



Research Paper

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COMMITTEE SYSTEMS IN THE DEVOLVED ADMINISTRATIONS, WESTMINSTER AND IRELAND

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The aim of this paper is to facilitate the Committee on Procedures with its inquiry into the Committee Structures and Systems in the Northern Ireland Assembly, specifically examining how such structures and systems could be improved. The paper provides background information about the Committee Systems used in Northern Ireland and in Westminster, Scotland, Wales and the Republic of Ireland and how they differ in respect of size, membership, organisation and procedures. In conclusion, it raises potential issues for consideration and identifies some learning from other Parliaments which could be options for implementation in the Northern Ireland Assembly.

Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

SUMMARY OF KEY POINTS

- There are 180 Committee places in the Northern Ireland Assembly and 94 eligible MLA's to fill these 180 places.
- One MLA sits on five Committees, 13 sit on 3 Committees and 58 MLAs sit on 2 Committees.
- Changing the size of committees or the number of committees would decrease the number of committee places.
- The House of Commons has more members than it has committee places.
- The quorum for committees in the Northern Ireland Assembly is 5 in most cases in comparison to the usual figure of 3 in the other Parliaments.

Comparative information on the five Committee Systems.

Legislature	Number of Members	Number of Committees	Number of Committee places	Number of Committee members	Accept substitutes	Quorum size	Reporters	Sub-committees
Northern Ireland Assembly	108	17	180	Average 11	Only the Business Committee	Usually 5	No	Yes
House of Commons	659	33 (select committees)	382*	Average 11-16	Yes	Usually 3	No	Yes
Scottish Parliament	129	16	121	Average 7-9	Yes	Usually 3	Yes	Yes
National Assembly for Wales	60	12	95	Average 9	Yes	Usually 3	Yes	Yes
Dail Eireann	166	16	178	Average 11	Yes	Usually 3	Yes	Yes

**Number of MPs sitting on Select Committees*

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PART ONE: INTRODUCTION

The aim of this paper is to facilitate the Committee on Procedures with its inquiry into the Committee Structures and Systems in the Northern Ireland Assembly, specifically examining how such structures and systems could be improved. The paper provides background information about the Committee Systems used in Northern Ireland and in Westminster, Scotland, Wales and the Republic of Ireland and how they differ in respect of size, membership, organisation and procedures. In conclusion, it raises potential issues for consideration and identifies some learning from other Parliaments which could be options for implementation in the Northern Ireland Assembly.

The Terms of Reference of the Inquiry are to:

- examine the membership of committees with particular reference to the number of members sitting on committees and the number of members serving on multiple committees.
- assess the use of substitutes in committees.
- examine the arrangements for quorums in committees.
- consider the possibility of the use of rapporteurs in committees.
- give consideration to the days and times on which committees should meet, the frequency of meetings and facilities for meetings.
- consider the procedures for voting in committees.
- assess the possibility of introducing Standing Orders to allow for joint committees.
- report to the Assembly making recommendations on the findings of the Committee on Procedures into committee systems and structures.

The committee system is meant to be of strategic help in carrying out the overall functions of the parliament. In considering possible improvements to the structure and procedure of committees this must be held in mind – what lessons can the Procedures Committee learn from the committee systems of other jurisdictions in delivering on the work of the Assembly?

This report is a comparative analysis of the systems and structures of committees in operation within the four regions of the UK, plus that of the Republic of Ireland. The report is in five parts including this introduction; part two is a brief description of each of the five parliamentary committee systems; part three is a short analysis of the membership of committees and the procedures for and frequency of meetings; part four looks at examples of how different committee systems utilise such practicalities as:

- Substitutes,
- Reporters,
- Joint committees, and
- Voting.

The fifth and last part of the report assesses the options open to the Northern Ireland Assembly to improve the operation of committees, while relying on the experience of the other parliaments.

PART TWO: COMPARATIVE SYSTEMS AND STRUCTURES

The committee system within a parliament is established to take the burden off the full meeting of the House:

The need for parliamentary committee arises from several factors such as review of administrative actions and examination of complicated legislative proposals by experts, which is not possible in plenary sessions attended by large number of members. The workload of modern parliaments is enormous and as such there is little time for detailed investigations or discussion on every matter in the floor. But in the calmer and non-partisan atmosphere of the committees it is possible to get things done, accommodating different views and applying the give-and-take principle. Moreover, there, back benchers can also effectively participate. Committees act as valuable learning grounds for ministers and presiding officers. It also provides useful forum for the utilisation of experience and ability that would otherwise not be available.¹

Of particular importance in the Northern Ireland Assembly is that the Statutory Committees scrutinise the work of Government in the absence of a formal Government opposition. This part of the report gives a brief description of the committee systems and structures of the parliaments in Northern Ireland, Westminster, Scotland, Wales and in the Republic of Ireland. It describes the relevant legislative basis for the committee systems and details some of their roles, remits and powers.

2.0 NORTHERN IRELAND ASSEMBLY

The role and remit of committees within the Northern Ireland Assembly are set out in four key documents: the Belfast Agreement;² the *Northern Ireland Act 1998*;³ The *Northern Ireland (St Andrews Agreement) Act 2006*;⁴ and in Standing Orders.⁵ The committee system in the Northern Ireland Assembly consists of both statutory and non-statutory committees.

Statutory Committees

The Belfast Agreement and the *Northern Ireland Act 1998* prescribe the setting up of a group of committees to:

advise and assist each Northern Ireland minister in the formulation of policy with respect to matters within his/her responsibilities as a Minister⁶.

The Belfast Agreement states that there will be a committee for each of the 'main executive functions of the Northern Ireland Administration'⁷. The NI Assembly Standing Orders state that these Statutory Committees may carry

¹ Report of the Conference on Committee Systems, Presentation by Mr. Suranjit Sengupta, MP, http://www.parliament.gov.bd/IPS_Committee_Conference/ips-27_panel5sengupta.htm

² <http://www.ofmdfni.gov.uk/publications/ba.htm>

³ <http://www.hmsso.gov.uk/acts/acts1998/19980047.htm>

⁴ http://www.niassembly.gov.uk/transitional/info_office/Act.pdf

⁵ <http://www.niassembly.gov.uk/so.htm>

⁶ Section 29 (1) (a), The Northern Ireland Act 1998.

⁷ Strand 1 para 8, The Belfast Agreement.

out their functions of advising and assisting in the formulation of policy, in relation to one or more Ministerial Portfolio.

Paragraph 9 in Strand 1 of the Belfast Agreement states that Statutory Committees will have a scrutiny, policy development, and consultation role with respect to the Department with which each is associated and will have a role in initiation of legislation. They will have the powers to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the committee by its Minister.⁸

This legislation has translated into the establishment of 11 Statutory Committees directly covering the remits of the 11 departments. These Statutory Committees are often referred to as the Departmental Committees (Table 1, Appendix A).

