
Northern Ireland Assembly

Monday 1 March 2010

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Matters of the Day

Murder of Kieran Doherty

Mr Speaker: Mr Mark Durkan has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I shall call Mr Durkan to speak for up to three minutes on the subject. I will then call representatives from each of the other parties, as agreed with the Whips. Those Members will each have up to three minutes in which to speak on the matter. There will be no opportunity for interventions, questions or a vote on the matter. I will not take any points of order until the item of business is concluded. If that is clear, we will proceed.

Mr Durkan: Last week, the Real IRA murdered a young man, Kieran Doherty, in Derry. Mr Speaker, the House has always used the facility that you have granted today to show its unity and determined purpose in rejecting those who seek to use violence in the name of any cause in our society. It is important that all parties use this opportunity to reinforce the strong, united condemnation that has come from right across the community in Kieran Doherty's home city. It is important that we reject the pretensions of those who believe that they can act as judge, jury and executioner over anyone, who believe that they can arrogate the right to determine life and death for anyone, who pretend that they can act in the name of our country, and who pretend that they are pursuing some pure cause with those deadly means.

The Real IRA not only murdered Kieran Doherty, it murdered him in a ruthless, callous and brutal manner. That organisation has sought to say various things about and against that young man, and his family has asked me and other elected representatives to place on record their utter rejection of the allegations and insinuations that

have been made against their son, brother and partner.

Mr Doherty's family also want us to record their total rejection of what the Real IRA has done and claims to stand for, and to raise the very genuine concerns that they have about the latter months of Kieran's life, when they say that he was being subjected to particular harassment, pursuit and pressure by MI5 agents. They have serious questions about how much those people know about the circumstances of Kieran's death and how much their involvement may have conditioned his death. Those questions will have to be pursued through other channels on other occasions, but it is right and proper that those questions are raised, out of respect for a grieving family and the community in Derry that stands in solidarity with them.

Mr Campbell: Mr Kieran Doherty was murdered by the Real IRA in Londonderry last week. Whatever involvement Mr Doherty may or may not have had in any paramilitary organisation confers no legitimacy whatsoever on his killers. Our thoughts and prayers are with his family at this time.

That type of killing is all too reminiscent of the activities carried out by the Provisional IRA during its 30 years of violence. The same area of Londonderry was used in similar circumstances in the early days of the Troubles, when two innocent Protestant civilians, one of whom I knew, were murdered in very much the same fashion. It was wrong then and it is wrong now.

Some have talked as though the security services were as responsible as those who carried out the murder. However, the Assembly must be absolutely clear that the blame lies with those who put two bullets into Mr Doherty's head.

Considerable reference has been made to incidents such as this dragging us back to the bad old days. However, that can only happen if, in the wider community, we allow those who

carry out those atrocities to get away with it. Information is vital and it must be given to the police so that the guilty can be caught. It is only when the guilty are in a place where they cannot carry out those activities and are unable to carry them out again that we will remain in the place where we are at the moment, and, hopefully, these days will be a dim, distant and painful past.

Ms Anderson: Go raibh maith agat, a Cheann Comhairle. I begin by offering my deepest sympathy to Kieran's partner, Mairead, and the Doherty, Millar and Coyle families who are mourning the loss of their son, partner and brother, Kieran Doherty.

On behalf of Sinn Féin, I totally and absolutely condemn the murder of this young Derry father, and I appeal to anyone with information about the murder to come forward and assist the investigation. Having spoken to Kieran's family over the weekend, I know that they want justice to be sought for Kieran's murder. They have asked me, Martin McGuinness, Mark Durkan and others to refute the allegations that have been made against Kieran, and they are seeking answers to the linkage between the group that calls itself the Real IRA and MI5.

There is widespread revulsion in Derry at the murder of this young Derry man. I attended his wake over the weekend and the removal this morning with my colleague Raymond McCartney, and people were asking questions about the rationale and motivation of Kieran's killers.

It is generally believed that the organisation is not only infiltrated by MI5 but by criminals, and their activities are anathema to Irish republicans. Even those who gave tacit support in the past, small in number as they are, now accept that. However, today our thoughts should be with Mairead and the wider family circle.

I was called to the scene after the murder, and I want to ensure that people know that we extend our deepest sympathy to the family and friends of the victim, and to the wider Derry community, as they come to terms with this very sad loss. Go raibh míle maith agat.

Mr B McCrea: On behalf of the Ulster Unionist Party, I convey, in the strongest possible terms, our condolences to the family of Kieran Doherty. There is considerable merit in Mr Durkan's call for the House to show unanimity of purpose, and I was heartened to hear the position

adopted by the First Minister and the deputy First Minister, among others.

The people of Northern Ireland have a choice. They can either look forward to the rule of law and order and to peaceful co-existence or risk going back to the bad old days. It is perhaps unfortunate — I apologise in advance — that politics should come into what is such a tragic event, but such events take place against a backdrop of certain political events. Those Members who are looking forward to being Minister for justice should not underestimate the challenges that tragic events are likely to place on the House. They should seek to build consensus and to deal with matters in a way that suits all the people.

Of those who use such activities in Londonderry for political aims, in order to advocate some particular stance, I ask what sort of country they want us to live in. Is it the sort of country where there is summary justice, a most brutal murder, and people are given no chance to defend themselves? That is surely no form of political nirvana.

Finally, there has been some discussion about the role of the security forces and the PSNI in what happened. PSNI officers belong to probably the most overseen force in the entire world. The benefit of having the Policing Board and other institutions is that allegations that have been made will be investigated and, I am quite sure, will not be substantiated. The way forward for Northern Ireland — I hope that Mr Doherty's death plays some part in our achieving this — is to adhere to the rule of law and order. Only then can we make any progress.

Dr Farry: My party is grateful for the opportunity to comment on this most tragic of incidents. It is, first, a loss of life: that of Kieran Doherty's life in Derry. It is a loss to his family and his partner, to whom he was about to be married. A child who is about to be born has lost its father. It was a most brutal murder and is as far away as possible that one can conceive from the concept of justice in this society.

Mr Doherty was an innocent man, and the record will reflect that, but even if the allegations had any legitimacy, there is only one police service in this society. There is only one prosecution service, only one judicial system and only one rule of law. We have worked to bring this society to that point over the past number of years, and it is where this society

needs to stay. The Assembly needs to express that message very clearly. There is no scope for any individual or organisation to assume the roles of judge, jury and executioner. There is no concept of internal housekeeping, if there ever was. There can be no concept of an individual's being treated as a pawn in some wider game. We have to respect every individual and his or her human rights, and there is no more important human right than the right to life, which has clearly been violated in this case.

