



Northern Ireland
Assembly

Committee on Procedures

OFFICIAL REPORT (Hansard)

Review of Private Members' Bills:
Mr Colin McGrath MLA

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In the case of my Bill, I was lucky to find the help and support of an NGO, namely the British Heart Foundation (BHF). Its staff were experts in the area, understood what was required and were able to help and advise me and provide support in the background to enable me to develop my private Member's Bill. Some of the more day-to-day work that was required, such as conducting a thorough consultation process, had to be done by the staff in my constituency office. Thankfully, by utilising methods such as SurveyMonkey, we were able to get around 1,000 responses. We coordinated and collated that information in-house, but it was a substantial amount of work.

Once the Bill was ready to be introduced in the Assembly, there was a greater deal of official support from the Assembly to ensure that it was tabled, get it through the Business Committee and on to the Order Paper and then get it from there to Committee Stage, which is where it is at the moment. Just yesterday, the Committee sought an extension until February, which was granted. I have not quite fulfilled all the processes, and we are doing some work with the Department in the hope of delivering what we are looking to do in a shorter time.

It has been long process. It has probably been about a year and a half since we picked it up. I think that it was back in August 2020 that I first had conversations about the potential for doing this, and it was around the end of September and the start of October before we got it into the Speaker's Office and on to the Order Paper. It is quite a long, drawn-out process, which could deter some people and prevent you from getting something that is relatively urgent addressed.

That is my experience with the Bill. As I said, I do not have much experience of the official structures in the Assembly because I worked outside of them. I am more than happy to take any questions that members have about the progress of the Bill and the work that we have done

The Deputy Chairperson (Mr T Buchanan): Thank you very much, Colin, for your insight on your experience of taking your Bill forward. I open it up to members for questions.

Ms Bunting: Hi, Colin. Thank you for your presentation; I appreciate it. It is interesting to hear that you have had a slightly different experience because your Bill was done externally. That is interesting for the inquiry. It is also interesting that there are varying opinions on whether the sponsoring Member should be a member of the Committee ex officio. Do you have any views on that?

Mr McGrath: It is hard to tell. I suppose that they would have the benefit of being able to ask them for their views and considerations. However, there might also be a sense that you are talking about somebody in the room. If there are deficiencies in the Bill or disagreements about it and the sponsor is in the room, that could create a bit of conflict and people might be more hesitant to critically analyse the Bill, if the person who drafted it is in their company. There is definitely a time for talking to somebody about their Bill, but there is also a time for having space to discuss it as a group, having taken expert opinion and the views of people in the sector. If you are always talking about the Bill with the sponsor present, it could bring out the human instinct of not wanting to be critical or show that you are unhappy with it. You could have people wanting to please the sponsor because they are looking back at them.

The role of the Committee is to provide critical assessment. We get the opportunity in the Assembly to discuss Bills, but, generally, it is pre-prepared thoughts, and they are taken in turn. Members know how they will speak and often how they will vote before they go into Assembly debates. There is a bit more freedom in the Committee structure for analysis, for questioning and for critical thinking about a Bill. If the sponsor is constantly in the room looking back at you, it could cause a few problems.

I suppose my answer, Joanne, is yes and no. Maybe there is a way of doing both for a time with the sponsor being very available to answer questions and provide updates. However, I see merit in the Committee having its own time to consider what it has heard without the pressure of the sponsor being there.

Ms Bunting: I appreciate that. It is a fair point, and, frankly, I concur with most of what you have said, Colin.

I have a couple more questions. With regard to your Bill being external, was that a disadvantage or an advantage to you in the process? What interaction do you have with the Bill Office now?

Mr McGrath: It is a bit difficult to say whether it has been an advantage or a disadvantage because I have not gone through the process with the support of the Bill Office, so I do not have anything to

compare it with. There were advantages and disadvantages in working with a third party. Obviously, the third party was keen and wanted to see the legislation, so it was helpful and supportive. I needed only to lift the phone or send an email to get someone, and they were quick to come back to me. If you do it with the Assembly, your Bill may be one of a dozen that they are working on. There could be competing priorities, and I am not sure whether there would be the same quick accessibility.

