with the proposed amendment (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

251. The Committee agreed that it was not content with the proposed amendment.

252. Question put: that the Committee is content with Paragraph 13 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

253. The Committee agreed that it was not content with Paragraph 13 as drafted.

#### **Paragraph 14: Function of statutory committees**

254. The Committee divided and agreed that it was not content with the proposed amendment and Paragraph 14 as drafted.

255. Question put: that the Committee is content with the proposed amendment (see table below).

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
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Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

256. The Committee agreed that it was not content with the proposed amendment.

257. Question put: that the Committee is content with Paragraph 14 as drafted.

The Committee divided: Ayes 1; Noes 3; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
Trevor Lunn	Raymond McCartney	Paula Bradley
	Caitriona Ruane	Gregory Campbell
	Pat Sheehan	Danny Kennedy

258. The Committee agreed that it was not content with Paragraph 14 as drafted.

**Paragraph 15: Simple majority for budget approval**

259. The Committee divided and agreed that it was not content with Paragraph 15 as drafted.

260. Question put: that the Committee is content with Paragraph 15 as drafted.

The Committee divided: Ayes 0; Noes 4; Abstentions 3;

<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>
	Trevor Lunn	Paula Bradley
	Raymond McCartney	Gregory Campbell
	Caitriona Ruane	Danny Kennedy
	Pat Sheehan	

261. The Committee agreed that it was not content with Paragraph 15 as drafted.

**Long Title**

262. The Committee divided and did not agree the Long Title of the Bill.

263. Question put: that the Committee agrees the Long Title of the Bill.

The Committee divided: Ayes 2; Noes 3; Abstentions 2;

**Ayes**

Trevor Lunn

Danny Kennedy

**Noes**

Raymond McCartney

Caitriona Ruane

Pat Sheehan

**Abstentions**

Paula Bradley

Gregory Campbell

264. The Committee did not agree the Long Title of the Bill



## Assembly and Executive Reform (Assembly Opposition) Bill

### Result of Clause-By-Clause Scrutiny

Clause 1 - Purpose														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Sets out the purpose of the Bill which is to facilitate the formation of an opposition.		<p>The Committee divided and was content with Clause 1 <b>as drafted</b>.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 33%;">Ayes</th> <th style="width: 33%;">Noes</th> <th style="width: 33%;">Abstentions</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	4	3	0						
Ayes	Noes	Abstentions												
4	3	0												
Clause 2- Formation of the Opposition														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Sets out the two ways in which the Assembly Opposition may be formed either by one or more qualifying parties or by one or more technical groups.	<p><b>Amendment 1</b>  <b>Clause 2, page 1, line 16</b>                      Leave out subsections (2) and (3) and insert -                      '(2) The Opposition may be formed by -                      (a) one or more qualifying parties,                      (b) one or more technical groups, or                      (c) one or more qualifying parties and one or more technical groups.</p> <p>(3) A qualifying party is a political party-                      (a) whose members comprise 5% or more of the total number of members of the Assembly, and                      (b) which does not contain a member who is a Minister.</p> <p>(4) A technical group is a group -                      (a) whose members comprise 5% or more of the total number of members of the Assembly,                      (b) which does not consist solely of members of the same political party, and                      (c) which does not contain a Minister nor a member in the same political party as a Minister.</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 2</b>.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 33%;">Ayes</th> <th style="width: 33%;">Noes</th> <th style="width: 33%;">Abstentions</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">5</td> <td style="text-align: center;">1</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 2 <b>as drafted</b>.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 33%;">Ayes</th> <th style="width: 33%;">Noes</th> <th style="width: 33%;">Abstentions</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">5</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	5	1	Ayes	Noes	Abstentions	1	5	1
Ayes	Noes	Abstentions												
1	5	1												
Ayes	Noes	Abstentions												
1	5	1												