It is important that the Assembly sends a united political message and does not play into the hands of those who are seeking to bring this society back.

12.15 pm

Ministerial Statement

Public Expenditure: February Monitoring 2009-2010

Mr Speaker: I have received notice from the Minister of Finance and Personnel that he wishes to make a statement.

The Minister of Finance and Personnel (Mr S Wilson): With your permission, Mr Speaker, I wish to make a statement regarding the outcome of the February monitoring round, following the Executive meeting on Thursday 25 February 2009.

It is the fourth and final monitoring round of the 2009-2010 financial year. The need to manage the overall financial position to protect the integrity of the Executive and the Northern Ireland block by ensuring that we do not overspend against the amounts available to us has been our priority throughout the year and remains so.

As Members will be aware, given the constraints of the spring Supplementary Estimates (SSEs) and the simple logistical challenge of processing additional spend at this late stage in the year, the February monitoring round does not usually give rise to significant allocations. It is for that reason that we continually emphasise to Departments the importance of identifying and surrendering reduced requirements as early as possible in the year.

Therefore, it is extremely disappointing that Departments have declared reduced requirements of £19.3 million of current expenditure and £11.9 million of capital investment in the February monitoring round, with some Departments surrendering material amounts. Although some of those easements undoubtedly arose because of factors outside of the Departments' control, it appears that some of them could have surrendered money earlier in the year if they had displayed better financial management and forecasting.

In addition, the Department of Health, Social Services and Public Safety (DHSSPS) has surrendered a further £16.2 million of current expenditure from the swine flu funding that was made available to it in September 2009. Combined with the £4 million that that

Department surrendered in the December monitoring round, it has surrendered a total of £20.2 million out of an allocation of £27.9 million. Again, it is disappointing that that easement has been identified so late in the financial year. Members may recall that the original allocation was made to DHSSPS on the basis that any funding that was not required would be returned to the contributing Departments. Therefore, it is even more concerning that that funding is being returned at such a late stage in the year, meaning that instead of donor Departments being able to use the resources in question, there is a risk of losing the funding, at least in the short run, to our Treasury-controlled end-year flexibility (EYF) stock. Indeed, donor Departments have confirmed that out of the total easement of £16.2 million, they will be able to spend only £2.7 million by the end of the year.

The £2.7 million will be returned to the Departments that indicated that they will be able to spend it this year. However, to ensure fairness for all Departments, who responded so positively to the DHSSPS call for swine flu funding, the Executive have agreed that the balance of £13.4 million should be retained by DHSSPS this year and be transferred from DHSSPS to the contributing Departments in the June monitoring round in 2010-11. As well as ensuring that Departments that contributed to swine flu funding are not being penalised unfairly, that approach will allow DHSSPS to address a pressure that it has identified in the area of elective care.

The Executive have also agreed to make allocations to Departments for the funding that is required for the equal pay claim. Members will recall that headroom was incorporated in the spring Supplementary Estimates for that purpose. The formal proposal that was made to NIPSA gave rise to a liability that must be provided for in the departmental resource accounts in 2009-2010, and, therefore, Budget cover is required. However, changes in the treatment of provisions under the Treasury's alignment (clear line of sight) project mean that any provisions that are taken up in 2009-2010 will, in effect, cause a double hit on our departmental expenditure limits.

In light of that, I sought and secured additional non-cash departmental expenditure limit cover this year from the Treasury. However, the cost of that will have to be addressed within

our departmental expenditure limit when the payments are made, and that has been factored into the review of the 2010-11 spending plans.

The agreed settlement can be divided into two distinct areas: the lump sum settlements and the arrears of pay resulting from the claim. The payment of the lump sum settlements is dependent on individual agreement from claimants, and it, therefore, may take a while to process. However, it is possible to process the arrears element separately, which will speed up the payments, but a near cash departmental expenditure limit cover of £29.7 million will be required in 2009-2010 to do so. To facilitate that and to offset that pressure, the Executive agreed to use £26.5 million of Barnett consequentials from the 2009 Budget. That will allow those payments to be processed in March 2010, and the residual £3.2 million will be addressed from the reduced requirements that are surrendered in this round.

I now turn to the bids that Departments have submitted in this round. As I mentioned earlier, the capacity to make allocations in the February round is restricted by the spring Supplementary Estimates as well as the ability to spend additional allocations so late in the year. However, as Members will recall, a limited amount of headroom was built into the SSEs to facilitate allocations should resources become available. The £9.2 million current expenditure bids that Departments submitted in the February monitoring round reflect the headroom that is incorporated into the SSEs.

Given the relatively high level of reduced requirements surrendered in this round, the Executive agreed to meet all the current expenditure bids that were submitted. Thus, the Department of Agriculture and Rural Development (DARD) receives £2.3 million to address the pressure arising from the EU's disallowance of area aids for the claim for single farm payments from 2004-06, and the £5 million to the Department of Health, Social Services and Public Safety is the final instalment of its £20 million first call on available resources, which was agreed as part of the Budget 2008-2011 settlement. The Department for Social Development (DSD) receives £1 million for the special purchase of evacuated dwellings (SPED) scheme. Members may recall that, on 10 September 2009, the Executive agreed to additional flexibilities to allow the Minister for Social Development to

manage pressures arising from that scheme, and that £1 million reflects the residual pressure that remains unaddressed. Finally, £0.1 million goes to the Northern Ireland Audit Office for the provision of early retirement.

Departments did not submit any capital investment bids in this round. However, given the availability of £5.5 million of capital investment, my officials revisited the matter with them. As a result, I am pleased to announce a capital allocation of £5.5 million to the Department of Health, Social Services and Public Safety. That funding will allow the Department to address a range of priority needs across the trusts, including equipment, medical devices, vehicles, specialised services, IT and estates. The details of those allocations, the return of swine flu contributions and the equal pay allocations are included in table 4, which is attached to my statement.

In addition to the changes already outlined, and to facilitate sound financial management in Departments, the Executive have also allowed Departments to move resources across spending areas. That is permitted when the movement is reflective of a proactive management decision that is taken to enable the Department concerned to manage emerging pressures within its existing baselines. Departments are to be commended for their actions to address their pressures in that way.

