



Northern Ireland
Assembly

AD HOC COMMITTEE

OFFICIAL REPORT
(Hansard)

**Assembly Members (Independent
Financial Review and Standards) Bill**

17 January 2011

NORTHERN IRELAND ASSEMBLY

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Financial Review and Standards) Bill**

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Members present for all or part of the proceedings:

Mr Fred Cobain (Chairperson)
Ms Sue Ramsey (Deputy Chairperson)
Mr Kieran McCarthy
Mr Daithí McKay
Mr Jim Wells
Mr Paul Givan

Witnesses:

Ms Tara Caul)	
Mr Paul Gill)	Northern Ireland Assembly
Mr Hugh Widdis)	

The Chairperson (Mr Cobain):

We move to the next item of business.

Mr Paul Gill (Northern Ireland Assembly):

The Committee has received a memo from Tara Caul and me on the two issues that have led the

Assembly Commission and the Committee on Standards and Privileges to conclude that amendments need to be made to schedules 1 and 3 to the Bill. Those issues are the definition of “family member” and the future role of the Attorney General in proceedings of the Assembly.

On family members, the Committee will recall that, at its previous meeting, it expressed some concern at the breadth of the definition that was being used in schedules 1 and 3. At that time, we indicated that we could go back to the Assembly Commission and the Committee on Standards and Privileges to see whether they were content to address those concerns. Subsequently, the Clerk to this Committee wrote to us, setting out the Committee’s preferred definition of family member. In the Committee’s preferred definition of family member, members removed great-grandparent, great-grandchild, great-uncle, great-aunt, great-nephew and great-niece. We went back to the Assembly Commission and the Committee on Standards and Privileges with the suggested amendment, and they both agreed that they will table amendments to that effect to the relevant schedules.

One small point of clarification is that it was felt that it was necessary still to include the words “whether of the full or half blood”. It was felt that it was important that the Bill should make clear that, for example, a half-brother would be treated the same way as a full-brother would be treated. Although those words sound a little archaic, there is legislative precedence for them, and members will see examples of them in the paper that Legal Services has provided to the Committee. However, that is not to take away from the main point of the Committee’s suggested amendment, and, as I said, the Assembly Commission and the Committee on Standards and Privileges are content to amend the definition of family member, as per the substance of the Ad Hoc Committee’s suggestion.

The second matter is the role of the Attorney General for Northern Ireland. Work is under way to make provision for the Attorney General to be able to participate in proceedings of the Assembly. One aspect of that is providing for the Attorney General to have the same duties as

Assembly Members in respect of the requirement to register and to declare interests and to be prohibited in the same way as Assembly Members from advocating any matter on behalf of anyone else for a payment or benefit.

The Committee on Standards and Privileges has agreed with the Attorney General that the Northern Ireland Assembly Commissioner for Standards should be able to investigate an alleged breach by the Attorney General of any of those duties, and that will be provided for in Standing Orders. However, that being the case, the Committee on Standards and Privileges has agreed that it is appropriate that the Attorney General should be disqualified from being the Commissioner for Standards in the same way as a Member of the Assembly is disqualified from being the Northern Ireland Commissioner for Standards. Further to that, the Assembly Commission has agreed to include in the schedule the Attorney General among the persons who are disqualified from being a panel member.

That concludes the background to the further amendments that the Assembly Commission and the Committee on Standards and Privileges intend to table to the Bill.

The Chairperson:

Thank you, Paul. Do members have any questions?

Mr McKay:

I agree with Paul in one regard. Is there no terminology with precedence in legislation that we could use other than “whether of the full or half blood”?

Ms Tara Caul (Northern Ireland Assembly):

We have researched the position, and we are satisfied that that is the best way to deal with the

situation regarding a half-brother or a half-sister.

Mr McKay:

Personally, I would not be comfortable with having a nephew or niece disqualified from a job because of my position, but, given the present situation and the public feeling on the matter, we are quite happy with the amendment.

The Chairperson:

Good. Are other members content with the amendment?

Members indicated assent.