	<p>(5) A member can only be a member of one technical group at a time.</p> <p>(6) A member cannot be both a member of a qualifying party and of a technical group.'</p>													
<b>Clause 3 - Timing of Formation of Opposition</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>Provides for the timing of the formation of the Opposition.</p>	<p><b>Amendment 2</b>                      Clause 3, page 2, line 11                      Leave out subsection (2)</p> <p><b>Amendment 3</b>                      Clause 3, page 2, line 22                      Leave out 'by one or more technical groups'</p> <p><b>Amendment 4</b>                      Clause 3, page 2, line 28                      At end insert -                      '(3A) The Opposition may also be formed within one month of this section coming into operation.'</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 3</b>.</p> <table border="1" data-bbox="1368 563 1968 632"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>5</td> <td>0</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 3 <b>as drafted</b>.</p> <table border="1" data-bbox="1368 767 1968 836"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>5</td> <td>0</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	2	5	0	Ayes	Noes	Abstentions	2	5	0
Ayes	Noes	Abstentions												
2	5	0												
Ayes	Noes	Abstentions												
2	5	0												
<b>Clause 4 - Membership of the Opposition</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>Provides that once the Opposition is formed - all parties who are not automatically part of an Opposition.</p>	<p><b>Amendment 4A</b>                      Clause 4, page 2, line 40</p> <p>At end insert -                      '(4A) If a member is part of the Opposition, but subsequently -                      (a) the member is a Minister,                      (b) the member is a member of a political party which contains a Minister,                      (c) the member is a member of a technical group which contains a Minister, or contains a member in the same political party as a Minister,</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 4</b>.</p> <table border="1" data-bbox="1368 1101 1968 1169"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5</td> <td>1</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 4 <b>as drafted</b>.</p> <table border="1" data-bbox="1368 1305 1968 1374"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5</td> <td>1</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	5	1	Ayes	Noes	Abstentions	1	5	1
Ayes	Noes	Abstentions												
1	5	1												
Ayes	Noes	Abstentions												
1	5	1												

	<p>then that member ceases to be part of the Opposition.’</p> <p><b>Amendment 5</b> Clause 4, page 2, line 40</p> <p>At end insert - ‘(4B) If a member becomes part of the Opposition by virtue of this section, that member may opt out of the Opposition within such period of time as standing orders may provide.’</p>													
<b>Clause 5 - Dissolution of the Opposition</b>														
<b>Explanation</b>	<b>Sponsor’s Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>Provides that the Opposition is dissolved if all Executive Ministers cease to hold office.</p>	<p><b>Amendment 6</b> Clause 5, page 3, line 2 Leave out lines 2 to 4 and insert -</p> <p>‘5. (1) Standing orders must make provision for the dissolution of the Opposition in accordance with this section.</p> <p>(2) If all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.</p> <p>(3) Where the Opposition was formed by one or more technical groups only, then if those technical groups cease to satisfy the definition of a technical group, the Opposition is dissolved.</p> <p>(4) Where the Opposition was formed by one qualifying party only, and that party subsequently contains a member who is a Minister, the Opposition is dissolved.</p>	<p>The Committee divided and did not agree with the Sponsor’s <b>amendment to Clause 5</b>.</p> <table border="1" data-bbox="1368 794 1966 866"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>3</td> <td>2</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with <b>Clause 5 as drafted</b>.</p> <table border="1" data-bbox="1368 965 1966 1037"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>5</td> <td>0</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	2	3	2	Ayes	Noes	Abstentions	2	5	0
Ayes	Noes	Abstentions												
2	3	2												
Ayes	Noes	Abstentions												
2	5	0												