It has also been necessary, due largely to technical issues, to reclassify some amounts between different categories of expenditure. Details of those changes are also provided in the tables that are attached to my statement. The consequence of those actions is that the Executive conclude the February monitoring round with an overcommitment of £8.3 million for current expenditure and no overcommitment for capital investment. Given the low level of underspend that Departments returned last year, that represents a realistic and sensible position with which to conclude the year. However, I emphasise the importance of each and every Department taking action to ensure that its spending does not exceed the levels that the Executive agreed.

An overspend by one Department could put the Northern Ireland block grant at risk. Although we must aim to minimise underspend and to maximise the use of available resources, that

should not be done at the expense of proper financial controls.

In conclusion, I remind the House that the purpose of the in-year monitoring process is to help the Executive to make the most of the resources at their disposal. Although some may say otherwise, that is exactly what the Executive have achieved in 2009-2010. In the more constrained financial position facing us this year, the Executive have, through the in-year monitoring process, addressed significant pressures, including those that arose from the deferral of domestic water charging and the shortfall in capital receipts, as well as making significant additional allocations to Departments. In addition, we are concluding the final monitoring round of the year with a realistic level of overcommitment that will protect the integrity of the block grant. Therefore, I commend the February monitoring position to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. He indicated that he was extremely disappointed at the late declaration of reduced requirements by some Departments. It seems that scope still exists for improving the financial management and forecasting of those Departments.

What pre-emptive steps can be taken to ensure that reduced requirements are declared at the earliest opportunity? Has the Minister given any further thought to establishing incentives or sanctions for Departments in that regard?

The Minister of Finance and Personnel: I re-emphasise my disappointment that four Departments gave over 50% of their total reduced requirements for the year in the February monitoring round. There are constant checks with Departments to try to ensure that they are managing their budgets. However, we have to rely on Departments and Ministers to come forward with information. If my officials and I were to delve into every line of a Department's budget, there would be uproar about us trying to run Departments.

Co-operation between Departments and my Department, and between Ministers and me, is required. For example, in the last week of January, the Health Department was telling us that it would have £5 million of money for swine flu to give back, a figure that rose to £16.5 million

by the first week in February. There is work to be done in the Department in that regard.

The Chairperson asked what sanctions can be imposed on Ministers, and I suppose that the sanctions are twofold. Such issues are debated in the Executive, and Ministers who consistently show that they are not managing budgets well will find it more difficult to persuade Executive colleagues that additional moneys should be given to them, especially if, at the end of the year, they are responsible for money that could have been allocated elsewhere and spent better in the middle of the year. Where there are overspends or severe underspends, we could consider imposing penalties on the Departments involved, especially when money is lost as a result of an underspend.

Mr Weir: I welcome the statement, particularly the reference to the ability to process arrears for equal pay claims.

I share the Chairperson's concerns about the scale of the late declarations of underspend by a range of Departments. I am particularly concerned by the amount of money that the Health Department had to hand back, especially the money for swine flu, which contrasts sharply with what the Department was saying only a short time ago. What discussions has the Minister had with the Health Department about the amount of money that it handed back due to the swine flu situation?

12.30 pm

The Minister of Finance and Personnel: That question is perhaps linked to the Committee Chairman's question. The level of underspend or the amount of money that was given back as a reduced requirement could have been substantially higher had it not been for my officials' work with the Department of Health, Social Services and Public Safety. We must not forget that, in June and July 2009, I was pilloried because the Health Minister demanded £77 million to tackle swine flu. As a result of probing by my officials, that figure was reduced to £64.7 million and, eventually, to £45 million. Therefore, work at an early stage ensured that we did not take a pile of extra money from Departments. In fact, we took the minimum amount. However, when approximately £27 million is allocated, it is disappointing that £20.2 million is given back at the end of the year.

As I said in response to a previous question, we did not simply sit back and wait for the DHSSPS to outline a figure. My officials asked questions and, in the final week of January 2010, were told that £5 million would be returned. However, in the first week of February, they were told that the final figure was £16.2 million. We discussed the matter at the Executive, and, oddly enough, I was told that the Scientific Advisory Group for Emergencies (SAGE) had told the Minister that the threat had been downgraded in December 2009. However, we did not discover until February 2010 that £16.2 million was to be handed back.

(Mr Deputy Speaker [Mr Dallat] in the Chair)

Ministers must manage their budgets, but they must also be team players. Money that is not spent from one budget could be spent in plenty of other areas. Therefore, Ministers cannot act as if money belongs to their Department only and that that is the end of the story. They must recognise that there are implications: if that £16.2 million had been available in the December monitoring round, the Minister of Education could have spent it all.

Mr McCallister: Does the Minister accept that this monitoring round suggests that he will reduce the overcommitment and increase the level of unspent resources? He mentioned "team players": does he accept my party's view that the Executive are dysfunctional?

The Minister of Finance and Personnel: Some Departments, rather than the whole Executive, might be regarded as dysfunctional. It does not help them to function well when Ministers play lone games such as those that I described.

The Member asked about the level of overcommitment. I do not know whether he read the statement: we have reduced the level of overcommitment in light of experience. Last year, the Executive spent 99.7% of their budget as opposed to the 97% that they spent two years previously. Therefore, Departments are, by and large, managing their expenditure better. There is no point in having a huge level of overcommitment. In fact, we would be mad to have a huge level of overcommitment, given that we know that Departments have been spending almost 100% of their budgets. We must not forget that the Treasury will penalise us severely if we spend more than has been allocated.

The end-year result has not been the only guiding line. If we look at Departments' anticipated

spending compared with their actual spend, we can see that the December figures show that, two years ago, the difference was approximately 2.9% whereas it had decreased to approximately 0.8% last year. Therefore, planned spending and actual spending have been coming closer and closer together. The level of underspend has been reduced for good, sound, prudent reasons in the light of that kind of experience. I would have been far more open to criticism had I simply thrown out a huge amount of overspend only to find that, by encouraging Departments to keep on spending because the overspend facility existed, we finished up in jeopardy with the Treasury.

Mr O'Loan: There have to be concerns about the financing of the swine flu issue, and I am sure that the Health Committee will take that up. However, I want to ask the Minister about the equal pay issue. His explanation was complex. Will he confirm that the revised pay scales for all grades will be in place and that payments will be made, including those for the related short period of arrears, in March pay packets? Furthermore, have any of the lump sum back payments been made in this financial year, and, if they are to run into next year, when does he expect them to be paid? Will he accept that that is an urgent matter?