Section 44 (1) of the *Northern Ireland Act 1998* empowers the Assembly to require any person to:

- (a) to attend its proceedings for the purpose of giving evidence; or*
- (b) to produce documents in his custody or under his control, relating to any of the matters mentioned in subsection (2).⁹*

Non-statutory committees

There are two types of non-statutory committee in the Northern Ireland Assembly: Standing Committees and Ad hoc Committees.

STANDING COMMITTEES

Standing Committees are permanent committees of the Assembly with their remits and functions described in Standing Orders (SO 48). There are six Standing Committees (Table 1, Appendix A), which, like the Statutory Committees have memberships in line with party strengths in the Assembly (Standing Order 48(4)).

AD-HOC COMMITTEES

Ad Hoc Committees can be established from time to time to deal with specific time-bounded terms of reference that the Assembly may set. Currently there are no ad-hoc committees in existence. However under the first mandate there were four established to examine and comment upon legislation relating to reserved matters.

⁸ Strand 1 para 9, The Belfast Agreement.

⁹ Under section 44 (2) those matters are- (a) transferred matters concerning Northern Ireland; (b) other matters in relation to which statutory functions are exercisable by Ministers or the Northern Ireland departments.

2.1 HOUSE OF COMMONS

The three main types of committees in the House of Commons are:

- Select Committees
- General Committees (including Public Bill Committees)
- Joint Committees

Prior to the 2006-2007 parliamentary session, General Committees were called Standing Committees. These changes were instigated after recommendations from the report by the Modernisation Select Committee, "*The Legislative Process*"¹⁰, in July 2006 which recommended changes to Standing Committees as they existed in the House of Commons.

Select Committees

Select Committees check and report on areas ranging from the work of government departments to economic affairs. The results of these inquiries are public and many require a response from the government.

There is a Select Committee for each government department, examining the three aspects of; spending, policies and administration (Table 3, Appendix A).

These departmental committees decide upon a line of inquiry and then gather written and oral evidence. Findings are reported to the House of Commons and are printed and published.

Some Select Committees have a cross-departmental remit such as Public Accounts or Environmental Audit. Depending on the issue under consideration these cross-departmental committees can look at any or all of the government departments.

Other Commons Committees are involved in a range of on-going investigations, like the administration of the House itself, or allegations about the conduct of individual MPs. These non-departmental committees are called domestic committees – concerning themselves with the domestic issues affecting MP's and the House of Commons. (Table 2 in Appendix A contains a list of all current Select Committees.)

General Committees

The main role of General Committees is to consider proposed legislation, mostly Public Bills, in detail. This committee system allows faster processing of Bills. The committees reflect the proportional political makeup of the House.

¹⁰ <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmmodern/1097/1097.pdf>

Committees on Bills

A Public or Private Bill Committee is appointed for each Bill that goes through Parliament. Depending on its complexity, the consideration of a Bill can take a few minutes to a few months.

Other General Committees

Additional General Committees exist to debate matters in specific areas. These exist to debate matters referred to them by the House. They do not take evidence or make substantial reports of any kind. Normally, the matters referred to them are of special interest to limited groups of Members.

Grand Committees	The role of the Scottish Grand Committee was extensively revised with effect from the beginning of the 1994-95 session and the powers of the Welsh Grand Committee were similarly extended in 1995.
Second Reading Committees	To save time in the Chamber, second reading committees may be set up to consider the principle of a bill. In effect, only non-controversial bills are so referred. They may report either that the bill should, or should not, be read a second time; in the latter case they are empowered to state their reasons. The motion for a second reading is then taken in the House without debate.
Delegated Legislation Committees	Delegated Legislation Committees consider statutory instruments referred to them by the House. Each committee is constituted afresh for each new item, or group of related items, referred to it.
European Standing Committees	From 1990-91, documents recommended by the European Scrutiny Committee for further consideration by the House have, unless the House otherwise orders, been referred to one of three European Standing Committees.

Joint Committees

Joint Committees are committees consisting of MPs and Lords and have similar powers to Select Committees. Some are set up on a permanent basis, like the Joint Committee on Human Rights. Other appointments are for specific purposes, such as examining draft proposals for Bills on subjects ranging from gambling to stem-cell research.

In Joint Committees, Members from both Houses meet and work as one committee and appoint a single chairman from either house.

2.2 SCOTTISH PARLIAMENT

The role and remit of committees within the Scottish Parliament is set out in four documents: the *Scotland Act 1998*,¹¹ the Consultative Steering Groups' proposals for committees;¹² the Scottish Parliament's Standing Orders;¹³ and the document entitled Guidance for the Operation of Committees.¹⁴

¹¹ <http://www.hmso.gov.uk/acts/acts1998/19980046.htm>

¹² The Consultative Steering Group on the Scottish Parliament (CSG) was set up by the Secretary of State for Scotland in November 1997, following the positive outcome of the Scottish devolution referendum, and met for the first time in January 1998. Its membership

It is the Scottish Parliament's Standing Orders which prescribe the establishment and operation of committees. Standing Orders have instituted a committee system which consists of '*mandatory committees*' and '*subject committees*'.

The Scottish Parliament's Standing Orders state that committees can examine any matters within their remit and conduct inquiries. In doing so both mandatory and subject committees may:

- consider the policy and administration of the Scottish Administration;
- consider any proposals for legislation whether before the Scottish Parliament or the United Kingdom Parliament;
- consider any European Communities legislation or any international conventions or agreements or any drafts which relate;
- consider the need for the reform of the law;
- initiate bills; and
- consider the financial proposals and financial administration of the Scottish Administration.

MANDATORY COMMITTEES

Mandatory Committees are equivalent to the Standing Committees of the Northern Ireland Assembly. Standing Orders allows for the establishment of any committees that Parliament sees fit but prescribes the establishment of eight specific committees (Table 4. Appendix A).

SUBJECT COMMITTEES

Committees which are established by the Scottish Parliament to deal with a particular subject are referred to as *Subject Committees*. The Subject Committees also deal with legislation relevant to their remit. As from June 2007 there are 8 Subject Committees in operation which follow the remit of the government departments: however there is no procedural limit to the number of subject committees created (Table 4, Appendix A).

2.3 NATIONAL ASSEMBLY FOR WALES

The *Government of Wales Act 1998*¹⁵ and the Standing Orders of the National Assembly for Wales¹⁶ set the parameters for the committee system in the National Assembly for Wales (NAfW).

included representatives of all four major Scottish political parties, as well as of a wide range of civic groups and interests. The remit of the group was:

- to bring together views on and consider the operational needs and working methods of the Scottish Parliament;
- to develop proposals for the rules of procedure and Standing Orders which the Parliament might be invited to adopt; and
- to prepare a report to the Secretary of State by the end of 1998, to inform the preparation of Standing Orders.