Clause 6 - Leader & Deputy Leader of the Opposition								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Provides that the Opposition will be led by the persons holding the offices of Leader and Deputy Leader - these offices are to be decided by either the qualifying parties or technical groups.	<p><b>Editorial amendment 6A</b>                      Clause 6, page 3, line 5                      Change the title to 'Leadership of the Opposition'</p>	<p>The Committee divided and did not agree with the Sponsor's <b>12 amendments to Clause 6.</b></p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5</td> <td>1</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	5	1
	Ayes	Noes	Abstentions					
	1	5	1					
	<p><b>Amendment 6B</b>                      Clause 6, page 3, line 6                      Leave out 'offices of the Leader and Deputy Leader of the Opposition' and insert 'offices in the leadership of the Opposition'</p>	<p>The Committee divided and did not agree to Clause 6 <b>as drafted.</b></p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>7</td> <td>0</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	0	7	0
	Ayes	Noes	Abstentions					
	0	7	0					
	<p><b>Amendment 6C</b>                      Clause 6, page 3, line 10                      Leave out 'Opposition' and insert 'Non-Executive Party'</p>							
	<p><b>Amendment 6D</b>                      Clause 6, page 3, line 11                      Leave out 'Opposition' and insert 'Non-Executive Party'</p>							
<p><b>Amendment 6E</b>                      Clause 6, page 3, line 14                      Leave out 'Opposition' and insert 'Largest Non-Executive Party'</p>								
<p><b>Amendment 6F</b>                      Clause 6, page 3, line 16                      Leave out 'Deputy Leader of the Opposition' and insert 'Leader of the Second-Largest Non-Executive Party'</p>								
<p><b>Amendment 6G</b>                      Clause 6, page 3, line 19                      Leave out 'Opposition' and insert 'Non-Executive Group'</p>								
<p><b>Amendment 6H</b>                      Clause 6, page 3, line 20</p>								

	<p>Leave out 'Opposition' and insert 'Non-Executive Group'</p> <p><b>Amendment 7</b>  <b>Clause 6, page 3, line 8</b>          After 'qualifying party,' insert '(whether or not it was also formed by one or more technical groups)'</p> <p><b>Amendment 8</b>          Clause 6, page 3, line 12          After 'qualifying parties,' insert '(whether or not it was also formed by one or more technical groups)'</p> <p><b>Amendment 8A</b>          Clause 6, page 3, line 20          At end insert -          '(4A) Where -</p> <p>(a) the Opposition was formed by one or more qualifying parties (whether or not it was also formed by one or more technical groups),          (b) one of those qualifying parties no longer has any members in the Opposition as a result of section 4( ) (members becoming Ministers), and          (c) the Opposition has not been dissolved,</p> <p>then subsection (4B) applies.</p> <p>(4B) Where this subsection applies -</p> <p>(a) the offices of leadership in the Opposition are vacated, and          (b) subsections (2) to (4) must be run again as if those qualifying parties no longer having any members in the Opposition did not exist.'</p>	
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	<p><b>Amendment 9</b>                  Clause 6, page 3, line 20                  At end insert -                  ‘(4C) Standing orders may provide for alternative names for the offices in the leadership of the Opposition.’</p>													
<b>Clause 7 - Topical Questions from Leader and Deputy Leader of the Opposition</b>														
<b>Explanation</b>	<b>Sponsor’s Amendments</b>	<b>Result of Clause-by-Clause</b>												
Provides that Leader and Deputy Leader should have the first opportunity for questions during topical questions to the First Minister and deputy First Minister.	<p><b>Editorial amendment 9A</b>                  Clause 7, page 3, line 29                  Change the title to ‘Topical questions from the leadership of the Opposition’</p> <p><b>Amendment 9B</b>                  Clause 7, page 3, line 32                  Leave out ‘Leader and Deputy Leader of the Opposition’ and insert ‘leadership of the Opposition’</p>	<p>The Committee divided and did not agree to the Sponsor’s amendments to <b>Clause 7</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5</td> <td>1</td> </tr> </tbody> </table> <p>The Committee divided and did not agree to Clause 7 as drafted.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>5</td> <td>2</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	5	1	Ayes	Noes	Abstentions	0	5	2
Ayes	Noes	Abstentions												
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Ayes	Noes	Abstentions												
0	5	2												
<b>New Clause 7a - Speaking Rights in the Assembly</b>														
<b>Explanation</b>	<b>Sponsor’s Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>New clause proposed at formal clause-by-clause stage</p> <p>Provides that Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength</p>	<p>New Clause 7A, page 3, line 34                  After Clause 7, insert new clause</p> <p><u>Speaking rights in the Assembly</u>                  7A Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.</p>	<p>The Committee divided and agreed that it was not content with the <b>insertion of the new Clause 7a</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3						
Ayes	Noes	Abstentions												
1	3	3												
<b>Clause 8 - Enhanced speaking rights for the Opposition</b>														
<b>Explanation</b>	<b>Sponsor’s Amendments</b>	<b>Result of Clause-by-Clause</b>												
Provides that the Opposition are to have a <b>minimum of 15 days</b> a year for Opposition business in the Assembly.	<p><b>Clause 8, page 3, line 39,</b>                  At end insert-                  ‘(2A) After the formation of an Executive and an Opposition, enhanced speaking rights for the Opposition</p>	<p>The Committee divided and did not agree with the Sponsor’s <b>amendment to Clause 8</b>.</p>												