The Minister of Finance and Personnel: We expect the back pay to be paid by the end of this month, and we provided for that. The lump sums issue is complex because all 13,000 people affected have to be interviewed. We took steps to put a structure in place once we knew that we were moving towards a settlement. I cannot give a total commitment as to when the lump sum issue will be resolved, but, as I have said in the House before, the Treasury allowed us money that my predecessor had negotiated for. I met the Chief Secretary to the Treasury, and we are being allowed to carry over that money to next year. However, I doubt that we would be allowed to carry it over for a further year.

I do not want to stretch the issue out for a year, however, and all the indications are that we should be able to pay the lump sums by August 2010 or in late summer. I am always reluctant to give the Member an exact date, because I am sure that, if I miss it by a day, he will skewer me in the House. I assure him that we will seek to pay those lump sums as quickly as possible, because it is not in our interests to do otherwise. In September 2009, I promised to

resolve the situation by Christmas, and we did so, with the agreement of the unions.

Dr Farry: The Minister mentioned the use of £26.5 million in Barnett consequentials from the 2009 Budget to offset the equal pay claim. Will he reflect on the fact that those moneys were generated at a UK level for additional projects that we are not going to be able to carry out in Northern Ireland, and, although we have devolution here, does he recognise that that is a missed opportunity?

What lessons has the Minister learned from the swine flu episode about how the Executive respond to an in-year crisis, particularly when that crisis is not as severe as was first predicted? That excludes the lesson about taking what the Health Minister says with a pinch of salt.

The Minister of Finance and Personnel: The Member has asked a very odd question. He usually, at least, sees the logic of the direction in which he takes an argument, even if he continues to pursue it. The Member has spoken eloquently about devolution on a number of occasions in the House. With devolution, we get to choose how we spend the money that is allocated to us. We are not simply told by Westminster that, because the money is spent on certain purposes in England, it should be spent on the same purposes in Northern Ireland. As the Member rightly pointed out, there is a consequence through the Barnett formula to money being spent in England. That money comes to Northern Ireland for us to make a decision on how to spend it.

Given that we have efficiencies to make next year, we asked Departments to bring forward to this year any projects on which they wanted to spend money next year, including those that they thought might be in jeopardy as a result of the efficiency savings of around £122 million that had to be made. We asked Departments to do that because we got money from the Barnett consequentials, and, as a result, any projects that they listed could be worked on. No such projects were forthcoming. When we knew that that was the case and when we knew that we would have this pressure and that we would have to address it this year, we decided to use the Barnett consequential money for such projects. However, that was not the first choice; the decision was made only after Departments indicated that they could not bring projects forward from the next financial year into this year.

Therefore, we have decided to allocate that funding.

For example, the money for the equal pay settlement would have had to come from somewhere, so using the Barnett consequential money to meet that pressure means that we have avoided making cuts or reductions or taking money from Departments in other ways.

I learned some lessons from the swine flu episode. Whenever Ministers are faced with a crisis, they should scrutinise any advice that they are given as rigorously as possible to ensure that they are not overreacting. If they overreact, there is a financial consequence.

The pressures that existed in September 2009 meant that we had a fairly difficult monitoring round. In fact, the demands that swine flu was making of other Departments meant that it took some time to get the September monitoring round through. Members should not forget that, had it not been for the caution that my officials exercised, we might have been taking much more from Departments, given that the Minister of Health, Social Services and Public Safety wanted £77 million at that time. If there is a lesson to be learned, it is not just that I took the best scientific advice — how often have I heard that phrase —

Mr B McCrea: No science here.

Mr Ford: *[Interruption.]*

The Minister of Finance and Personnel:

Perhaps Mr McGimpsey, the Health Minister, should learn from me that one should not only listen to advice but scrutinise and question it before coming to a conclusion. It is always good to question some of the scientific evidence that is offered, regardless of whether it is on swine flu or on climate change.

Mr Deputy Speaker: Order. Perhaps I should stand up to make my remarks. I remind Members not to make remarks from a seated position and not to ignore rulings from the Chair.

Mr Hamilton: I thank the Minister for his statement. I welcome the additional funding and support in the monitoring round for the SPED scheme. That is a good example of the Executive taking decisive action to address a community concern that unfortunately exists because of some of the circumstances that are prevalent in our society.

It appears from the Minister's statement that around half the total that is needed for the equal pay settlement and arrears affects the Department for Social Development. Some £77 million has been allocated to that Department in 2009-2010. It is likely that what is happening with the grades that are affected by the equal pay settlement will have an obvious, ongoing and disproportionate detrimental effect on that Department. Given that, will the Minister outline what discussions have been had with that Department to see whether there can be some flexibility in helping to ease what will obviously be a very high pressure in the years to come?

The Minister of Finance and Personnel: I am not sure what the Member means by "some flexibility". I suspect that that is a veiled request to pay the Department for Social Development's bill for the ongoing equal pay costs. If the Member looks at the situation in percentage terms, he will see that the number of AAs and AOs in the Department of Finance and Personnel equates to about the same or slightly less than the percentage pressure that the Department for Social Development faces. I do not know the figures off the top of my head, but the percentage pressures are similar. I accept that some Departments are hit harder than others. Indeed, that is why the Executive have dealt with the lump sum element collectively. Departments will have running costs as they go forward, and they will have to finance those from their own budgets.

12.45 pm

The Member should reflect on the logic of his question. How long should the ongoing cost of the equal pay settlement to the Department for Social Development be carried by other Departments: for ever, for two years or for five years? Furthermore, if that cost were carried by other Departments, what incentive would the Minister for Social Development, who I am sure runs her Department extremely well — I have to say that anyway, because she is sitting in the Chamber — have to ask for a change in her staffing structure or a different method of delivery? If the costs were underwritten by other Departments, why should she worry?

There is a case for saying that a Department should not carry an unfair burden in respect of the lump sum, but that issue goes back years, and current Ministers had no responsibility for creating it. It simply does not make sense to

say that we should carry the cost just because one Department is hit more severely than others. What would be the threshold? Should we bear the costs only of the Department that is hit hardest? Should we also carry the expense for a Department that incurs a cost that is just 2% or 3% lower? The Member's question raises a pile of other questions. Departments have staff structures that can be changed over time, but Ministers must manage those staff structures within their own budget.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Many Members share his disappointment and frustration at the late declarations. The Minister reiterated that, to facilitate sound financial management within Departments, the Executive allow Departments to move resources across spending areas if that movement is reflective of a proactive management decision that is taken to enable Departments to manage emerging pressures within their existing baselines. He has brought that position to the attention of the House on a number of occasions, but it raises a few questions. If that flexibility exists, should it not have helped to minimise the level of Departments' late declaration of reduced requirements? Did any Departments that were eligible to avail themselves of that flexibility not do so? If not, why not? How much will be surrendered to the end-year flexibility stocks?