¹³ http://www.scottish.parliament.uk/parl_bus/sto-c.htm

¹⁴ http://www.scottish.parliament.uk/whats_happening/docs/cg-c.htm

¹⁵ <http://www.hmsso.gov.uk/acts/acts1998/19980038.htm>

¹⁶ <http://www.wales.gov.uk/keypubstandingorders/index.htm>

The *Government of Wales Act 1998* prescribes the establishment of the following committees and groups of committees:

- an executive committee;
- Subject Committees (with responsibilities in the fields in which the NAFW has functions);
- a subordinate legislation scrutiny committee;
- an audit committee; and
- Regional Committees.

The NAFW also has the power to establish any other committees which it considers appropriate. A number of committees, including the Business Committee and the Standards of Conduct Committee, have been established using this power.

Subject Committees

Subject Committees have a role in policy development and scrutiny of the NAFW. At present there are four Subject Committees in operation. Standing Orders require each Subject Committee to maintain a rolling programme of work covering periods of at least 12 months (Table 5, Appendix A).

Statutory Committees

In addition there are eight Statutory Committees that are detailed in Standing Orders (Table 5, Appendix A).

Regional Committees

The four Regional Committees represent the needs and interests of their localities and convey issues of local concern to the full NAFW and to the Subject Committees. They are made up of members from the relevant constituency and electoral region.

2.4 DAIL EIREANN, REPUBLIC OF IRELAND

Each House of the Oireachtas has power under its Standing Orders to form Committees for specific purposes. There are four types of Committees – Standing, Select, Joint and Special.¹⁷

Standing Committees	Standing Orders provide for the automatic creation of such Committees in a new Dáil or Seanad e.g. Committee of Public Accounts, Joint Committee on Consolidation Bills.
Select Committees	Comprise membership of one House only, whether Dáil or Seanad
Joint Committees	Comprise Select Committees from both Houses sitting and voting together under common Orders of Reference
Special Committees	Established for the sole purpose of considering a specific Bill.

¹⁷ <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/leaflet/comm.htm&CatID=102&m=c>

The Dail decides on the terms of reference, membership and powers of its Committees. The membership of committees is to be proportionally representative of the House. Committee Reports are published and it is for the House to decide on any follow up action (Standing Orders 82)¹⁸.

Standing Committees

The Dail has three Standing Committees, these are the:

- Committee on Procedure and Privileges;
- Committee of Public Accounts; and
- Committee on Members' Interests of Dáil Éireann.

Select Committees

The Select Committees of the Dail have the same membership from the Dail as in the Joint Committees and the committees have the same names. The difference being that they sit without their Senate Colleagues. They have responsibility for dealing with the Committee stages of Bills referred to them by the Dáil and with the Estimates for Public Services (essentially the annual expenditure proposals) for Government Departments and international agreements involving a charge on public funds¹⁹. Table 6 in Appendix A contains a list of Dail Eireann Standing and Select Committees.

The powers of committees depend on their orders of reference and include or relate to:

- Power to send for persons, papers and records;
- Power to receive submissions and hear evidence from interested parties or groups;
- Power to discuss and draft proposals for legislative change;
- Power to print and publish minutes of evidence and related documents;
- Power to require attendance of Ministers to discuss current policies;
- Power to require attendance of Ministers to discuss proposals for legislation; and
- Power to require attendance of principal office holders in bodies in the State which are wholly or partly funded by the State.

Joint Committees

The Joint Committees in full session are the main committees of Scrutiny of Government Departments, including:

- public affairs administered by the Department, including bodies under the aegis of the Department in respect of Government policy;
- matters of policy for which the Minister is responsible;
- related policy issues concerning bodies, which are partly or wholly funded by the State;

¹⁸

http://www.oireachtas.ie/documents/proceduraldocuments/StandingOrders2007_English_and_Irish.pdf

¹⁹ Ibid.

- proposals for EU legislation and related policy issues as may be referred to it from time to time;
- the Strategy Statement of the Department as laid before the Houses;
- certain Annual Reports (and Accounts) of bodies under the aegis of Departments (does not apply to the Joint Committee on European Affairs); and
- such other matters as may be referred to the Committee from time to time.

PART THREE: MEMBERSHIP AND MEETINGS

This section of the report looks at the structure of committees in the five parliaments and some of the procedures around when and how they meet. Standing Orders govern the membership of committees in all five regions, including the numbers in each committee, the party make up of committees and the size of committee quorums. This section draws out the differences between the five parliaments and how they deal with their individual circumstances.

3.0 Northern Ireland Assembly

Membership

All 11 Statutory Committees have 11 members²⁰, including a Chair and Deputy Chair. Standing Orders entitle members not holding ministerial office to be offered at least one place on a Statutory Committee. In total there are 121 places available on Statutory Committees. In addition to the Statutory Committees, there are six Standing Committees. Of the six Standing Committees, 4 have a membership of 11, one has a membership of 5 (Audit Committee) and the Business Committee has a membership of 10 (but this can be up to a maximum of 13 members if need be²¹), making the number of places available on Standing Committees as 59. Therefore there are a total number of 180 places available on the committees. (Table 1, Appendix A).

Parties are notified about how many committee places they have been designated and it is up to them to distribute those places among their MLAs. Committee places for each party are mainly allocated proportionally based on d'Hondt (the Business committee has 2 members from each party which holds over 15 Assembly seats and one place to any other party with two or more seats).

The allocation of committee places, based on Assembly seats, does not take account of the number of ministerial posts held by members of the party. These members, by taking up ministerial office, are ineligible to sit on committees²². For instance, the DUP have 36 MLAs, which translates into 59 Committee places: however, they have 6 MLAs in ministerial posts, therefore 30 of their members are able to take up these places.

In reality, instead of 108 MLAs taking up the 180 committee places, there are 94 MLAs able to do so. The situation as it stands is that MLAs sit on different numbers of committees, as the table below illustrates.

Number of Committees	Number of MLAs
5	1
3	13
2	58
1	20
0	2

²⁰ NIA Standing Order 47 (1).

²¹ NIA Standing Order 50 (5).

²² NIA Standing Order 46 (3).

Total	94
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Quorums

Standing Orders set the size of a quorum for Statutory Committees at five members²³. Under Standing Order 48 (4), this holds true for the Non-Statutory Committees other than the Audit Committee, which has a quorum of two. Standing Orders also state that the Committee will be suspended if at any time a quorum is not in attendance.

Meetings

Committees currently sit once a week while the Assembly is in session. In addition, there is no obstacle to committees meeting while the Assembly is sitting, so long as they adjourn if there is a vote in the chamber²⁴.

At present committees meet in the three committee rooms. This allows for three committees to meet at any one time.

3.1 House of Commons

Membership

There are 19 Departmental Select Committees in the House of Commons. 11 of the 19 have 11 members, 6 have 14 members, Environmental Audit has 16 and Northern Ireland Affairs has 13 members. The party composition of Select Committees reflects that of the House, and membership is controlled by Standing Orders. The 19 departmental committees are appended in Appendix A, Table 3.