My Bill is about CPR teaching in schools. Obviously, an organisation such as the British Heart Foundation is 100% across the matter. It knew the issue, the ramifications and the pros and cons. It knew many other people in the sector, and it knew exactly what was being delivered in the rest of the UK and Ireland. As the organisation was an expert in that area, it was able to lend that expertise to me. If you are working with somebody in-house, the expertise in a specific area may not be there. There are pluses and minuses.

I did not find that using an outside agency disadvantaged what I wanted to do. I found the process to be reasonable and one that worked well. I cannot say that it was a bad process; it was a really good one. The Bill is at Committee Stage, and I commend the Bill Office and Committee staff, because there has been any amount of offers of help and assistance from them. For example, I have been asked by staff whether I want to meet up to discuss the progress of the Bill.

My Bill is incredibly simple, with one clause, which means that there have not been a lot of technical points or complicated matters and processes to talk through. Therefore, I did not need to avail myself of much help in that area: I just needed to get it on to the Floor of the Assembly, get it into Committee and get it progressed. I have been offered substantially more help than I have required, which is a really good, useful and helpful thing. I thank the staff for that, but I have not really needed to avail myself of that help too much.

Ms Bunting: I have one more. In the information that we have received from consultees, one of the gaps has been on the issue of whether there should or could be more than one sponsor of a Bill. There would always be a lead sponsor, but it might take the pressure off the sponsor if they were not able to be available at every turn. Do you have any views on that?

Mr McGrath: Having more hands on deck to help is always useful. As you said, if somebody was not available to carry out a certain element of the process, others could step in. There can be a scramble to get lots of legislation through, because everybody wants to have their name on something. From a non-Executive perspective, 75 or 80 of us are running around and constantly trying to get our names down for bits and pieces. If a number of people could add their names to a Bill, that could assist people in feeling that they are part of a process. Also, cross-party Bills might have a greater chance of getting through the process, because most of the parties have bought into them.

The aim of the legislative process is to get Bills passed, not to prevent other parties from doing so or to play political games and say, "If they put in a Bill, we will try to stop it". If you know that you have all-party support, there is a greater chance that your Bill will get through. The ability to get cross-party support for a Bill would be useful, and the ability to add more names to a Bill might encourage more cross-party legislation.

Ms Bunting: Thank you very much, Colin. I appreciate it.

Ms Brogan: Thank you, Colin, for coming in today and giving us that information. Joanne has asked my question: I was going to ask whether you thought that not going through the official structures was more straightforward. The NGO that you used for your Bill on CPR in schools is an expert in its field. That was probably a huge benefit because it would have been completely over the topic, whereas, in the Assembly, there is such a wide range of topics to cover. Do you agree that that was a benefit?

Mr McGrath: Yes, it definitely was. An important part of the process was having access on tap to a ready supply of experts. This has absolutely not happened, but there is the potential that, if you have an over-reliance on external assistance, you could get to the stage where those with vested interests in the outcome of a Bill try to provide support in the background. Then, you start to move into the territory, I guess, of cash for questions and people in the background saying, "I will help you with your Bill, because the outcome of it will help my business or area of interest". There is always that fear that, if you force people to look out the way for too much assistance, it will fall to those who can provide the assistance more than those who really would benefit from the legislation. In the North, we are lucky to have such a vast array of NGOs and charitable organisations that have only good intentions. However, if you leave too much to the outside, there is always the potential for a blurring of the lines

between a vested interest and an outcome that is wanted from legislation. If it is kept in-house and only your consultation goes out, the voice of those vested interests becomes equal with that of everybody else. To reiterate, I have no experience of that happening, but I can see how, if left to your own devices, you could wander down a road that could take you there. Using the in-house scheme as much as possible would definitely be preferable if it prevented that. I do not know whether there needs to be a rule that, if you get help from a sponsored organisation, you must make sure that it is charitable or that its aims and objectives are for the greater good. There is definitely a conversation in there somewhere to make sure that there are safeguards.

