

The Assembly's performance in the 2011 to 2016 mandate

KEY:

RW: Rick Wilford
CG: Cathy Gormley-Heenan

(MUSIC)

RW: Well it's representative of the people, of the electorate at least, in the sense that there is a broad proportionality between the volume or the number of votes cast and the number of seats won. So in that sense it's because we have a PL system, STV, it does more accurately reflect the electoral preferences of the population, or the voting population, in Northern Ireland. I suppose that's, you know, something worth noting. In terms of their overall performance, I think one of the factors that continues to hamper the proper discharge of the role of a parliamentarian here is that politicians continue, certainly as far as the major parties are concerned, and more particularly I think the DUP and Sinn Fein, they tend to act still... I know it's a phrase that I coined some years ago now, but they're still a primarily political animal, that is to say that they tend to be Besant to the whip within their respective parties.

What you don't see in our parliament compared to the other devolved administrations in the UK and certainly Westminster. You see no dissent on the back benches. You see very little in the way of independent mindedness, you know, where MLA's are perhaps prepared to speak against and even (God forbid) vote against the party to which they belong. And I think until our politicians mature enough to recognise that being independent minded and, you know, sort of challenging their respective leaderships; I don't think until we reach that point can we say that we're a fully mature parliament. So I suppose in that regard I would say that's one of the negative aspects of our Chamber. It's that there are too many 'yes men' and dare I say 'yes women' as well, still. And that actually I think does do a disservice in terms of the extent to which particular views across the wider community are actually represented but then of course that in itself is a symptom of the relative weakness of the smaller parties. But maybe now, with the so-called 'naughty corner' being rather differently populated, we will see a rather more combative, I think, perhaps and even reasoned set of arguments put forward but until ordinary, as it were, back benchers, particularly in DUP and Sinn Fein, I think assert their independent mindedness and find their own voice, I think we continue to diminish the potential of our Assembly.

CG: There were a number of Private Member's Bills that were indicative of a changing type of Assembly. So we had of course, John McCallister's Private Member's Bill on the establishment of an Opposition and without that Bill we may not be in the position that we are today. We had Lord Morrow's Bill on the Human Trafficking Act. We had Jim Allister's

Bill on the Special Advisors Act. So there were a number of pieces of legislation that if I reflect back on the period when we talked about these things before, I was mentioning things like the High Hedges Act, and the Caravan Act and the Plastic Bag Tax and so on. Now we're in a position where there are some fairly chunky pieces of legislation going forward and that's to be commended.

I think in terms of the scrutiny function of the Assembly, if you look at the Committees the best thing to look at are the Legacy Reports that each of the Committees produce at the end of the mandate, just before the electoral campaigning begins for the new mandate. And it basically goes through all of the enquiries and reviews that the Committee had conducted, but what it also does is point out where the failings might have been in their scrutiny function. So if you look, for example, at OFMDFM as it was; it had pointed out that its scrutiny function was limited by the fact that it received papers late from the Department, that people didn't necessarily turn up on the day that they were designated to turn up and that it hampered their ability to effectively scrutinise OFMDFM. They brought that up with the head of the Civil Service and the situation improved dramatically in 2013, '14 and 14/15. But it dropped back down again in the last year of the mandate. So they pointed out that as a particular failing in terms of their ability to effectively scrutinize and the suggestions that they have for the new Committee going forward is in terms of working very closely with the Executive Office to make sure that; papers are sent X number of days in advance, that there is a schedule put in place for when the First and Deputy First Minister will attend to give evidence and so on, and that this is tightened up in a way that hadn't been in the past. If you look then at the Legacy Committee Report of say, the Public Accounts Committee, one of the things that they had noticed in terms of how they scrutinized the various Departments was in terms of their own professional development. One of the things that the Committee has suggested going forward that might be taken into account is some sort of continuing professional development around the way in which a Public Committee should ask questions of witnesses coming before it.

RW: I think certainly if you look at the Public Member's Bills, you know, members, I think, are becoming increasingly well-disposed to the idea of bringing forward a Private Member's Bill on whatever issue that might be, and Cathy has mentioned three of the more significant ones. I had mentioned another one which I thought was really important, which was Steven Agnew's Children's Bill which, not only because of the content which was designed to ensure that the needs of children and young people are met, but actually, now there is a statutory obligation on the Departments dealing with various aspects of children and young people's lives must now cooperate and in a proper joined up way address the complexity of those needs. And I think that that came from, as it were, the 'naughty corner', is estimable rather than, you know, one would have thought that, that might be an area where Executive Parties could actually come together to agree prior to that happening.

Some of the Executive Bills, you know, are interesting. I mean the creation of the Inquiry into Historical Institutional Abuse which is currently ongoing, which is a matter that affects so many people in Northern, I think, and it will take a while to report. But I think that was important and it actually caught the mood of the times, you know, when people across the UK were concerned with the issues of child abuse, particularly, not only in residential homes but also in foster homes and even adoptive homes too, as well as ordinary families.

So I think that that was important. If you're looking for a case of a piece of legislation that led to or was intended to lead to behavioral change then the Carrier Bags Bill, I think, is one. Although it raises, you know, some money, that's not the essential purpose of the legislation. It's intended to change people's behavior and I think that's been actually quite a signal success since it was first implemented.

There are other Bills where the Assembly is effectively doing the will of the Executive, if you would like, for example, the reconfiguration of the Executive Departments, the Departments Bill, no Act. So we went from twelve to nine; or Local Government Reform which implemented, you know, proposals that were agreed around the Executive Table.

But in that sense the Assembly is, you know, it's a bit of an insult to say, I suppose, that they were simply rubber stamping what the Executive wanted to happen but actually what they were doing was acting on an Executive set of proposals, and of course, the Executive Parties could easily muster majorities in their hands because they hold (what was it?), all bar six seats I think in the last Assembly and it's the same now.

The other thing on legislation which I suppose is worth noting is that one Committee, that is the OFMDFM, as it was, did bring forward successfully two Bills which got through but they were relatively minor administrative issues to do with the Ombudsman's role in Northern Ireland. But nevertheless, it's a rare incidence of Committee sponsored legislation so it's not just Executive Bills or Private Member's Bills. There you had two Committee Bills, as it were, and that was a first, I think. Other Committees will take the lead from that now, and feel rather more confident about bringing forward legislation. But there again, it depends on, you know, the Committee's preparedness maybe to challenge a Department which is led by, you know, a Minister drawn from their own party, as it were, and they may want to propose legislation that the Minister or the Department is less than happy with. But that will be an index, I think, of the extent of which our MLAs are growing into the role of being a parliamentarian.

CG: We have to mention it, was Welfare Reform. It was the big one, effectively. It was the piece of legislation that had been stagnated and blocked, continual impasse for more than two years...?

RW: Indeed, yes. Absolutely, yeah. Nearly three.

CG: So not primary legislation but a Northern Ireland Order.

RW: And of course you can look at it as a signal of failure by the parties or the party leaderships because they couldn't secure agreement and the issue had to, as it were, be handed back for effective implementation at Westminster. So, it's a very significant piece of legislation but it was one that our local parties, particularly DUP and Sinn Fein simply could not, as it were, until the last gasp come to any kind of rapprochement and then they had to hand back the powers to Westminster for at least two years now, I think it is.

CG: Uh-huh.

RW: So it just shows, if you like, that there are, although perhaps we have become accustomed now, or are becoming accustomed to the idea of this being a more civil partnership between the DUP and Sinn Fein actually, at times, it looks like an unhappy marriage rather than a civil partnership. And I think the Welfare Reform Bill actually exemplifies that.

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