

ANNEX B

"CODE OF PRACTICE"

Introduction

1 The Possible Outline Framework for new political institutions in Northern Ireland (Annex A) says that a "Code of Practice" would specify the respective roles, responsibilities and decision-taking powers of Departments, Assembly Committees and the Assembly at large. This paper draws on existing practice and precedent to suggest a possible specification.

2 It was proposed by the UDUP and agreed by the UUP and the Alliance Party that the paper should also suggest a possible basis for distinguishing the relative roles and responsibilities of Committee Chairmen and Committees in circumstances where executive responsibilities rested with Departmental Committees of the Assembly and/or their Chairmen. The SDLP reserved its position on the source of the authority of Heads of Departments and their relationship with the Departmental Committees; and on the arrangements for legislation in the transferred field.

Departments

3 Under any new political arrangements, each Department would have the following roles and responsibilities:

- (a) to administer programmes fairly and efficiently;
- (b) to administer programmes in a way conducive to promoting good community relations and equality of treatment;
- (c) to implement agreed policy and to support the Head of the Department and/or the relevant Departmental Committee in seeking to develop and secure support for proposed policies;
- (d) to advise the Head of the Department and/or the relevant Departmental Committee on proposed policy changes, on new initiatives or on the handling of particular issues with a degree of political significance;
- (e) to liaise with other Departments on matters where there are overlapping interests so that co-ordinated or at least complementary advice can be put to the respective Heads of Departments and/or the relevant Departmental Committees;
- (f) to maintain official-level contact with relevant organisations and interest groups within Northern Ireland and with relevant bodies elsewhere with a view to promoting the policy objectives set for the Department and ensuring that it is in a position to advise the Head of Department and/or the relevant Departmental Committee on developments, and to respond to those developments;
- (g) to participate in the public expenditure survey cycle, led by DFP, and to advise the Head of Department and/or the relevant Departmental Committee ensuring the process of determining the Department's budget and in determining allocations between programmes;

- (h) to have due regard to the requirements of public accountability;
- (i) to keep its internal structures, management systems and resources under review to ensure they are adequate to meet requirements;
- (j) to make certain public appointments and, in consultation with the Central Secretariat, to advise the Head of Department and/or the relevant Departmental Committee on other public appointments within the Department's sphere of responsibility;
- (k) to assist the Head of the Department and/or the relevant Departmental Committee to respond to representations, whether from elected representatives or other interest groups;
- (l) to advise the Head of Department and/or the relevant Departmental Committee on measures to promote awareness of and to attract public support for current or proposed policies.

Assembly Committees

- 4 A Business Committee would be established to co-ordinate Assembly business.
- 5 A General Purposes Committee, the members of which could include the Chairmen of Departmental Committees, would be established to assist in co-ordinating the interests of the relevant Committees in respect of issues which cross Departmental boundaries.
- 6 Other non-Departmental Committees might be established to act as a focus for the Assembly interest in particular areas, such as non-transferred matters, cultural expression and diversity and relationships with bodies or institutions outside Northern Ireland.
- 7 Annex B1 suggests a basis for distinguishing the relative roles and responsibilities of Departmental Committee Chairmen and Committees. As noted in paragraph 2 above, the SDLP reserved its position on this point.
- 8 Departmental Committees might have the following roles and responsibilities:
 - (a) to participate in the arrangements for determining the Department's budgetary allocations, possible on the lines set out in Annex B2;
 - (b) to scrutinise the work of the relevant Department and non-Departmental public bodies;
 - (c) to hold hearings, whether public or private, for which purpose it would have powers to compel the attendance of relevant persons and call for papers;
 - (d) to prepare reports, with recommendations including proposals for legislation, on major policy issues. These might involve liaison with other Departmental Committees, including the Finance Committee
 - (e) to consider legislation in the transferred field, including considering proposals for new legislation and taking at least the Committee stage of relevant primary legislation unless the

Assembly, on the recommendation of the Business Committee or the General Purpose Committee, decides otherwise. Committees might also debate secondary legislation;

(f) to act as a forum for the expression of local political views on the area of responsibility of the relevant Department.

9 In drawing up reports, making recommendations and debating legislation Departmental Committees would operate on the basis of majority decision-making in respect of routine non-contentious matters. There could, however, be provision for weighted voting in certain circumstances especially in respect of contentious matters; or for dissenting reports; or for a significant minority on any Committee to have power to defer the consideration of proposed legislation or administrative actions or to refer such issues for consideration by the Assembly at large.

The Assembly at Large

10 The Assembly at large might be expected to have at least the following main roles and responsibilities:

(a) to elect a Speaker (by a weighted majority vote of say 70%);

(b) to appoint the Chairmen, Deputy Chairmen and members of Departmental and other Committees. The Chairmanships and Deputy Chairmanships (at least) of the Departmental Committees might be allocated by a formula, perhaps the D'Hondt procedure calculated on the basis of political party strengths in the Assembly following the elections. Other arrangements might be made to determine the allocation of individual members of Committees though each party should have a share of the total Committee places broadly proportional to its strength in the Assembly;

(c) to hold Heads of Departments and/or the relevant Departmental Committee accountable for the work of their Department through

- Questions
- adjournment debates
- debates on Statements
- emergency debates
- consideration of reports from Departments
- consideration of minutes and reports from Departmental Committees
- consideration of reports from

- * Comptroller and Auditor General
- * Examiner of Statutory Rules?
- * Ombudsman
- * FEC

- * EOC
- * other statutory bodies

(possibly on the basis of further reports from the relevant Committee);

(d) (subject to the SDLP's reservation on arrangements for legislation in the transferred field) to legislate in the transferred field (and in the excepted or reserved field where ancillary to Westminster legislation or with the consent of the Secretary of State). The precise distribution of the legislative process as between Committees and the full Assembly may require further consideration. Different arrangements might apply in respect of primary and secondary legislation (whether subject to affirmative resolution or negative resolution).

Legislation would require the support of at least a majority of the full Assembly. Certain important legislation (eg a financial measure, one with constitutional implications or significant implications for community relations) could require weighted majority approval, of say 70%. Other legislation could require weighted majority approval if it was deemed to be contentious by the Business Committee or a petition to that effect secured a certain threshold of say 30% support in the Assembly;

(e) where requested, to make recommendations to the Secretary of State on certain legislation in the reserved field to be made at Westminster;

(f) to consider minutes and reports from the Business Committee and any other non-Departmental Committees which might be established;

(g) to refer certain issues (on the basis of a threshold level of say 30% support in the Assembly) for consideration by the Panel. Those issues might include proposed legislation and administrative actions;

(h) to act as a forum for the expression of political views within Northern Ireland.