	<p>shall be calculated as rights enhanced by 20% at the expense of Government speaking rights.'</p>	<table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstention</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 8 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstention</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>3</td> <td>4</td> </tr> </tbody> </table>	Ayes	Noes	Abstention	1	3	3	Ayes	Noes	Abstention	0	3	4
Ayes	Noes	Abstention												
1	3	3												
Ayes	Noes	Abstention												
0	3	4												
<b>Clause 9 - Opposition rights to chair Public Accounts Committee</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>Provides that Opposition should nominate the Chair and Deputy Chair of the Public Accounts Committee.</p>	<p><b>Amendment 9D</b>                      Clause 9, page 4, line 5                      Leave out 'Leader of the Opposition' and insert 'Leader of the Non-Executive Party, Leader of the Largest Non-Executive Party or Leader of the Non-Executive Group (as the case may be)'</p> <p><b>Amendment 9E</b>                      Clause 9, page 4, line 7                      Leave out 'Deputy Leader of the Opposition' and insert 'Deputy Leader of the Non-Executive Party, Leader of the Second-Largest Non-Executive Party or Deputy Leader of the Non-Executive Group (as the case may be)'</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 9</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table> <p>The Committee divided and did not agree to Clause 9 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<b>Clause 10 - Membership of Business Committee for the Opposition</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
<p>Provides that the Opposition are entitled to be represented on the Business Committee</p>		<p>The Committee divided and did not agree with Clause 10 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>3</td> <td>2</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	2	3	2						
Ayes	Noes	Abstentions												
2	3	2												

<b>Clause 11 - Financial Assistance for Opposition parties</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Makes provision for additional payments to be made to political parties in the Opposition		The Committee divided and did not agree Clause 11 <b>as drafted</b> . <table border="1"> <thead> <tr> <th><b>Ayes</b></th> <th><b>Noes</b></th> <th><b>Abstentions</b></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>	1	3	3
<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>						
1	3	3						
<b>Clause 12 - Salary for office holders of the Opposition</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Adds office holders of the Opposition to the list of persons who may be entitled to additional salary and allowances.		The Committee divided and did not agree Clause 12 <b>as drafted</b> . <table border="1"> <thead> <tr> <th><b>Ayes</b></th> <th><b>Noes</b></th> <th><b>Abstentions</b></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>	1	3	3
<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>						
1	3	3						
<b>Clause 13 - Assembly and Executive Reform Motion</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Allows the Assembly to pass an Assembly and Executive Reform Motion calling for Westminster legislation to reform the Assembly and the Executive		The Committee divided and did not agree Clause 13 <b>as drafted</b> . <table border="1"> <thead> <tr> <th><b>Ayes</b></th> <th><b>Noes</b></th> <th><b>Abstentions</b></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>	1	3	3
<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>						
1	3	3						
<b>Clause 14 - Tabling of Assembly and Executive Reform Motion</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Provides that the AERC are responsible for ensuring that the above motion is tabled within 5 days of this clause coming into operation.		The Committee divided and did not agree with Clause 14 <b>as drafted</b> . <table border="1"> <thead> <tr> <th><b>Ayes</b></th> <th><b>Noes</b></th> <th><b>Abstentions</b></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>	1	3	3
<b>Ayes</b>	<b>Noes</b>	<b>Abstentions</b>						
1	3	3						