The Chairperson:

Is the Committee content to approve the amendments proposed by the Committee on Standards and Privileges to schedule 4? First, at paragraph 6(2), page 19, line 21, leave out “particular”. Secondly, paragraph 6(2)(b), page 19, line 24, to now read “by notifying the Commissioner that liabilities may be incurred of such description and maximum total amount as may be specified in the notification”, and after paragraph 6(2)(b), page 19, leave out lines 26-29?

Members indicated assent.

The Chairperson:

We now move to formal scrutiny of schedules 1-5. We will go through each schedule and seek the Committee’s formal approval of each.

Schedule 1, “Disqualification from membership of the panel”

The Chairperson:

The Assembly Commission seeks an amendment to schedule 1 to disqualify the Attorney General from membership of the panel. The Commission has also proposed an amendment to the definition of “family member”, as recommended by the Committee.

At paragraph 1, page 15, after line 27, insert:

“(q) Attorney General for Northern Ireland;

(r) a person who has been Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.”

At paragraph 3, page 16, leave out lines 5 and 6 and insert:

“(a) Parent, child, grandparent or grandchild”

At paragraph 3, page 16, leave out lines 7 and 8, and insert:

“(b) Brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood)”

At paragraph 3, page 16, at end of line 9, after “spouse”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 16, at end of line 10, after “civil partner”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 16, at end of line 11, after “cohabitant”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Assembly Commission, put and agreed to.

Schedule 1, subject to the amendments proposed by the Assembly Commission, agreed to.

Schedule 2, “Panel: administrative and financial arrangements”

The Chairperson:

No amendments are proposed to schedule 2. Previously, members indicated informally that they were content with the schedule as drafted.

Schedule 2 agreed to.

Schedule 3, “Disqualification from being appointed or serving as the Commissioner”

The Chairperson:

The Committee on Standards and Privileges seeks an amendment to schedule 3 to disqualify the Attorney General from being appointed or serving as the Commissioner for Standards. The Committee on Standards and Privileges has also proposed an amendment to the definition of “family member” as recommended by the Committee.

At paragraph 1, page 17, after line 34, insert:

“(s) Attorney General for Northern Ireland;

(t) a person who has been Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.”

At paragraph 3, page 18, leave out lines 7 and 8, and insert:

“(a) Parent, child, grandparent or grandchild;”

At paragraph 3, page 18, leave out lines 9 and 10, and insert:

“(b) Brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”

At paragraph 3, page 18, at end of line 11, after “spouse”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 18, at end of line 12, after “civil partner”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

At paragraph 3, page 18, at end of line 13, after “cohabitant”, insert:

“in any of the ways set out in sub-paragraphs (a) or (b)”

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Committee on Standards and Privileges, *put and agreed to*.

Schedule 3, subject to the amendments proposed by the Committee on Standards and Privileges, *agreed to*.

Schedule 4, “Commissioner: further provision”

The Chairperson:

The Committee on Standards and Privileges wishes to make two amendments to this schedule.

At paragraph 6(2), page 19, line 21, leave out:

“particular”.

Paragraph 6(2)(b), page 19, line 24, to now read:

(b) “by notifying the Commissioner that liabilities may be incurred of such description and maximum total amount as may be specified in the notification”.

After paragraph 6(2)(b), page 19, leave out lines 26-29.

Question, That the Committee is content with the schedule, subject to the amendments proposed by the Committee on Standards and Privileges, *put and agreed to*.

Schedule 4, subject to the amendments proposed by the Committee on Standards and Privileges, agreed to.

Schedule 5 (Consequential amendments)

The Chairperson:

I remind members that the Assembly Commission wishes to amend schedule 5.

At paragraph 1, page 20, line 13, leave out:

“the Schedule” and insert “Schedule 1”.

I remind members that previously they indicated informally that they were content with the amendment.

Question, That the Committee is content with the schedule, subject to the amendment proposed by the Assembly Commission, *put and agreed to*.

Schedule 5, subject to the amendment proposed by the Assembly Commission, agreed to.

Long title agreed to.

The Chairperson:

That concludes the clause-by-clause scrutiny of the Bill.