There are 234 places on the 19 Departmental Select Committees. However when the other Select Committees are included, the total number of Select Committees is 39 (including Joint Committees) and the total number of MPs sitting on these committees is 382²⁵. A report by the University of Essex, for the Modernisation Committee of the House of Commons in 2001 found that almost 60% of MPs serve on a committee during a session²⁶.

The House of Commons, by contrast, fails to make anything like the same demand on MPs. Select Committee places in the Commons require at any point in time only 40 per cent of the total membership of the House, though the turnover in membership means that nearly 60 per cent of MPs serve on a committee during a session. (Of course, ad-hoc Standing Committees and business committees make extra demands.)

Indeed, a poll for the Hansard Society in June 2000 cited in the University of Essex report illustrated that an MP's priority is their constituency. This stated that:

²³ NIA Standing Order 47 (7).

²⁴ NIA Standing Order 44 (3) & 57.

²⁵ House of Commons Sessional Returns, Sessional Returns 2005-2006, House of Commons.

²⁶ Memorandum from Democratic Audit, Human Rights Centre, University of Essex, OBJECT LESSONS: PARLIAMENTARY COMMITTEES ABROAD, THEIR FUNCTIONS AND POWERS, Modernisation of the House of Commons - First Report, APPENDIX 24, Sept 2006.

However, in practice, the culture of scrutiny is poorly developed in the House of Commons. MPs give priority to dealing with constituents complaints (53.1 per cent) over holding government to account (52 per cent) when asked what was their most important role; and while just 23.5 per cent of MPs did more than five hours work weekly on Select Committees, some 77.1 per cent of MPs gave more than five hours to dealing with constituency casework. These figures point to the well-known fact that personal priorities for most MPs are party loyalty and constituency affairs.²⁷

An outworking of this was that recruitment of members to some committees is difficult. This led the Modernisation Committee in the Commons to recommend:

*Conversely there are some Select Committees on which it is difficult to find Members to serve and even more difficult to secure their attendance. For example the Modernisation Committee heard from one of our number, Mr Peter Pike, of his difficulty in securing a quorum at meetings of the Deregulation and Regulatory Reform Committee, which has a membership of seventeen. We see no merit in retaining a committee size that is greater than Members are prepared and willing to fill. **We recommend a reduction in size of the membership and of the quorum of Select Committees where there has been a persistent problem securing attendance.**²⁸*

Quorum

Under Standing Order 124, a Select Committee cannot proceed unless a quorum of its members is present. Unlike most Standing Committees, there is not a fixed rule for calculating the quorum as a proportion of total membership: it will be specified either in the relevant Standing Order or in the Order establishing the committee. The quorum of most Select Committees in the House of Commons is three or a quarter of the number of its members, whichever is the greatest²⁹. The Modernisation Committee is one of the exceptions: it has a membership of 15 and a quorum of 5.

Meetings

Select Committees may meet on any day of their choice (whether the House is sitting or not) and may meet anywhere in the UK. Departmental Select Committees usually meet at least once a week when Parliament is sitting, more if necessary. They can also sit when the House is adjourned. The other Select Committees usually sit less often than once per week.

3.2 Scottish Parliament

Membership

Between the Mandatory and Subject Committees in the Scottish Parliament there are 121 committee places (Table 4, Appendix A). Given that there are

²⁷ Memorandum from Democratic Audit, Human Rights Centre, University of Essex, OBJECT LESSONS: PARLIAMENTARY COMMITTEES ABROAD, THEIR FUNCTIONS AND POWERS, Modernisation of the House of Commons - First Report, APPENDIX 24, Sept 2006.

²⁸ Modernisation of the House of Commons - First Report, House of Commons, Sept 2006.

²⁹ The Committee System of the House of Commons, Committee Office, House of Commons, May 2003.

129 members of the Scottish Parliament, there is little problem for members to cover committee places.

Each Mandatory and Subject Committee must have at least five, but not more than fifteen members, under Rule 6.3.2 of the Standing Orders³⁰. In considering members for committees, the Parliamentary Bureau needs to ensure party balance and the specific interests of members:

In proposing membership, the Parliamentary Bureau must have regard to the balance of the parties within the Parliament and to the qualifications and experience of any member expressing an interest in a particular committee (Rule 6.3.4)³¹.

Quorum

The Quorum needed for committees in the Scottish Parliament is three³²:

A committee shall not commence consideration of any business or vote if the number of committee members present (including the convener) is fewer than three

The effect of this is that, if attendance falls below three members during the course of a meeting, the committee can conclude the item of business under consideration. However the committee cannot then vote on that item and cannot commence another item of business.

A member may also be deemed to be present at a committee meeting and count towards the quorum and participate fully by means of video conferencing.

Meetings

Committee meetings are normally held on Tuesday mornings, Tuesday afternoons and Wednesday mornings in the six specially designed committee rooms in the Scottish Parliament building. However, committees can meet on any day, whether a sitting day or not. One limitation stipulated in Standing Orders is that committee meetings shall “not normally” be held in the Parliamentary recesses (Rule 12.3.3). In practice, it is extremely unusual for committee meetings to be held during Parliamentary recesses.

Committees are also prohibited, in Standing Orders, from meeting when the Parliament is sitting; although they can meet when a meeting of the Parliament is suspended or has been adjourned. This means that committees are able to meet while the Parliament has been suspended for a lunch break.

Meeting schedules are drawn up in advance of the session, but it is expected that committees will normally meet every week of fortnight.

³⁰ http://www.scottish.parliament.uk/business/so/so_final.pdf

³¹ Ibid.

³² Scottish Parliament Standing Orders, Rule 12.2.1.

3.3 National Assembly for Wales

Membership

After elections in May 2007, the new committee structures were organised over the summer months. Up until the 2007 recess there were a total of 12 committees plus the Assembly Commission; of these, eight had nine members on each: the Audit Committee had 10 members, the Petitions Committee had 4 members and the Business Committee had 5. Of the 60 members of the Welsh Assembly, 46 were eligible to take up the 95 committee places (Table 5, Appendix A).

With 95 committee places and only 46 eligible members, the Welsh Assembly committee system requires members to sit on multiple committees. All eligible members sit on at least one committee, with many sitting on two or three and one member sitting on four committees.

Number of Committees	Number of Members
One committee	13
Two committees	18
Three committees	14
Four committees	1
Total	46

Quorum

Standing Orders require that 3 members or a third of the committee, whichever is higher, are needed for a quorum. In addition, if at the beginning of a committee meeting, the members present are all from a single party, then the committee will be deemed inquorate (Standing Orders 10.29 – 10.31)³³.

Meetings

Committees sit on Tuesday and Wednesday mornings and all day Thursday, while the Chamber is in session. Although they can get permission from the Presiding Officer to meet in a week when the Chamber will not be in session (Standing Orders 10.41)³⁴. In general each committee meets once a fortnight. The Regional Committees usually hold two meetings per parliamentary session.