Ms Brogan: Absolutely, Colin. That is a valid point. The waters could get muddied quickly, which is a really important point for us to take on board in the review.

I wanted to make one other point on Joanne's initial question about whether members of the relevant Committee should be able to sponsor PMBs. I understand both viewpoints. An MLA will be more naturally drawn to a topic that relates to their Committee. For example, if I were to sponsor a PMB, it would most likely be something to do with education because that is where the issues are that I see daily. I can understand why a Committee member would want to sponsor a Bill that directly affects an area within the remit of the Committee that they sit on. However, I also understand how there could be a conflict of interest there. I just wanted to make that point. Thanks very much, Colin; it was great to hear from you.

Ms Ferguson: Colin, I am interested in the consultation process. We have heard evidence for and against a mandatory consultation process for a private Member's Bill. What are your thoughts on that?

You had external expertise to support you with the consultation, but will you unpack any questions that you had about the process? For example, what was the range of stakeholders, and how far out did you go? Did you have any concerns about not covering the range of stakeholders? Should departmental officials be engaged in the process? I am interested in those two areas of the consultation process: should it be mandatory, and how did you compile your list of consultees?

Mr McGrath: Thanks, Ciara. I am a firm believer that you can never consult enough and that you should consult at every opportunity that you get. Should it be mandatory? I think so, because, at a bare minimum, you will get out and hear people's thoughts. We all understand the idea of the "Stormont bubble" in which we exist. For example, we might discuss something for hours in the Chamber and talk about it in our party group meetings, but, when we go home and mention it, people look at us and go, "What was that, sorry?", and we say, "Aargh, we were talking about it all day". We can be engrossed in something and feel that we are expert in and knowledgeable about it but, when we go out to the rest of society, the knowledge is not there. Likewise, our understanding and interpretation of something may not be shared by other people. Even if it is only a process of getting affirmation that we are on the right road, consultation is essential.

Of course, the difficulty with knowing when to stop with consultation is that you will never know the people whom you do not know. You may go out to everybody you can think of and then, six months later, somebody will say, "You did not ask me", and you will realise that you did not think about them at the time. The issue is making sure that you involve a reasonable amount of people. For my Bill, I used SurveyMonkey and tried to flood social media as much as I could. I used Facebook to let as many people as possible know that I was doing the consultation. Through the likes of SurveyMonkey and other tools, you can check that your information is coming from as broad a geographical spread as possible.

There is the issue of consultation bias, and there are probably people who are much more au fait with that than me. However, if, for example, you ask somebody a question about CPR and that person has performed CPR, the question will be of interest to them and they will be much more likely to say that they support it. In my case, if 96% of people agree with you, you might think that the question must have been very agreeable, it may not have been unpacked enough or it could have been thought through more. If nearly 100% of people agree with nearly every question that you ask, is it a proper consultation? That is a different conversation that could be had with some academics to find out how to get the proper questions and get them out there. There are people more qualified than me to answer that, but, if a survey is quick and easy to do, the results might also be quick and easy. I do not know whether that answers the question, but a worry for me was that absolutely everybody agreed with what I was saying. Maybe that just meant that the policy was right.

It is incredibly difficult to get a consultation right; it is an art, and Members may not be able to do that. If Members are doing their private Member's Bill on their own because they were not lucky enough to be part of the draw, maybe a form of consultation support could be available to them. Then, if they are going to carry out the consultation with the public, at least there is a good, structured and proper way of getting the help and support with it to ensure that it is done properly.

Ms Ferguson: That is great, Colin. Thank you. It is a difficult process. You want to make sure that it is as robust as possible so that you are confident about moving forward. Guidance to support Members could be worthwhile.

Mrs Barton: I was interested in your consultation process. You put it out through social media, but do you not think that that provided a biased opinion? The reason that I say "biased opinion" is that, obviously, it was put out through your friends and their networks, and I may have different friends to you. Did you send it to every MLA so that they could pass it out through their social media networks? That would, at least, have given you a mix of people from all parts of the Province?