Clause 15 - Report by the AERC														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Requires the AERC to report to the Assembly every 3 months on the progress being made by the SoS in bringing forward legislation to reform the Assembly and Executive.		<p>The Committee divided and did not agree with Clause 15 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>3</td> <td>4</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	0	3	4						
Ayes	Noes	Abstentions												
0	3	4												
Clause 16 - Formation of technical groups within the Opposition														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Allows for the formation of technical groups by smaller parties and independents.	<p><b>Amendment 10</b> Clause 16, page 5, line 16 Leave out 'in accordance with this section'</p> <p><b>Amendment 11</b> Clause 16, page 5, line 18 Leave out subsection (2)</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 16</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4</td> <td>2</td> </tr> </tbody> </table> <p>The Committee divided and did not agree to Clause 16 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	4	2	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	4	2												
Ayes	Noes	Abstentions												
1	3	3												
Clause 17 - Membership of Business Committee for technical groups														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Provides that there is still a role for technical groups in the Business Committee.		<p>The Committee divided and did not agree Clause 17 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3						
Ayes	Noes	Abstentions												
1	3	3												
Clause 18 - First topical question to Minister from Chairperson of statutory committee														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
Provides that during topical questions to Ministers the first	<b>Editorial amendment 9C</b> Clause 18, page 5, line 31	The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 18</b> .												

<p>question is to come from the chairperson of the committee established to advise and assist that Minister.</p>	<p>Leave out 'Leader and Deputy Leader of the Opposition' and insert 'leadership of the Opposition'</p>	<table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 18 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<p><b>Clause 19 - Establishment of Budget Committee</b></p>														
<p><b>Explanation</b></p> <p>Provides for the establishment of a Budget Committee</p>	<p><b>Sponsor's Amendments</b></p> <p><b>Amendment 13</b>                      Clause 19, page 5, line 36                      Leave out 'committee to scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998' and insert 'budget committee'</p> <p><b>Amendment 14</b>                      Clause 19, page 5, line 37                      At end insert -                      '( ) That committee may -                      (a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,                      (b) review the delivery of the budget, for example by matching spending against outcomes,                      (c) examine the financial memorandum of each Bill introduced into the Assembly,                      (d) examine the implications of any changes to powers to raise taxes.'</p>	<p><b>Result of Clause-by-Clause</b></p> <p>The Committee divided and did not agree with the Sponsor's <b>amendments to Clause 19</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4</td> <td>2</td> </tr> </tbody> </table> <p>The Committee divided and did not agree with Clause 19 <b>as drafted</b>.</p> <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>4</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	4	2	Ayes	Noes	Abstentions	0	4	3
Ayes	Noes	Abstentions												
1	4	2												
Ayes	Noes	Abstentions												
0	4	3												
<p><b>Clause 20 - Renaming of the Office of the First Minister and deputy First Minister</b></p>														
<p><b>Explanation</b></p> <p>Provides for renaming of the Office of the First Minister and deputy</p>	<p><b>Sponsor's Amendments</b></p>	<p><b>Result of Clause-by-Clause</b></p> <p>The Committee divided and did not agree Clause 20 <b>as drafted</b>.</p>												

First Minister to the Office of the First Ministers.		<table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions						
1	3	3						
<b>Clause 21 - Departments to be single legal entity</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Provides that each Northern Ireland Department is to be a separate legal entity.		The Committee divided and did not agree with Clause 21 <b>as drafted</b> . <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>0</td> <td>5</td> <td>2</td> </tr> </table>	Ayes	Noes	Abstentions	0	5	2
Ayes	Noes	Abstentions						
0	5	2						
<b>Clause 22 - Interpretation</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Defines some phrases used in the Bill.		The Committee divided and did not agree with Clause 22 <b>as drafted</b> . <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions						
1	3	3						
<b>Clause 23 - Commencement</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Defines the commencement date of the Act		The Committee divided and did not agree with Clause 23 <b>as drafted</b> . <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions						
1	3	3						
<b>Clause 24 - Short Title</b>								
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>						
Defines the short title.		The Committee divided and did not agree with Clause 24 <b>as drafted</b> .						