3.4 Dail Eireann

Membership

There are 166 Deputies (Members) in the Dáil Éireann. A Deputy will often be a member of more than one Committee. Of the Standing and Dail committees listed, there are 178 committee places (Table 6, Appendix A). These places are taken up by 126 Deputies. Of the 125 Deputies sitting on committees, 75 sit on one committee, 47 sit on two committees and 3 sit on three committees.

³³ <http://www.assemblywales.org/bus-docs-third-standingorders.pdf>

³⁴ Ibid.

Number of Committees	Number of Members
One committee	75
Two committees	47
Three committees	3
Total	125

Quorum

Standing Order 82 (1) states that the Dail on setting up a Select Committee will, in setting the committee's terms of reference also agree the size of the quorum. For the three Standing Committees, the size of the quorum is set down in Standing Orders which instruct that; the Committee of Public Accounts has a quorum of 4, the Committee on Members Interests has a quorum of 3, and that the Committee on Procedure and Privileges has a quorum of 8.

Meetings

With the exception of the month of August, Committees meet throughout the year. Committees usually sit once a week. The Select Committees of the Dail sit as the Joint Committee and have extra meetings of only the Deputies if they need to discuss legislation.

PART FOUR: STRUCTURES AND PROCEDURES

The terms of reference for the Procedures Committee Inquiry identify certain procedural issues to be considered. These procedural issues are the following:

- **Substitutes:** “*assess the use of substitutes in committees*”,
- **Reporters:** “*consider the possibility of the use of rapporteurs in committees*”,
- **Joint committees:** “*assess the possibility of introducing Standing Orders to allow for joint committees*”, and
- **Voting:** “*consider the procedures for voting in committees*”.

This section looks at each of these in turn and describes the approaches taken by Northern Ireland and by the other four parliaments.

4.0 Substitutes

The main role of the committee substitute is to stand in for a committee member of the same party if that member is unavailable for a committee meeting. In all five committee systems, substitutes were acceptable, but with varying procedures to define their use.

Northern Ireland Assembly

The Northern Ireland Assembly has no specific provision in Standing Orders to allow for the use of substitutes except in Standing Order 50 (5) regarding the Business Committee in which all members of the Committee can appoint a substitute who will have full voting rights. However, Standing Orders allow Standing Committees to determine their own procedures and therefore substitutes could be utilised.

House of Commons

Substitutes are permitted, but only in the case of illness or ministerial appointment or change.

Scottish Parliament

A political party represented by 5 or more members of the Parliament may nominate a member of that party to be a substitute for the members of that party on a particular committee³⁵. However a substitute can not be nominated for a Private Bill Committee.

As well as standing in for a member unable to attend because of illness, Committee substitutes may also stand in where there is a temporary gap in the membership of a committee (for example, where a member has died or resigned, and a replacement member has not yet been appointed).

³⁵ Guidance on Committees, Scottish Parliament,
<http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-1.htm#229>

A committee substitute may only attend if the specified reason arises. It does not give a party the right to decide who it sends to a committee meeting, the actual members or the substitute. When a committee substitute attends a meeting, he or she assumes the full rights of an ordinary member of the committee.

In 2002 the Scottish Parliament carried out a review of the use of substitutes in their committees. A copy of the report is appended (Appendix A) and the report's findings are as follows:

Summary of Recommendations

11. At its 14th Meeting 2001, and 1st Meeting 2002, the Committee considered and agreed the following recommendations:

- substitution would be appropriate only in the following identifiable circumstances:
 - personal illness of a member*
 - family circumstances*
 - adverse weather conditions*
 - urgent constituency business*
 - the unavoidable clash of Parliamentary business**
- substitutes for the Parliamentary Committees would be chosen by the Parliament on a motion of the Parliamentary Bureau.*
- there should be one Party substitute for each Parliamentary Committee.*
- substitution should not be permitted on Private Bill Committees.*
- substitutes should not act as conveners, deputy conveners, temporary conveners or Parliamentary Committee reporters.*
- excepting the roles noted in the immediately preceding point, substitutes on Parliamentary Committees should be able to take part in the full range of business as the permanent members for whom they are substituting.*
- substitutes on Parliamentary Committees should dispose of one vote only on any question.*
- substitutes for members of single member parties and individual members should not be permitted.*
- substitutes should be permitted only for the whole of a Committee meeting.³⁶*

Assembly for Wales

Substitutes are allowed in the Welsh committee system if prior notice is given. Again, a substitute sitting on a committee has the same rights as other committee members. The Standing Orders state that:

A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects

³⁶ <http://www.scottish.parliament.uk/business/committees/historic/procedures/reports-02/prr02-02-01.htm>

*as if he or she were a member of it. No Member may represent more than one committee member at a meeting.*³⁷

Dail Eireann

The Dail too allows for substitutes in Committees. However the Standing Orders refer to Select and Special Committees but not Standing Committees, stating:

In the absence of a member nominated to serve on a Select or Special Committee, a substitute may be nominated to take part in the proceedings in accordance with the following provisions of this paragraph and shall be entitled to vote in the absent member's stead and to move motions and amendments in his or her own name:

(a) where the absent member is a member of a Government party, that party may nominate a substitute from any Government party,

(b) where the absent member is a member of an Opposition party or group (within the meaning of Standing Order 116), that party or group may nominate a substitute from any Opposition party or group,

*(c) where the absent member is not a member of a party or group (within the meaning of Standing Order 116), that member may nominate another member who is not a member of a party or group.*³⁸

4.1 Reporters

Reporters or Rapporteurs are usually initiated to reduce the workloads of committees. A Reporter would be charged with a specific task on behalf of a committee, such as drafting an inquiry report. Not all of the five parliaments use reporters, the ones that do are the Scottish Parliament, the Welsh Assembly and the Dail Eireann. The House of Commons Modernisation Committee, when making recommendations for a more efficient and effective committee system, recommended the use of reporters:

*We recognise that this is an ambitious work programme. it may not always be possible for all Members to be fully involved in every investigation across such a broad range. **We recommend that Select Committees should experiment with appointing one of their number as a rapporteur on a specific task, such as for example financial scrutiny.***³⁹

Scottish Parliament

A distinctive element of the workings of the committee system in Scotland is the use of committee members as reporters. The guidance document for the operation of committees in the Scottish Parliament states that:

A committee may consider the appointment of one or more of its members as reporters. A reporter may report to a committee on any competent matter, within a time limit set by the committee.

Reporters might fulfil a number of roles, including taking responsibility for researching, investigating an issue, or the drafting of a committee report on a particular subject over a set period of time. This does not necessarily mean

³⁷ Standing Orders of the National Assembly for Wales, March 2007, 10.42.

³⁸ Standing Orders 92 (2), Dail Eireann, 2007.

³⁹ Modernisation of the House of Commons - First Report, House of Commons, Sept 2006.

that the reporter will carry out these duties but he or she may be responsible for commissioning and monitoring the work to the committee's instruction. Alternatively, a reporter may act as a link person with another committee (e.g. the European Committee) or outside body. It will be for the committee to decide the role of each reporter. The remit of each reporter should normally be agreed at the time of their appointment.