Mr McGrath: Thank you, Rosemary. I have many friends in Fermanagh, so I am sure that we have plenty of shared friends in that neck of the woods. They are friendly people, so I am 100% certain of that.

To address your point, the net that is cast will be restricted by those who cast the net. I had the support of the NGO, which put the survey out through its networks, its members and its social media streams. By extension, your point is well made. In my case, for example, if somebody is a Facebook friend of the British Heart Foundation, there is fairly high chance that they will support an initiative that delivers CPR. You can see how you could get that skewed perspective, because, of course, those people will say that it is a good idea.

The Committee may have put the survey out through its official streams as well; it was put out through some form of official Assembly social media account. I suspect that, in the Assembly, there are some very rich databases of individuals that are cross-sectoral and cover all age groups and other groups in society. If you were able to access those databases and send your consultation out through them, it would be totally separate from you as an individual. Doing that could be worthwhile.

Mrs Barton: Yes. That is right.

I was also interested in what you said about being a member of a Committee and sponsoring a private Member's Bill. The Committee received evidence from two other MLAs, both of whom found that sitting on the Committee that was scrutinising their private Member's Bill was useful.

Mr McGrath: I will draw a nuanced difference. If a person is a member of a Committee and their private Member's Bill is reflective of that Committee, I get that. Your political party will ask you, "What is your interest?", and try to match you to the Committee that best suits that interest. Rosemary, you are a former teacher, so the Education Committee is a perfect fit for you. Taking education as an example, I was thinking more of a scenario in which someone who was not a member of the Education Committee brought forward a private Member's Bill on education. Could that person sit on the Committee throughout the Bill's stages? Human nature is that you will be less critical of something if the author is sitting at the table and looking back at you. That is human nature rather than anything that is contrived or thought up before. Nobody wants to say, "That there clause is rubbish", whereas, if the person is not there, you might be more inclined to say that it needs to be tightened up or looked at differently and likewise if an outside agency is coming in to present to a Committee on a Bill and the Bill sponsor is looking back at them. Northern Ireland is a small place, and somebody who is giving evidence may not want to be 100% honest if that means being a bit critical of something if the sponsor is sitting there. I do not think that that applies all the time in all cases, but there is an opportunity. There may be a way of saying that there should be set times when a Committee can consider something without the Bill sponsor being there. There is that issue.

Mrs Barton: Thank you.

The Deputy Chairperson (Mr T Buchanan): Colin, just perhaps one issue. It has taken you about 18 months to get your Bill to the stage that it is at in Committee, and we are coming fairly close to the end of the mandate. Do you think that there should be a cut-off date for when private Members should be allowed to introduce a Bill in any mandate, in order to allow appropriate time for the Bill to be brought through the system, properly scrutinised and completed prior to the end of the mandate?

Mr McGrath: There is definitely a value to that. We are probably in something of a unique scenario. I speak from experience as a member of the Business Committee. For 12 months or more, nothing was coming through from the Executive. We are looking at the next number of months being primarily Executive-based business because they have finally got the stuff in front of us. We have a two-year programme that would normally be stretched out across five years, and there will definitely not be time. A lot of private Members' Bills will not get the opportunity to be presented and make their way through, because there will be such pressures on time. In a normal five-year term, you could say that, if you have not got your private Member's Bill done and dusted by halfway through the mandate, you cannot guarantee that it will get finished. If you had done all the work, had all the consultations done and done the long hours but got to the end of the process and it ran out of time, it would be frustrating. Anything that could be put in place to stop that frustration and to prevent countless hours of needless work would definitely be useful.

The Deputy Chairperson (Mr T Buchanan): Thank you, Colin, for taking the time to be with us at the Committee today and for your insight into the issues that you faced when you were bringing through your Bill. Are you content for the Committee secretary to follow up with you in further correspondence if required?

Mr McGrath: Yes, absolutely, Chair. Thank you very much for the invite today to discuss this. It is a really important area of our work, and it is good to know that there are some of us who are looking at it to try to finesse the processes.