		<table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3						
Ayes	Noes	Abstentions												
1	3	3												
<b>Schedule Para 1-2: Scope of Assembly and Executive Reform Motion</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
Motion may include, but is not limited to, the provisions set out in this Schedule.		<p>The Committee divided and did not agree with Paragraph 1 of the Schedule <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>0</td> <td>3</td> <td>4</td> </tr> </table> <p>The Committee divided and did not agree with Paragraph 2 of the Schedule <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>0</td> <td>3</td> <td>4</td> </tr> </table>	Ayes	Noes	Abstentions	0	3	4	Ayes	Noes	Abstentions	0	3	4
Ayes	Noes	Abstentions												
0	3	4												
Ayes	Noes	Abstentions												
0	3	4												
<b>Schedule Para 3-6: Replacement of Cross-community support with weighted majority voting</b>														
<b>Explanation</b>	<b>Sponsor's Amendments</b>	<b>Result of Clause-by-Clause</b>												
Motion may request the removal of the concept of community designation, cross community support and petitions of concern be removed from the NI Act 1998. Bill proposes replacing these with a weighted majority vote mechanism and sets out the criteria for this.		<p>The Committee divided and did not agree with Paragraph 3 <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>3</td> <td>3</td> <td>1</td> </tr> </table> <p>The Committee divided and did not agree with Paragraph 4 <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table> <p>The Committee divided and did not agree with Paragraph 5 <b>as drafted</b>.</p>	Ayes	Noes	Abstentions	3	3	1	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
3	3	1												
Ayes	Noes	Abstentions												
1	3	3												

		<table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table> <p>The Committee divided and did not agree with Paragraph 6 <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<b>Schedule Para 7 - Speaker</b>														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
<p>Motion may request a number of measures (seven) to make the Speaker more independent and above party politics.</p>	<p><b>Amendment 15</b> Schedule, page 7, line 28 At end insert - ' ( ) that the Deputy Speaker be elected in a secret ballot under a weighted majority vote,'</p> <p><b>Amendment 16</b> Schedule, page 7, line 28 At end insert - ' ( ) that at least one of the following must be female - (i) the Speaker, (ii) a Deputy Speaker,'</p>	<p>The Committee divided and did not agree with the Sponsor's <b>amendments to Paragraph 7 of the Schedule</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table> <p>The Committee did not agree with Paragraph 7 of the Schedule <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<b>Schedule Para 8 - First Minister and deputy First Minister renamed as First Ministers.</b>														
Explanation	Sponsor's Amendments	Result of Clause-by-Clause												
<p>Motion may request that First Minister and deputy First Minister are renamed as the First Ministers.</p>		<p>The Committee divided and did not agree with Paragraph 8 of the Schedule <b>as drafted</b>.</p> <table border="1"> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </table>	Ayes	Noes	Abstentions	1	3	3						
Ayes	Noes	Abstentions												
1	3	3												

Schedule Para 9 - Collective Ministerial responsibility								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Motion may request that section 28a of the NI Act 1998 relating to the Ministerial Code include provision that Ministers uphold the principle of collective responsibility.		The Committee divided and did not agree with Paragraph 9 of the Schedule <b>as drafted</b> . <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions						
1	3	3						
Schedule Para 10 - Threshold for nomination of Minister								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Motion may request that a threshold be set for the nomination of a Minister.		The Committee divided and did not agree with Paragraph 10 of the Schedule <b>as drafted</b> . <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>4</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	0	4	3
Ayes	Noes	Abstentions						
0	4	3						
Schedule Para 11 - Nomination of Ministers and chairpersons of statutory committees								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Motion may request that nomination of chairpersons and deputy chairpersons forms part of the same process as the nomination of Ministerial offices.		The Committee divided and did not agree with Paragraph 11 of the Schedule <b>as drafted</b> . <table border="1"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions						
1	3	3						
Schedule Para 12 - Leaving the Opposition and re-joining the Executive								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Motion may request that provision is made for a member leaving the Opposition and joining the Executive.	In correspondence on 6 January 2016, the Sponsor advised the Committee that he will be opposing paragraph 12 of the Schedule.	The Committee agreed unanimously that Paragraph 12 of the Schedule should be <b>withdrawn by the Sponsor</b> .						
Schedule Para 13 - Programme for Government								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
Motion may request that the Executive set out a programme for government at the outset.	<b>Amendment 17</b> Schedule, page 8, line 31 At end insert -	The Committee divided and did not agree with the Sponsor's <b>amendment to Paragraph 13 of the Schedule</b> .						