*There is no formal process for the appointment of reporters set out in Standing Orders. The nature of the post, which is not a formal office of the committee, and the fact that the duration of the appointment is limited by the committee at the outset, may suggest that an informal approach is desirable. However, this is ultimately a matter for committees to determine.*⁴⁰

4.2 Joint Committees

The term "Joint Committee" usually refers to committees that exist in bicameral parliaments such as Westminster and the Dail Eireann and are established by members of both chambers to come together to sit in committee with a common remit. However in the Northern Ireland context, and for Scotland and Wales also, it refers to, usually two committees, but feasibly more, coming together to meet in a joint sitting where they are discussing a topic which overlaps with a number of committee's remits.

These joint meetings of committees are dealt with differently by the different parliaments.

The National Assembly for Wales

The National Assembly for Wales states in its Standing Orders that: "Committees may meet concurrently with other committees of the Assembly."⁴¹

In practice there is a wide range of consultation between committees taking place at various levels. Subject Committees may hold joint meetings on matters of common interest. They may also hold joint meetings with regional committees.

Where appropriate, committees may produce papers which are considered by other committees. This is especially the case when considering "cross-cutting" issues such as equal opportunities or sustainable development. Committee members also sometimes attend meetings of other committees informally.

In order to facilitate coordination of activities, each committee produces a strategic forward work programme for the year ahead. In addition, the chairs of Subject Committees constitute a "Panel of Chairs", which can consider issues relating to the operation of Subject Committees.

Scottish Parliament

⁴⁰ Cited in Departmental Select Committees, Research Paper 02/35, House of Commons, 2002.

⁴¹ Standing Orders of the National Assembly for Wales, March 2007, 10.47.

The Standing Orders of the Scottish Parliament give more detail about cooperation between committees than the Welsh Assembly, allowing for the more formal establishment of such cross-committee working:

Rule 6.14

1. Where a matter falls within the remit of more than one committee, the committees concerned may, with the agreement of the Parliamentary Bureau, consider that matter jointly. The Parliamentary Bureau shall consult the Conveners Group before giving such agreement.

2. Where a matter is to be considered jointly under paragraph 1, any meeting to consider that matter shall be held jointly by the committees concerned. Such a meeting may be convened by the convener of any of those committees. At such a meeting the convener of any of those committees may take the chair.

3. Any report on the joint consideration of a matter shall be produced jointly by those committees.

4. Any of those committees may establish a sub-committee under Rule 12.5 to consider the matter jointly with a sub-committee of another of those committees.

In Scotland some committees hold joint meetings. In some cases, 2 or more committees will take evidence on different aspects of an issue. Certain committees perform a “sifting function” and decide whether further action should be undertaken by one of the Parliament’s Subject Committees.

Subordinate legislation will be considered by both the Subordinate Legislation Committee and the appropriate “lead” committee. The lead committee will be designated by the Parliamentary Bureau.

Bills are often examined by more than one committee. If their subject matter falls within the remit of several committees, the Parliamentary Bureau may name one committee as the lead and the other(s) feed the results of their inquiries to it.

House of Commons

In the House of Commons, the Standing Orders expand this conversation between committees to include sub-committees, and even committees in devolved administrations.

137A.—(1) Any Select Committee or sub-committee with power to send for persons, papers and records shall have power—(a) to communicate its evidence to any other Select Committee or sub-committee of either House of Parliament or to the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly or to any of their committees; provided that evidence from the National Audit Office shall first have been agreed between that Office and the government department or departments concerned; (b) to meet concurrently with any committee or sub-committee of either House of Parliament for the purpose of deliberating or taking evidence; (c) to meet concurrently with any other Select Committee of this House for the purpose of considering a draft report; and (d) to agree in the choice of a chairman for any concurrent meetings.

(2) Where two or more Select Committees have agreed reports to the House in identical terms, those reports may be published as a joint report.

(3) The Welsh Affairs Committee may invite members of any specified committee of the National Assembly for Wales to attend and participate in its proceedings (but not to vote).⁴²

4.3 Voting

Across the various parliaments the practice of voting in committees differs slightly in procedure or in terminology. In Scotland it is for the convener (Chair) to decide the time at which members will take a decision on any item of business – except in connection with amendments to Bills where the convener is obliged to put the question immediately after the amendment is debated (Standing Order Rules 11.8.1 & 11.8.2).

In the Scottish Parliament, when there is consensus in committee, decisions are made without formal division. Where there is no consensus found, rather than having a formal division, members vote by show of hands unless a member has requested a roll call vote and the convener has agreed to that request (Standing Orders Rule 11.8.3). The procedure for the vote is as follows:

In the event of a division

- *only members of the committee (including substitutes) can vote;*
- *members can only vote once on any question;*
- *members may vote yes, no, or abstain, although they do not have to vote;*
- *the convener may vote as an individual and must also exercise a casting vote in the event of a tie.⁴³*

The convener has an individual vote and a casting vote for those occasions when there is a tie, in which cases they are required to use it.

Northern Ireland Assembly

In the Northern Ireland Assembly, the Standing Orders simply state the following:

47 (9) All questions at a Statutory Committee shall be decided by a simple majority. Voting shall be by show of hands unless otherwise requested by a Member of the Committee.⁴⁴

Standing Order 48 (5) states that this also applies to Standing Committees.

National Assembly for Wales

Standing Orders for the National Assembly for Wales states that voting is by hand and votes are recorded in the minutes if requested by a member. A vote

⁴² <http://www.publications.parliament.uk/pa/cm200607/cmstords/405/40521.htm#a154>

⁴³ "Guidance on Committees",
http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-1.htm#_ftnz8#_ftnz8

⁴⁴ http://www.niassembly.gov.uk/sopdf/standing_orders.htm#_Toc165267693

is not valid if less than a third of the committee vote. If this happens, the Chair must adjourn the item of business⁴⁵.

PART FIVE: ISSUES AND OPTIONS

The major issues of concern regarding the committee system in the Northern Ireland Assembly are how efficiently it is operating and whether it allows MLAs to effectively contribute to committees, while continuing to conduct their work in the chamber and in their constituencies.

The specifics of this concern are that:

- some members sit on a number of committees and these committees may clash in the timetable;
- committee members wish to be available to attend to constituency business on certain days;
- the parallel running of plenary sessions and committees causes disruption, especially when there is a vote in the chamber; and
- the heavy workload of committee business.

Further to the information collated in the previous sections of this report, this section considers the options for change that are available, which would enable the Assembly committee system to effectively and efficiently meet its future challenges (a paper on the Evaluation of Parliamentary Committees is attached at appendix B).

