

ANNEX C

ENSURING AN APPROPRIATE, FAIR AND SIGNIFICANT ROLE FOR REPRESENTATIVES OF ALL MAIN TRADITIONS

(A paper by the Government Team)

1 The possible outline framework for new political institutions (Annex A) notes that any acceptable option for allocating Chairmanships between Committees of the Assembly " must ensure that the system of Government provides an appropriate, fair and significant role for representatives of all main traditions in Northern Ireland". It also confirms that "further consideration will be given to means to prevent Chairmen becoming captives of their Committees.

2 The Possible Outline Framework also indicates several circumstances in which it might be appropriate for decisions of the Assembly or of Committees to be taken by weighted majority vote (of say 70%); or in which matters might be treated in a different way from normal if a proposal to that effect secured a certain threshold (of say 30%) support in the Assembly.

3 The purpose of this paper is to suggest possible ways in which new political institutions could be structured to ensure an appropriate, fair and significant role for representatives of all main traditions in Northern Ireland.

Assembly Committees

4 As regards the powers of Committee Chairmen vis a vis their Committees, if the Chairmen of the Departmental Committees were Heads of Departments they would necessarily have significant powers and resources which would put them in a relatively strong position. If the Chairmanships were allocated in accordance with Party strengths, perhaps in accordance with the D'Hondt Rule, that would tend to give each main Party an appropriate, fair and significant role. A possible development of this line of argument would be to require that decisions of Departmental Chairmen could only be overturned by a weighted majority vote within the relevant Committee, or in the Assembly.

If executive responsibilities rested with the Committee more generally it would be necessary to define the types of decision which could be made by the Chairman alone, acting effectively as a Head of Department, and those which would require either the endorsement or the prior approval of the committee as a whole. Annex B1 suggests a basis for distinguishing the roles of Departmental Committee Chairmen and Committees.

5 Further devices might be proposed to ensure that minorities on Committees (possibly including the Chairmen) could not be "steamrollered" by a majority. Paragraph 9 of Annex B suggests that there could be provision for:

- (a) weighted majority voting in certain circumstances;
- (b) dissenting reports (to ensure that the full range of views within any Committee is exposed to the full Assembly);

(c) the consideration of proposed legislation or administrative actions to be deferred on a motion from a significant minority on any Committee, or referred for consideration by the Assembly as a whole.

6 Paragraph 10(b) of Annex B also hints at the possibility of allocating majorities on a particular Committee or Committees to particular Parties, subject to proportionality across the Committees as a whole.

The Assembly

7 The possible outline framework (Annex A) indicates a number of areas in which the interests of minorities might be protected either by a requirement to apply a weighted majority vote or by enabling a significant minority to require a matter to be settled by weighted majority vote or possible refer it for consideration by the Panel. The Alliance Party and Ulster Unionist Party have suggested that such a significant minority could require matters to be referred to the Secretary of State or the Westminster Parliament.

8 It is envisaged, for example, that a weighted majority;

(a) would be required for the election of the Speaker. It may be that the ratification of the appointment of the panel of Chairmen would also require weighted majority support in the Assembly;

(b) could be required in respect of certain important legislation (eg a financial measure, one with constitutional implications or significant implications for community relations);

(c) might be applied in respect of measures which the Business Committee determined were contentious or where a petition to this effect secured a certain threshold of support in the Assembly.

9 It is also relevant to the question of ensuring an appropriate, fair and significant role for all main traditions in Northern Ireland that the proposed Panel could have powers in respect of proposed legislation, to determine (ie to accept, reject, give an opinion on or propose amendments to) any proposed legislation referred to it under procedures to be agreed and could also have powers in relation to administrative actions or proposed actions, perhaps on the basis of a referral by a threshold vote within the Assembly.

An Issue for Further Consideration

10 It has not proved possible, as yet, to reach agreement on;

(a) what percentage support from members elected to the Assembly (or appointed to a Committee) would be appropriate in circumstances where a weighted majority vote was called;

(b) what percentage support from members elected to the Assembly (or appointed to a Committee) would be appropriate to achieve the "threshold" in the circumstances identified above.

11 The UUP and the Alliance Party have proposed that the figures should be 70% and 30% respectively; the SDLP has proposed 75% and 25%; and the UDUP has proposed 65% and 35%.