	<p>‘Legislative timetable 13A. The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.’</p>	<table border="1" data-bbox="1368 225 1968 296"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table> <p data-bbox="1368 363 1968 427">The Committee divided and did not agree with Paragraph 13 of the Schedule <b>as drafted</b>.</p> <table border="1" data-bbox="1368 464 1968 536"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<p><b>Schedule Para 14 - Function of Statutory Committees</b></p>														
<p><b>Explanation</b></p> <p>Motion may request that the function of statutory committees is focused on scrutinizing rather than assisting and advising Ministers.</p>	<p><b>Sponsor’s Amendments</b></p> <p>The Bill Sponsor agreed with the suggested amendment from the ETI Committee.</p> <p>Schedule, page 8 line 33 Leave out section 14 and insert “(14) The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy”</p>	<p><b>Result of Clause-by-Clause</b></p> <p>The Committee divided and did not agree with the Sponsor’s <b>amendments to Paragraph 14 of the Schedule</b>.</p> <table border="1" data-bbox="1368 762 1968 834"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table> <p data-bbox="1368 869 1968 933">The Committee divided and did not agree with Paragraph 14 <b>as drafted</b>.</p> <table border="1" data-bbox="1368 1002 1968 1074"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	1	3	3	Ayes	Noes	Abstentions	1	3	3
Ayes	Noes	Abstentions												
1	3	3												
Ayes	Noes	Abstentions												
1	3	3												
<p><b>Schedule Para 15 - Simple Majority for budget approval</b></p>														
<p><b>Explanation</b></p> <p>Motion may request that any budget under section 64 of the NI Act 1998 be approved by simple majority.</p>	<p><b>Sponsor’s Amendments</b></p>	<p><b>Result of Clause-by-Clause</b></p> <p>The Committee divided and did not agree with Paragraph 15 of the Schedule <b>as drafted</b>.</p> <table border="1" data-bbox="1368 1241 1968 1313"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>4</td> <td>3</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	0	4	3						
Ayes	Noes	Abstentions												
0	4	3												

Long Title								
Explanation	Sponsor's Amendments	Result of Clause-by-Clause						
The Long Title of the Bill.		The Committee divided and did not agree with the Long Title of the Bill. <table border="1" data-bbox="1368 360 1968 432"> <thead> <tr> <th>Ayes</th> <th>Noes</th> <th>Abstentions</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>3</td> <td>2</td> </tr> </tbody> </table>	Ayes	Noes	Abstentions	2	3	2
Ayes	Noes	Abstentions						
2	3	2						



## Links to Appendices

You can view the Assembly & Executive Reform (Assembly Opposition) Bill *here*.

Explanatory and Financial Memorandum can be viewed *here*.

Appendix 1 - Minutes of Proceedings can be viewed *here*.

Appendix 2 - Minutes of Evidence can be viewed *here*.

Appendix 3 - Written submissions regarding this Bill can be viewed *here*.

Appendix 3 - Correspondence and Research Papers can be viewed *here*.

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Assembly & Executive Review Committee

Claire McCanny

Northern Ireland Assembly

Parliament Buildings

Ballymiscaw

Stormont

Belfast BT4 3XX

Telephone: 028 90 521309

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

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