The items discussed below are:

- General Observations
- Numbers in committees
- Numbers of committees
- Size of quorums
- Numbers of meetings
- Use of substitutes
- Use of reporters
- Other possibilities

5.0 General Observations

It is recognised that a well-structured committee system can greatly aid the efficiency and effectiveness of a parliament, for instance the Scottish Parliament committee system has been described as:

...one of the innovative aspects of the new devolution settlement... intended to merge the functions of the standing and Select Committees at Westminster and operate as the Scottish Parliament's revising chamber: to consider and

⁴⁵ Standing Orders of the National Assembly for Wales, March 2007, 10.32 – 10.35.

revise government legislative proposals in the absence of a second chamber.⁴⁶

In addition, in the Dail the expansion in the number and range of committees in recent years has enabled both Houses to deal with an ever-increasing volume of parliamentary business, while providing Members with additional opportunities to participate in all aspects of the work of Parliament. While in the House of Commons the need to make better use of committees was identified in the report of the Modernisation Committee.

5.1 Numbers in Committees

A committee system with 180 committee places and only 94 members able to cover them puts a definite pressure on the workload of those members. However it is possible, as in Scotland and Wales, to have smaller committees. The following table shows the effect on the number of committee places of decreasing the size of committees. To decrease the size of Statutory Committees would mean changing Standing Order 47 (1). Statutory Committees can only be dropped to 9 members in each, as Standing Orders state that each member must be offered a place on a Statutory Committee⁴⁷. However the membership of Standing Committees can be reduced except for the Audit Committee which must have a membership of 5⁴⁸.

The table below shows the effect of reducing the size of Statutory Committees to 9; reducing the number of Committee places to 158.

COMMITTEE TYPE	Committee	Current Members	10 Members	9 Members
STATUTORY / DEPARTMENTAL COMMITTEES	Agriculture and Rural Development	11	10	9
	Culture, Arts and Leisure	11	10	9
	Education	11	10	9
	Enterprise, Trade and Investment	11	10	9
	Environment	11	10	9
	Finance and Personnel	11	10	9
	Health, Social Services and Public Safety	11	10	9
	Employment and Learning	11	10	9
	Office of the First Minister and Deputy First Minister	11	10	9
	Regional Development	11	10	9
	Social Development	11	10	9
STANDING COMMITTEES	Assembly and Executive Review	11	11	11
	Public Accounts	11	11	11
	Audit	5	5	5
	Procedures	11	11	11
	Standards and Privileges	11	11	11

⁴⁶ Hassan, G. (2000) *The new Scottish politics: the first year of the Scottish Parliament and beyond*. London: TSO, 2000.

⁴⁷ NIA Standing Order 46 (3).

⁴⁸ NIA Standing Order 53 (2).

	Business	10	10	10
Total Committee Places		180	169	158

An earlier briefing paper to the Committee on Procedures⁴⁹ detailed the issues surrounding reducing the size of committees and highlighted the advantages and disadvantages:

Arguments for reducing size of committees:

- *6 of 7 Chairs interviewed and 6 of 8 Clerks in favour of reduction.*
- *Would provide opportunity for more Members to serve on Ad hoc committees to deal with specific issues.*
- *Members more likely to attend meetings (knowing there are less of them) and may be more committed to/knowledgeable about it's remit.*
- *There are only 108 Members in the Assembly - too few for the large number of Committees that exist.*
- *More suitable for Members who currently sit on more than one committee - allows greater flexibility.*
- *Would allow for a smaller quorum, therefore less likelihood of meetings being inquorate.*
- *Would bring about uniformity across all committees.*
- *Reduced workload/less papers for Committee staff to prepare and issue.*
- *Less intimidating for public/witnesses attending the meeting.*

Arguments against reducing the size of Committees:

- *Possibility of same party quorum therefore decisions not representative.*
- *Potential lack of representation, e.g. members present could be all male, all nationalist etc.*
- *Does not present a positive image to the public, who may feel MLAs are not doing enough work and in fact ALL Members should attend meetings.*
- *In line with other legislatures, where size of committees varies.*

5.2 Numbers of Committees

One way that the Welsh Assembly has managed its committee structure to allow for the fact that it has only 46 eligible members is by decreasing the number of committees. The National Assembly for Wales has decreased the number of committees dealing with departmental issues to four. In its first Assembly (1999-2003), it had 10 committees dealing with departmental issues. In the second Assembly (2003-2007), this fell to 7 committees; and in the latest Assembly from May 2007, there are only four. This has been accomplished by the amalgamation of the remits of committees.

In the Northern Ireland Assembly, committees meet once per week while in session. Members deal with the fact that there are only three committee chambers and also try to avoid sitting on Fridays and during sittings of the chamber.

Members may wish to consider the possibility of using a fourth room for committee meetings. Another room would allow more committees to meet during limited time slots: however, it would cause timetabling issues given the number of MLAs sitting on multiple committees.

⁴⁹ Inquiry into Committee Systems and Procedures in the NI Assembly, Committee on Procedures Briefing Paper, 15 Oct. 2002.

5.3 Size of Quorums

Having the size of the quorum set at 5 for the majority of committees may be a contributory factor in stretching members too thinly. It may also prevent committees from conducting their work without recurrent adjournments due to becoming inquorate. In the other parliaments the usual size of a quorum is three.

If this were introduced into the Northern Ireland Assembly it would allow committees to continue discussion below the current threshold. Also as happens in Scotland, the Northern Ireland Assembly could allow committees to complete the agenda item under discussion even if the committee is inquorate as long as it does not conduct a vote or start any new business. The 2002 briefing paper to the committee stated some options to the Procedures Committee and the arguments for and against implementing these stated:

- a) *No change*
- b) *Reduce quorum*
- c) *Allow meeting to continue when quorum is lost.*

Arguments for reducing quorum:

- *More meetings would take place, and cover full agenda.*
- *Allows for Members to attend to other commitments, e.g. sit on an Ad hoc committee to deal with a specific issue.*
- *Majority of respondents to survey believed that if no vote is taken, there is no need to maintain current quorum.*
- *Present practice inconsistent with practice in Plenary.*
- *Present practice places Clerk in difficult position.*
- *Chairpersons' Liaison Group favour reduction of quorum (to 4).*

Arguments against reducing quorum:

- *Reduces Party representation, i.e. if quorum is 3, all 3 present could be from one political Party.*
- *May discourage Members from attending meeting, assuming quorum has been met.*
- *Negative image to public, who may feel that in fact ALL members should attend meetings.*

Arguments for allowing meeting to continue when quorum lost:

- *Greater flexibility for members.*
- *Ensures Committee's agenda is completed and business continues as timetabled in workplan i.e. no disruption of committee business.*
- *Reduces workload for Clerk/Committee staff, who would otherwise have to schedule another meeting.*

Arguments against allowing meeting to continue when quorum lost:

- *May not be able to make decisions/take votes without quorum.*
- *Could encourage Members to leave early.*
- *Reduces credibility of committee's influence/importance in public perception i.e. negative image.*
- *Could result in a lack of representation, i.e. with less members, could be all male, all nationalist etc.*

5.4 Numbers of meetings

The Departmental Committees in the Northern Ireland Assembly meet once per week while the Assembly is sitting. This is not the case in Wales where committees usually meet once every fortnight. A meeting once a fortnight would cut the number of committee meetings in half, and possibly free up committee staff to carry out other duties on behalf of the committee, rather than preparing for weekly meetings.