The Minister of Finance and Personnel: We will not know how much has been surrendered until the end of the financial year. I emphasised in my statement that Departments must ensure that they manage their spending in a way that avoids a great deal of money being handed back and put into the end-year flexibility pot. It is up to Ministers to consider their spending. We are close to the end of the year, and I hope that Departments bore all that in mind when assessing their reduced requirements, bids and so on. I hope that, if Departments envisaged any gaps in their spending until the end of the year, they declared reduced requirements.

The Member asked why such flexibility would not have enabled the avoidance of late declarations. He knows that there can be flexibility only when proactive management is used to address a problem and Ministers have looked ahead and acknowledged that there will be an underspend in one area but an overspend in another. There are limits to where such movements can take

place: for example, one cannot move resources from capital to current expenditure.

It is not just a case of identifying a reduced requirement; one must also justify moving the money. That must be done for the better management of Departments, and Ministers must show that they have anticipated a problem. If the Member looks at the list of allocations that have been made, he will find that we have allowed a bit of flexibility, which is detailed on, I think, table 3. When Ministers have come forward with justifiable arguments, some movement has been allowed. However, this is not just an excuse for moving money around the Department. It is not enough for a Minister to find, at the last minute, that there is a bit of money to spare and ask to move it. The Minister must show that he or she has thought ahead and is managing problems. A Minister who wishes to build in flexibility to his or her budget by planning ahead will find that the Department of Finance and Personnel is happy to allow for those reallocations.

Mr B McCrea: I am drawn to the part of the statement on Civil Service back pay. It mentions something called "near cash DEL cover" of £29.7 million. I am not sure what is meant by "near cash".

The Minister of Finance and Personnel appears to believe that all science is bunkum. Will he join his colleague, Mr Jim Wells, Chairperson of the Committee for Health, Social Services and Public Safety, in commending the Minister of Health on the way that he has tackled swine flu? It is better to be prepared than to lose lives. Does the Minister of Finance and Personnel agree?

What of the £26.5 million of Barnett consequential? That sum will largely come from the Department of Health and the Department of Education, two Departments that are underfunded in comparison with the rest of the United Kingdom. Is that not a reduction in expenditure that could properly have gone to those Departments?

Finally, if the Minister is dealing with the departmental expenditure limits for this year, how will that be reflected in the 2010-11 spending plans? The statement says that that has been factored in, but, presumably, it has not yet been finalised.

Mr Deputy Speaker: The Minister can choose which question he wishes to answer.

The Minister of Finance and Personnel:

Members are allowed one question, but the Member always takes the liberty of asking several, and I am happy to answer them all.

The Member did not listen to my statement; I hope he listens more attentively to my answers. I have never suggested that all science is bunkum. From listening to what Mr McCrea has said in the past, I realise that, perhaps, he does not bring all his critical faculties to bear on such matters. All that I have said to him and to the House is that, when faced with scientific information, people should use their critical faculties and interrogate it. They should ask whether all the assumptions that have been made are reasonable and whether experience shows that, when siren voices are raised, their predictions come to pass. There is a list of examples of scientists with vested interests who have raised issues and made them look like the most important matters in the world. Millions or billions of pounds were spent on the millennium bug that was supposed to hit computer systems in 2000, yet nothing at all happened. I am simply saying that, before people arrive at conclusions, they should interrogate the evidence. It is clear that the fears that were raised about swine flu were disproportionate. There has been speculation in the press as to why some scientists told that story in the way that they did. I am sure that the Member read some of those stories. All that I am saying is that it sometimes pays to be critical.

The Executive should take credit for the way in which they responded to swine flu. When the Health Minister raised the issue, every Minister in the Executive agreed to their budget being reduced to allow resources to be made available. That is where I am critical: Ministers were willing to allow their budgets to be reduced, and, as soon as it became apparent that the money was not needed, Ministers were entitled to expect the money to be returned, so that they could spend it in the appropriate year. I am saying not that swine flu was not handled properly but that Ministers, who were willing to play their part and be team players, expected reciprocation.

The Member does not understand the Barnett consequentials. They were not the result of money being taken from the Department of Health, Social Services and Public Safety and the Department of Education. The Barnett consequentials were sourced from budget

decisions that were made for other parts of the United Kingdom. They were realised from money that was introduced in England for a boiler scrappage scheme. We decided not to use the money for that purpose. Most of the money was not a result of reductions for the Department of Health, Social Services and Public Safety and the Department of Education; it came from a range of areas. The Executive took a collective decision about how those Barnett consequentials were and are being used. The decision was agreed by the Member's party leader and the Health Minister. Before the Member makes criticisms, perhaps he ought to think about how that collective decision was made.

The Executive will consider allocations of Barnett money next year in the monitoring rounds. The Member cannot expect me to be prescriptive at this stage because the Executive will make decisions as the Budget unfolds.

Mr McDevitt: I am sure that the Minister will agree that the monitoring round will be of cold comfort to those who are in need of mental health services, care support, acute or A&E services at Downe Hospital or the many people who require older people's services. Will the Minister provide details about the £16.2 million for swine flu that was returned to the pot? Is that £16.2 million underspend due to savings in the GP service and the administration of vaccines?

Earlier today, on a number of occasions, the Minister referred to the opportunity that Departments had for bids. Is he aware of whether the trusts had an opportunity to bid for extra funding during the monitoring round? Will he provide any details of those?

The Minister of Finance and Personnel: The trusts do not have the opportunity to bid directly to the Executive; they do that through the Department of Health, Social Services and Public Safety. I suspect that the £5.5 million capital allocation was due to the trusts indicating to the Minister that they needed vehicles, maintenance, IT and so forth. The money was allocated to the Health Minister on that basis.

The Member said that mentally handicapped people and others would take little comfort from the statement. There were no bids from the Minister in that regard, but he made a bid for funds for elective surgery.

That £16.2 million, or the £13.4 million that he is allowed to retain for this year, will be used to deal with those pressures and the demand on those services.

