

The Alliance Party of Northern Ireland

Response to NIO Consultation on measures to improve the operation of the Northern Ireland Assembly

Introduction

This submission is made by Naomi Long MP on behalf of the Alliance Party of Northern Ireland. The Alliance Party is Northern Ireland's fifth largest political party, with one seat in the House of Commons, two Ministers in the NI Executive, eight seats in the Northern Ireland Assembly, as well as 44 local councillors.

The Alliance Party of Northern Ireland welcomes this opportunity to respond to the Northern Ireland Office consultation 'Measures to Improve the Operation of the Northern Ireland Assembly'.

The Size of the Assembly

The Alliance Party believes that the current number of MLAs in the Northern Ireland Assembly is too large, when compared with other levels of representation across the UK, and would like to see the number of seats reduced.

In doing so, we recognise the vital importance of ensuring that proportionality is fully protected, as this is a key aspect to maintaining the confidence of NI voters in the Assembly.

To avoid creating additional boundaries, it is our preferred option that the Northern Ireland Assembly boundaries should remain coterminous with Parliamentary constituency boundaries, as this avoids voter confusion and allows constituents to fully identify with their constituency and relate more readily to their elected representatives.

The Alliance Party would propose that the number of elected representatives to be returned by each constituency be reduced from six MLAs to five MLAs. Should the number be reduced to less than five MLAs per constituency we would be concerned that, although smaller parties would not necessarily be those to lose out, if one analyses the election results, there would be a negative effect on the overall proportionality of the elected cohort in the Assembly, meaning that it would not as accurately reflect voters' wishes. This is seen in elections to the Dáil, which can be on the basis of 3, 4 and 5-seat constituencies. Proportionality is particularly critical in a deeply divided society such as ours.

With the proposed reduction to 16 Westminster constituencies, and with each returning five MLAs, the overall size of the Assembly would naturally reduce further, to 80 members, a welcome reduction which could be achieved without compromising proportionality.

Given the uncertainty over the implementation of those boundary changes, the general desirability of an approximately 80 member Assembly and the need for any reduction in numbers of Members to be achieved without compromise to overall proportionality, one further option which may merit consideration, if the proposed new boundaries are not implemented, is that new Assembly constituencies could be based on the eleven new councils (with Belfast sharing two constituencies).

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If there were twelve such Assembly constituencies formed, based on the different council areas, constituencies (which would not be of equal population) should then return different numbers of MLAs, but the number of Members per constituency should remain at least five, in the interests of proportionality. Such variation has happened in previous Assembly mandates without difficulty.

There is no evidence to suggest that an eighty member Assembly would be insufficient to ensure the effectiveness of its operations, particularly if streamlining of the Executive happened concurrently (Our proposals for a reduction to eight departments are a matter of record as part of the Assembly and Executive Review Committee at Stormont). Such a streamlining of the Executive, coupled with the allied reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont, thus not significantly increasing the committee burden on a reduced number of MLAs.

We would also argue that such reform would lead to no discernible drop in the level of governance, evidenced by the Scottish Parliament, which has similar powers to the NI Assembly and functions with fewer MSPs per head of population.

Length of Assembly Terms

The Alliance Party believes that the Assembly and Parliamentary elections should be decoupled. The roles and responsibilities of each legislature are separate and distinct and it is important that the issues pertinent to each receive full and detailed public consideration in advance of the vote.

This is difficult to achieve if both elections run on the same day or without adequate separation, with a risk that one set of elections could overshadow the others. National coverage of the Westminster elections, for example, could completely eclipse the NI Assembly issues, and regional focus on the Assembly could lead to inadequate coverage of national issues or, indeed, the two could become unhelpfully conflated, causing voter confusion.

We are, therefore, strongly of the opinion that the elections should be held separately, preferably a year apart, to ensure that the electorate is given a full opportunity to engage on the issues affecting each legislature. Whilst the Northern Ireland electorate is quite sophisticated, the complexity of having not only two different elections but with two different voting systems on the same day is not desirable.

We believe the current Assembly term should be extended to avoid a clash with the Westminster election scheduled for 2015. Rather than undertaking such changes on an ad hoc basis, it would be preferable if the length of the Assembly term was made equal to the length of a Parliamentary term, namely a five-year fixed term.

We note that this arrangement applies for the Scottish Parliament and the National Assembly for Wales. This will avoid future clashes with Westminster elections, and any future need to delay or bring forward election dates to avoid such clashes.

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Multiple Mandates

- Dual Mandates: MP and MLA

The Alliance Party have acted voluntarily in respect of ending these dual mandates, following through on pre-election pledges and manifesto commitments to do so, within weeks of being elected to Westminster. We do not believe that MPs should be permitted to continue to be Members of the Assembly. The primary argument in favour of doing so, namely that the fledgling Assembly structures were unstable and senior political figures who left Westminster for the Assembly could find themselves with no mandate in the event of collapse, no longer holds true as the Assembly is now in its second successive uninterrupted term.