5.5 Use of substitutes

The wider use of substitutes in the Northern Ireland Assembly committee system could help avoid adjournment due to a lack of quorum. It also would allow for the full work of the committee to be continued including voting. The use of substitutes, although not explicitly dealt with in the Standing Orders for the Assembly, would be permitted through Standing Orders allowing Statutory and Standing Committees to set their own procedures (SO 46). Substitutes are used in a number of the other parliaments without any specific problems. The briefing for the committee, carried out in 2002⁵⁰, identified some options regarding introducing substitutes to committees, and listed the arguments for and against as:

- a) *Permit one substitute per committee Member, but not allowed to vote.*
- b) *Permit one substitute per Party, but not allowed to vote.*
- c) *Permit one substitute per committee Member and allowed to vote.*
- d) *Permit one substitute per Party and allowed to vote.*

a) *Permit one substitute per committee Member, but not allowed to vote.*

Arguments for:

- *Ensures quorum in cases where usual Members unable to attend meeting.*
- *Committee agenda can be completed as planned, therefore ensuring workplan is adhered to.*
- *Ensures full party representation in Committee decisions.*
- *In line with practice in other legislatures.*
- *Less work for Clerks/Committee Staff who would otherwise have to arrange another meeting.*

Arguments against:

- *Substitute may not have continuity of knowledge of issues on agenda.*
- *Possible abuse of system, with substitute attending more often than Committee Member.*
- *Potential problems if substitute unable to attend due to other commitments.*
- *Possible negative image to the public - especially the committee member's constituents.*
- *Upsets committee dynamic*

b) *Permit one substitute per Party, but not allowed to vote.*

Arguments for:

⁵⁰ Ibid.

- Ensures quorum in cases where usual Members unable to attend meeting.
- Committee agenda can be completed as planned, therefore ensuring workplan is adhered to.
- Ensures full party representation in Committee decisions.
- In line with practice in other legislatures.
- Less work for Clerks/Committee Staff who would otherwise have to arrange another meeting.

Arguments against:

- Substitute may not have continuity of knowledge of issues on agenda.
- Possible abuse of system, with substitute attending more often than Committee Member.
- Potential problems if substitute unable to attend due to other commitments.
- Possible negative image to the public - especially the committee member's constituents.
- Upsets committee dynamic

c) Permit one substitute per committee Member and allowed to vote.

Arguments for:

- Ensures quorum in cases where usual Members unable to attend meeting.
- Committee agenda can be completed as planned, therefore ensuring workplan is adhered to.
- Ensures full party representation in Committee decisions.
- In line with practice in other legislatures.
- Less work for Clerks/Committee Staff who would otherwise have to arrange another meeting.

Arguments against:

- Substitute may not have continuity of knowledge of issues on agenda.
- Possible abuse of system, with substitute attending more often than Committee Member.
- Potential problems if substitute unable to attend due to other commitments.
- Possible negative image to the public - especially the committee member's constituents.
- Upsets committee dynamic

d) Permit one substitute per Party and allowed to vote.

Arguments for:

- Ensures quorum in cases where usual Members unable to attend meeting.
- Committee agenda can be completed as planned, therefore ensuring workplan is adhered to.
- Ensures full party representation in Committee decisions.
- In line with practice in other legislatures.
- Less work for Clerks/Committee Staff who would otherwise have to arrange another meeting.

Arguments against:

- Substitute may not have continuity of knowledge of issues on agenda.
- Possible abuse of system, with substitute attending more often than Committee Member.

- *Potential problems if substitute unable to attend due to other commitments.*
- *Possible negative image to the public - especially the committee member's constituents.*
- *Upsets committee dynamic.*

5.6 Use of reporters

The use of reporters could cut down on the formality, and expense of initiating a sub-committee to look at a specific aspect of an issue under the scrutiny of a committee. A reporter once appointed and given a brief would work separately from the committee and report back to the committee. For the volunteering reporter, a House of Commons research briefing pointed out that:

This does not necessarily mean that the reporter will carry out these duties but he or she may be responsible for commissioning and monitoring the work to the committee's instruction.⁵¹

The briefing for the Procedures Committee, carried out in 2002⁵², stated a number of options which are:

Options

- a) *No change*
- b) *Introduce reporters into Committee system.*

Arguments for use of reporters:

- *Reduces workload of committee office.*
- *Could appoint a reporter instead of formally establishing a sub-committee.*
- *Presents a positive image to the public that MLAs are committed to their work.*
- *6 of 8 members serving on 3 or more committees felt reporters would be beneficial.*
- *50% of respondents believed reporters would be beneficial to committees.*

Arguments against use of reporters:

- *Members may be reluctant to act as a reporter, e.g. due to other commitments.*
- *Costs*

5.7 Other possibilities

There are a number of other options available that could be considered to help increase the efficiency and effectiveness of the committee system. The main option is the use of sub-committees to carry out specific work for the committee.

Under Standing Orders of the Northern Ireland Assembly (Section 58 (1) & (2)), committees have the right, subject to the approval of the Business

⁵¹ Cited in Departmental Select Committees, Research Paper 02/35, House of Commons, 2002.

⁵² Inquiry into Committee Systems and Procedures in the NI Assembly, Committee on Procedures Briefing Paper, 15 Oct. 2002.

Committee and the Assembly, to establish of sub-committees. These sub-committees may report only to the relevant committee of which they are part and shall have terms of reference which lie within the terms of reference of the parent committee. To date no committee of the Northern Ireland Assembly has established a sub-committee.

All the other committee systems considered allow for the appointment of sub-committees:

Scottish Parliament

Committees of the Scottish Parliament may establish one or more sub-committees with the approval of the Parliament on a motion of the Assembly Bureau. In general the rules of procedure that apply to committees apply to sub-committees. Sub-committees report to parent committees and sub-committee reports can only be published with approval of the parent committee.

National Assembly for Wales

Standing Orders of the NAFW state that on a motion proposed by a member of the committee any committee may resolve to establish one or more sub-committees.

Dail Eireann

The orders of reference of some Committees also allow for the appointment of substitute members or indeed the attendance of members of the Houses who are not formal members.

The appointment of sub-committees would mean that full committees could meet less frequently and work could continue without being hostage to reaching a quorum of five.

5.8 Conclusion

There are a number of options which could be introduced to ensure an effective and efficient committee system. However, what measures should be taken, if any, is dependant on how MLAs see as the future role of committees and their functions within them and how MLAs wish to divide their time between the work of committees and their other work. Nonetheless, from the details of other parliaments, it is evident that, as it stands, the committee system is a substantial demand on MLAs time.