1.00 pm

The Department of Health, Social Services and Public Safety has explained that the £16.2 million that was returned was not needed because there was a low level of viral spread, which was associated with lower clinical hospitalisation and fatality rates and led to lower costs for replenishing stock levels, activating surge services, delivering communication and media campaigns, and distributing drugs. Those are the areas in which that £16.2 million was not spent. Given that SAGE indicated in December that the level of threat was significantly lower, I contend that some underspends could have been anticipated a bit sooner than the first week in February.

Mrs D Kelly: I thank the Minister for his statement. Given that the Executive are committed to restarting the construction industry, kick-starting it where possible, does he share my concern that £5.5 million of capital investment moneys was not bid for? In my constituency, particularly the Lurgan area, a number of school estate projects have not got the go-ahead. Will the Minister reassure me that the money is there for school newbuilds?

In relation to the Minister's comment that Ministers must better manage their spending, one looks in particular at the Office of the First Minister and deputy First Minister (OFMDFM) and the Department for Employment and Learning (DEL), which have made a huge return in the current monitoring round. Has the Minister discussed with those Ministers how they might better manage their Departments?

Will the Minister also advise whether he has had any discussions about planning reform? We know that sometimes big projects are held back because of concerns about whether they will get through the planning system.

The Minister of Finance and Personnel: First, in respect of whether the capital moneys returned could have been used for newbuild, we are near the end of the financial year in which that money must be spent. With a month left in this financial year, the money was not going to be spent on a school project. That is why the money has gone to health and social care trusts

to buy vehicles and medical and IT equipment and to pay for some work on buildings. All of that can be done fairly quickly and before the end of the financial year.

The Member has highlighted an important point: the sooner that reduced requirements are known, the more scope that there is and the greater the number of projects that there are to which money can be allocated. The number and kind of projects become very limited as we come closer to the end of the financial year, which emphasises a point that I made earlier.

Departments, including OFMDFM and DEL, have handed back money. I do not want to criticise where no criticism is due. If the Member looks at the table appended to my statement, which shows the money handed back by each Department, she will see that in some cases Departments might not have been expected to know any sooner that the money would be given back. For example, animal health in DARD is demand led, and, therefore, the Department cannot know whether anything will happen until the end of the year. However, quite a few of the returns are to do with staffing or with long-planned-for projects that Departments knew would not be delivered. Those are the kinds of areas that I will tell Ministers to take earlier account of. For instance, £100,000 was set aside for an older person's commissioner. It must have been known at an early stage that that was not going to happen. Why could that money not have been declared earlier? The message to Ministers is that they should look and anticipate rather than wait until the last minute.

Mr B Wilson: I thank the Minister for his statement. I was disappointed that he was unable to find additional funding for roads maintenance, particularly in light of their deterioration and the proliferation of potholes due to the recent severe weather. However, when referring to the Barnett consequentials, the Minister pointed out that they included funding for a boiler scrappage scheme similar to the one in England and Wales. He also said that that money had been used to pay for the equal pay scheme. Does that mean that funding will not be available for a boiler scrappage scheme here?

The Minister of Finance and Personnel: Anyone who has driven on the roads, even the main roads, will have seen the wear and tear caused by the winter conditions, and they will agree

that structural maintenance is greatly needed. However, in the December monitoring round, an additional £15 million was allocated to the Department for Regional Development for roads maintenance. How quickly can money be spent? Having been given the £15 million in December, could the Department have spent more? There was no bid for the money, as far as I know — I hope that I am not wrong in that. There is only a month until the end of the financial year; could the money have been spent on top of the £15 million that was given in December? There is a capacity problem in identifying where work needs to be done and then getting tenders out in time. That must be borne in mind before making a decision to allocate money. There is no point in allocating money only to find that it is returned at the end of the year. That does not benefit anybody.

No decision has been taken to introduce a boiler scrappage scheme in Northern Ireland. Of course, using the Barnett consequential does not preclude a bid being made through the normal process. However, every year in Northern Ireland, an enormous amount of money — for which, I am sure, the Social Development Minister is very grateful — is spent on the warm homes scheme, which, for some people, includes the installation of a new boiler or even a whole central heating system. It is not that we do not have a mechanism or, indeed, resources allocated towards better ways to heat people's homes, help them to reduce their costs and — an issue that is dear to the Member's heart, but not so much to mine — reduce their CO2 emissions.

Executive Committee Business

Housing (Amendment) Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister for Social Development to move the Further Consideration Stage of the Housing (Amendment) Bill.

Moved. — [The Minister for Social Development (Ms Ritchie).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List, which details the order for consideration. There is one amendment, so there will be a single debate on that amendment. The amendment replaces the reference to the education and skills authority with “education and library boards”.

Clause 1 (Homelessness)

The Minister for Social Development

(Ms Ritchie): I beg to move the following amendment: In page 2, line 2, leave out subparagraph (d) and insert: “(d) education and library boards;”

Clause 1 makes provision for certain bodies to take the Housing Executive's homelessness strategy into account in the exercise of their functions. One of the bodies mentioned in clause 1 is the education and skills authority, which was expected to have been introduced in the Education Bill. Given that the Housing (Amendment) Bill will complete its passage through the Assembly before the Education Bill becomes law, it is necessary to make a technical amendment to ensure that clause 1 only refers to bodies that actually exist when the Housing (Amendment) Bill receives Royal Assent. Should the Education Bill progress, I assure Members that the Housing (Amendment) Bill will be amended to ensure that any body or bodies that replace the education and library boards will be required to take the homelessness strategy into account when exercising their functions.

The Chairperson of the Committee for Social Development (Mr Hamilton):

On behalf of the Committee, I shall make a few remarks as part of the further consideration of the Housing (Amendment) Bill. As the Minister said, the Bill includes a list of Departments and organisations that are required to take the homelessness strategy into account in the exercise of their functions. Quite properly, the Bill recognises the

important role for education in advising and warning students of the problem of homelessness. The Bill, as drafted, refers to the anticipated replacement organisation for the education and library boards. However, given the delay in the passage of the Education Bill, the Committee agreed that it is logical and appropriate to amend the Housing (Amendment) Bill to remove reference to the education and skills authority.

As the Minister outlined, as and when the Education Bill is passed, it will include an amendment to reinstate the reference to the education and skills authority in what is expected by then to be the Housing (Amendment) Act. Given that, the Committee agreed that it supports the Minister's amendment.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I will elaborate on the Chairperson's remarks. I missed the debate several weeks ago, and most of the issues were covered in it, but I want to take this opportunity to thank Peter McCallion and his staff for their excellent work in keeping us right. I also thank the departmental officials. There was a lot of discussion, and there was some difference of opinion, but it was resolved during discussions at Committee Stage.

