

Committees - Academic Reflections 2014

KEY:

RW: Professor Rick Wilford
CGH: Dr Cathy Gormley-Heenan

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CGH: Well in principle the committees are very important because their role is to both influence and advise the ministers and to scrutinise the work of both the different departments and the Executive more broadly. The problem is the difference between the principle and the practice, so many of the committees do help to develop new policies in particular areas but some of the committees struggle to have the respect they should be afforded by the particular departments.

RW: The committees, the Statutory Committees, particularly are the efficient and open secret of the Assembly really because we are denied opposition because of the way in which the legislation is structured, so in that you could argue a case that the committees are a kind of "small o" opposition in the Assembly. But that depends not only on the kinds of powers that the committees enjoy, as Cathy had said, it's the implementation, it takes two to tango as it were, so when a committee is dealing with a particular department, if the relationship between the committee and the department is a tricky one that can prove to be very problematic but more especially I think, intra-committee relationships are really important.

Committees can be influential especially where they can command unanimity amongst members. I think all too often we've seen cases where members of some committees have been prepared to act primarily with their parties interests to the fore, rather than the committees collective interest being to the fore and I coined this phrase some time ago now that members have tended to be "party animals" rather than "committee creatures". They need to, as it were, internalise what it means to be a member of a scrutiny committee.

So the problem I think isn't a kind of structural one, it's a behavioural one and it means that members have to learn to be fully fledged parliamentarians really, which entails that when they go into a committee room they leave their partisan baggage at the door and they operate as it were as one unit subjecting the minister, or whoever it might be, or civil servant, to effective scrutiny and I think what we don't want are, soft questions being lobbed in the direction of the minister by members from his or her own party. I think they have to be very forensic in the way in which they approach their role and sometimes I think there are found wanting in that regard.

CGH: I mean the Public Accounts Committee is not a Statutory Committee, it's one of the Standing Committees, procedural committees, but that's an example of how difficult it can be for parties to leave their, their party politics at the door and become 'committee creatures'. Peter Robinson will refer to the fact that what we have in Northern Ireland is "Government *in* Opposition" or "Opposition *in* Government" as opposed to Government *and* Opposition and that is one way of looking at it but from the outside other devolved regions may look to Northern Ireland and say usually the Public Accounts Committees is chaired, for example, by one of the leading figures of the Opposition and given that we don't have a formal opposition it begs the question can you scrutinise your own government effectively, so the

Chair of the Public Accounts Committee is also a member, the party is also in the Executive and how do you hold yourself to account so there are some technical issues that do need to be thought through in the longer term but again this is a difference between principle and practice. In principle the Statutory Committees have all of the same powers as the rest of the devolved regions but in practice it's the utilisation of those powers that differ.

RW: Cathy's point about the norm being that members of an opposition party chair the PAC or its equivalent is well made, but I would say that it really ought not to matter, which party the Chair of PAC is drawn from. I mean PACs look, retrospectively, at past patterns of funding and whether money has been used effectively and efficiently and any Chair worth his or her salt has to focus on the role of Chair, not as it were my role as Chair because I'm a member of such and such a party. It really is professionalised in the role and you know committee Chairs get extra salary as a consequence of doing that role and I think they have to approach it professionally and not in any sense that can be construed as being partisan. So it ought not to matter what the party identity of a Chair is, what matters is how he or she interprets that particular role.

CGH: One argument is as legislators and as parliamentarians we're still learning. It's learning on the job so to speak and the speed at which legislation is introduced, whether on the floor of the Assembly, or by Statutory Committees shouldn't be taken as an indication of success or otherwise. I think that one of the things that the Statutory Committees have done particularly well has been to initiate Inquiries and that in of itself then, then can sort of snowball into legislation further on down the line. They've had great success with the introduction, the inquiry into the Historical Institutional Abuse which was lobbied and petitioned for, for a long time and that came from one of the Statutory Committees and not the floor of the Assembly so when you look at the powers that the Statutory Committees have in the round and don't, don't just consider it as party introduced legislation, they didn't do that ergo they're not doing as full a job as they could. I think the introduction of Inquiries is a very notable, and welcome intervention on behalf of some of the committees.

RW: I think too, I'd say that the norm with politicians is if you give them a tool they'll use it. The fact of the matter is, as far as committee Bills are concerned, they haven't used it. None of the Statutory Committees has brought forward, to date, since 1998 albeit interrupted, have used that particular power and that's partly, I think, because instead of the relationship between the department and the committee being perceived as a partnership, which I think is the proper way in which that relationship should function, a critical partnership, but nevertheless a partnership. I think it's been too much of, as it were, dominance and subservience really.

There's also the problem too of managing consensus within a committee to agree a particular piece of legislation. So I think in part it's deference by committees to departments which I think is, regrettable. But it's also, the sheer political difficulty of managing consensus on something other than, maybe an issue that is not likely to stir up inter-communal relationships. But, the Scots committees have these powers and they do use them and I know that the Westminster Select Committees envy the power that our Statutory Committees, have on paper and indeed our Standing Committees, bring forward legislation but the Statutory Committees have certainly failed to exploit that and I think it's partly they've internalised this kind of asymmetric relationship with the department so they're disappointed and secondly because of I think the sheer difficulty of finding an issue that all the Parties represented on a committee can agree that they would be perhaps be the best agencies through which to bring forward legislative proposals. So I think that's a regret.

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