We believe strongly that both jobs are full-time and that they require a focus which cannot be achieved effectively if a representative has a dual mandate and, consequently, competing demands on their time and attention.

It is a crucial part of the role of an MLA that they are in Stormont to vote on legislation passing through the Assembly, to question Ministers and hold the Executive to account, whilst a MP's work equally demands them to be in Westminster for a large proportion of the week, to scrutinise and vote on legislation and policy, question Ministers and provide a voice for their constituents. Whilst there may be considerable overlap in the constituency casework element of both, those parliamentary duties, their location and timing, make it incompatible for any member to fulfil both roles simultaneously. Put simply, no person can be in two places at once, a fact evidenced by the attendance and voting record of those who have held or continue to hold dual mandates in this Parliament when contrasted with those who do not. Even more stark is the comparison between the voting record of those who had dual mandates in previous Parliaments, when public awareness and scrutiny of the issue was considerably lower than is currently the case.

In addition, the ending of dual mandates creates an opportunity not only for Parties to bring forward new talent, but for the electorate to see the electoral cohort refreshed and, potentially, both reinvigorated and made more reflective of society as a whole.

Finally, following the report of the Independent Financial Review Panel in 2012, there is a reduction of the amount of Office Cost Expenditure payable to an MLA who is also a Member of Parliament; this is currently 37% of the allowance for a MLA who is not a Member of Parliament and reflects the overlap in constituency service between an MP and MLA.

This percentage of allowance will continue to fall within the next two years meaning that the number of staff members and amount office expenses available to someone with a dual mandate will be greatly reduced, when compared to two different elected representatives undertaking each role separately. Whilst those in favour of dual mandates may argue that this allows for efficiency in expenditure, we would be concerned that constituents in areas represented by those holding dual mandates will have less access to and, potentially, less assistance from the offices of elected representatives.

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- Dual Representation: MLA and Lords

The Alliance Party, whilst recognising that the House of Lords is not structured in the same way as the House of Commons, in that its members have no electoral mandate and no constituency responsibilities, does not believe that it is helpful or appropriate to have dual representation in both legislatures.

Given the important role of the House of Lords as a revising chamber and the burden of undertaking detailed scrutiny of Government Bills, it is challenging to expect that a Peer who is also an MLA, with the legislative, constituency and committee responsibilities attendant on that position, would be able to fully commit to the full discharge of either role. This is exacerbated by the fact that both the Assembly and Lords sit at the same time on Mondays and Tuesdays, limiting further the ability to participate fully in the work of both institutions.

We recognise, however, that the remuneration for the work of a Peer is different and reflects the fact that many Peers have other professional careers outside Parliament, some of which may also conflict with the sittings of the House. We would suggest that measures to end dual representation would be best considered in the context of wider Lords Reform, which would also address remuneration and allowances.

- Requirement of Primary Legislation to end dual mandates

There has already been a significant amount of time and space for parties to implement their pre-election commitments to end dual mandates, yet many have failed to make other than glacial progress in this regard. We would be concerned that, given the inordinate amount of time taken to address this issue voluntarily, by all other than the Alliance Party, that certainty can only be created with the introduction of a legislative bar on dual mandates.

We, therefore, believe that there is now a need to legislate in order to formalise the situation, and to ensure that there is no further procrastination with respect to implementing a measure which the public expected and wished to see addressed urgently.

The need for an Assembly Opposition

It has long been the view of the Alliance Party, throughout the talks which led to the Good Friday Agreement and subsequent negotiations and reforms, that democracy in Northern Ireland would be best served by a properly funded, properly structured formal opposition.

Having, as a Party, spent a considerable time as the only effective Opposition within the Assembly, being the only one of the major parties to have been outside the Executive for much of the Assembly's existence, we recognise the importance of this role; however, unlike in other legislatures, there is no formal role, status or support for such Opposition, inhibiting its effectiveness.

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The Alliance Party recognises the powerful role of inclusion as a tool in the development of more stable structures of governance for Northern Ireland; however, given the divided nature of our society, we believe that it would be a sign of politics maturing if we were able to effect a transition towards a 'government and opposition' model of governance.

We also recognise, however, that the current system was endorsed as part of the Good Friday Agreement referendum and, therefore, any such transition requires the consent of the Assembly and should not be externally imposed. We believe that it may be legitimate to introduce enabling legislation at this stage, on the understanding that implementation will depend on a request being formally received from the Assembly.

Conclusion

The Alliance Party welcomes the opportunity to respond to this consultation. We look forward to seeing progress on the issues raised in our response and remain willing to meet to discuss any of the above points in more detail, if required.