Simon spoke about the authorities that will need to take into consideration a homelessness strategy. The Department was somewhat concerned about including additional authorities, but we were able to include local government, for example, so it was worthwhile. I also thank the Minister.

The Minister for Social Development: I thank the Members — all two of them — who contributed to the debate. I appreciate the very constructive way in which the Social Development Committee and Members in general have helped to progress the Bill. I am particularly pleased by the high level of consensus that we have managed to achieve, and I welcome Members' support for the amendment.

Question, that the amendment be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker: That concludes the Further Consideration Stage of the Housing (Amendment) Bill. The Bill stands referred to the Speaker.

Budget Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Further Consideration Stage of the Budget Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: As no amendments have been selected, there is no opportunity to discuss the Budget Bill today, but Members will be able to have a debate at Final Stage. The Further Consideration Stage of the Bill is therefore concluded. The Bill stands referred to the Speaker.

Land Registry (Fees) Order (Northern Ireland) 2010

The Minister of Finance and Personnel

(Mr S Wilson): I am going to take up residence here today.

I beg to move

That the Land Registry (Fees) Order (Northern Ireland) 2010 be affirmed.

The Order under section 84 of the Land Registration (Northern Ireland) Act 1970 seeks to adjust the fees charged by Land Registry, Registry of Deeds and the Statutory Charges Register, so that the fees cover the cost of registration activity in line with the requirements of the Act. The fees set down in the Order will replace those currently in force under the Land Registry (Fees) Order (Northern Ireland) 2007.

Members will wish to note that the statutory rule is brief and includes increases and reductions in specific fee levels, all of which, in accordance with statutory regulations, have been endorsed by the Land Registry Rules Committee, which is chaired by a High Court judge and includes representatives from the Bar Council and the Law Society of Northern Ireland.

1.15 pm

The Order sets out fees for land registration transactions and includes increases and reductions in specific fee levels. The most significant point to note is that registration fees, in most instances, are increased where an application is submitted in paper format only. Reduced fees equal to or lower than those levied by the Land Registry (Fees) Order (Northern Ireland) 2007 may be obtained when the applicant chooses to submit the application electronically. In such applications where the application relates to a sale of property in the average price range, savings generally equate to 20% less than paper-only submissions. For example, for a property worth £150,000 the 2007 Order set a fee of £300. Under the current Order, the proposed fee for such a property is £330 if the application is lodged in paper format and £270 if lodged in electronic format. For a property worth £200,000, the 2007 Order set the fee at £450. Under the proposed Order, the fee for such a property is £495 if the application is lodged in paper format and £405 if lodged electronically.

The e-registration system, which enables solicitors to make applications online, contains validation processes. They assist in ensuring that applications are complete before they are submitted. That improves the quality of the applications and reduces the processing time in Land Registry. Solicitors have been, and continue to be, trained by staff of the Land and Property Services on the e-registration system. The reduced fees for electronic submissions reflect the reduced cost for the registry of dealing with the electronic applications and will act as an incentive for solicitors to use that system. The e-registration system fits well with the continuing progress made by the Department to increase use of online channels.

Leases now attract fees directly relating to the value of a property, bringing them into line with the other transactions for valuable consideration. The fees are based on the actual value of the estate on the date at which the lease is lodged for registration. Other changes include an increase from £3 to £3.50 to view a register map, folio or statutory charge sheet entry; and a £1 fee increase for charges relating to the provision of any map and documents.

There is also a new fee relating to an application that requires the registrar to rule on the matter. The Registrar of Titles has a quasi-judicial role, and, over the past three years, there has been a growing number of hearings requiring consideration and adjudication. Hearings are held three days each week, and dates are filled until June 2010. I am advised that hearings can be lengthy and complex; that they require a significant amount of preparatory work by registry staff; and that the demand for hearings shows no signs of abating. The registry has not charged for hearings previously, but with the continuing increase in demand, the cost of hearings cannot continue to be borne by other fee-bearing applications. That would raise issues around the cross-subsidising of services.

Although I consider that any fee increase should be avoided where possible, I am content that the Order strikes a fair balance and is particularly encouraging in the area of fee reductions for applications lodged in electronic format.

In line with the convention of giving the legal profession three months' notice of the implementation of new fees, I propose that the Order comes into effect on 1 June 2010. My Executive colleagues and members of the

Committee for Finance and Personnel were advised of my intention to make the statutory rule. No comments were received on the proposed introduction. The Committee was content with the statutory rule. I therefore recommend the Land Registry (Fees) Order (Northern Ireland) 2010 be affirmed.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. The Committee has been advised that section 84 of the Land Registration Act 1970 prescribes that fees taken in respect of the purposes of that Act should, so far as is practicable, cover the operating costs of Land Registry, which is now part of the Land and Property Services (LPS).

During an evidence session on 20 January 2010 on the review of the Department of Finance and Personnel's (DFP) spending plans for 2010-11, departmental officials advised the Committee that LPS was not quite recovering the full costs of its registration functions. That was said to be mainly because of the economic downturn. Although steps had been taken to minimise costs, for example, by reducing staffing levels, officials confirmed that a new fees Order would be necessary to realise additional income.

The policy proposals that are contained in the statutory rule, which were considered by the Committee on 20 January 2010, did not specify the fees that would be chargeable under the Order. In its consideration of the proposals, however, the Committee noted that the principal changes applied when an application was submitted solely on paper, and that, as the Minister explained, a reduction in fees can be obtained when an application is submitted electronically. It is hoped that that will encourage the legal profession to submit applications electronically and will, ultimately, lead to the development of full electronic registration.

The Committee formally considered the statutory rule at its meeting on 17 February 2010, together with the accompanying report from the Examiner of Statutory Rules. The Committee agreed to recommend that the Land Registry (Fees) Order 2010 be affirmed by the Assembly. Therefore, I support the motion.

The Minister of Finance and Personnel: I am pleased with the consensus of support across the Assembly for the regulations. Or, perhaps the lack of contributions signals the indifference

of the Assembly. I thank the Committee for Finance and Personnel and its Chairperson, Jennifer McCann, for the positive manner in which they dealt with the statutory rule.

The Chairperson said that she hoped that the 10% fee reduction for applications that are submitted electronically would encourage people to use that mechanism. As well as the cost reduction, it results in significant benefits, such as the reduced time that is taken in dealing with registrations. Furthermore, it reduces the possibility of delays due to mistakes in completing paper applications. I am a technophobe on such matters but, apparently, when completing the forms electronically, it is impossible to proceed to the next stage if any information is missing. That has resulted in only a 2% rejection rate for electronically submitted applications, as opposed to a 25% rejection rate for paper applications. That could be because people forget to include a page in the envelope or they forget to sign the form, which results in rejections, and which, in turn, involves a staff cost.

One of our aims is to make the operation much more efficient. The staffing level in the registry section has been reduced by 74 over the past two years. Therefore, the extra 10% that will have to be paid by those submitting paper applications is not being used to simply finance an arm of government that is not aiming for efficiency savings. Costs have been reduced by 34% and there has been a reduction of 74 members of staff. The electronic version helps to achieve efficiency savings.

I thank the Assembly for its support and I thank the Committee for the work that it did on the issue. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Land Registry (Fees) Order (Northern Ireland) 2010 be affirmed.

Private Members' Business

Bill of Rights

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms Anderson: I beg to move

That this Assembly expresses concern that the British Government's proposals for a bill of rights ignores the advice from both the Bill of Rights Forum and the Human Rights Commission that social and economic protections must be central to any bill of rights; and further calls for the introduction of a robust, enforceable bill of rights that will provide rights-based protection for all our people.

Éirím chun tacaíocht a thabhairt don rún.

I support the motion. Sinn Féin worked hard to secure a commitment to a bill of rights for the Six Counties in the 1998 Good Friday Agreement. It believed then, and it believes now, that as a remedy and as a preventative, a strong, inclusive and effective bill of rights is essential to secure a just and lasting peace based on equality, respect and protection for all.

For more than a decade since that provision was won, getting the right bill of rights has been the priority. Therefore, Sinn Féin has engaged robustly and in good faith with the British and Irish Governments and other parties, including the Human Rights Commission, the Bill of Rights Forum, a broad spectrum of civic society groups and international and other legal experts, with a view to reaching an agreement on the form, scope and content of a bill. Sinn Féin has also sought and received support for a bill of rights from friends of the Irish peace process in America, South Africa and elsewhere.

Therefore, the depth of Sinn Féin's disappointment with the proposals contained in the NIO consultation on a bill of rights, published more than a decade later, cannot be overstated. It is with great regret that Sinn Féin must totally reject that document as it is not an acceptable way

forward. Not only has the British Government disregarded the carefully considered position of Sinn Féin as expressed in numerous submissions before and since 1998 and as set out in the greatest detail in the final report of the Bill of Rights Forum, they have also disregarded the clear majority view of the members of that forum and the international and other legal experts who advised and guided that process. They have also disregarded the carefully considered advice that the Human Rights Commission provided as required under the Good Friday Agreement; they have disregarded the consensus view expressed by the Human Rights Consortium, which represents 140 civic society groups across the North; and they have ignored the widespread cross-community support for a strong and broad bill of rights reflected repeatedly in polls and surveys.

However, Sinn Féin does not reject the NIO consultation document lightly. In taking its decision, the party emphasised the grave charges by the Human Rights Commission that the document does not represent a genuine effort; that it demonstrates a lack of understanding of the purpose and function of a bill of rights; that it fails to take appropriate account of international human rights standards; that it appears to suggest lowering existing human rights standards; and, finally, that it misrepresents the commission's advice on the matter. Sinn Féin shares that analysis and agrees with that criticism.

Sinn Féin also endorses the view of the leading human rights academic and former adviser to the Office of the First Minister and deputy First Minister (OFMDFM), Professor Chris McCrudden, who warned that the NIO proposal for a bill of rights could do more harm than good. In describing the proposal as:

"positively dangerous in some of its implications",

Professor McCrudden warned that such an approach would lead to a significant blunting of existing equality law in the North.

A useful rule of thumb in assessing proposed changes to public policy is that new proposals should, at the very least, do no harm. Only then should we assess whether they are likely to improve things. The NIO proposals fail both tests. They seek to redraft the existing equality provisions and, therefore, should be binned immediately.

Sinn Féin will not, under any circumstances, tolerate any move that undermines the existing

provisions on the promotion of the bill of rights. Hence, the motion calls for:

“the introduction of a robust, enforceable bill of rights that will provide rights-based protection for all our people.”

Therefore, we cannot accept the amendment to the motion.

The equality duty placed on public authorities was an integral part of the Good Friday Agreement and should not be undermined. The section 75 duty on the public sector should not be weakened under any proposed bill of rights. Sinn Féin is clear that any such attempt or proposal will be regarded as a fundamental change to the Good Friday Agreement and will be rejected as such.

1.30 pm

That process must not be misused by anyone — I remind Members of Mr Durkan’s reference to the need to remove the “ugly scaffolding” — to undermine the hard-won rights that we have. Sinn Féin will not allow the Good Friday Agreement to be renegotiated downwards through a bill of rights.

Mr Deputy Speaker: Order. There is too much noise coming from some Benches, and I cannot hear what the Member is saying. The Member may continue.

Ms Anderson: Thank you. The promises and responsibilities for the bill of rights should build on existing protections rather than undermine them. There is an onus on the British Government to take seriously the response of the broadest coalition of civic society groups, which has assessed its proposals as “pitifully limited,” “unacceptable” and “disrespectful”, without “any meaningful depth or scope” and, therefore, “unworthy of consideration”. Sinn Féin agrees with all those points.

Sinn Féin cannot and will not accept any proposed bill of rights that totally excludes economic and social rights protection; hence the need for the last sentence of the motion. Structural socio-economic discriminations and inequalities were contributing factors to the conflict here, not least in employment and housing, and there remain problems today with the social housing that is required by Catholics in north Belfast.

The routine violation of civic, political, economic and social rights, gerrymandering, the right to housing and jobs, internment, and the long-term suspension of many rights under emergency provisions were all major factors in exacerbating and prolonging the conflict. The British Government oversaw that regime and they have systematically failed to tackle the structural inequalities at the heart of the Six Counties ever since. Indeed, that sentiment is still evident in the institutional resistance to the equality and human rights element of the Good Friday Agreement during the last decade. It is precisely that past that should compel those of us who are intent on building a better future based on equality and rights to continue our demands for legally enforceable economic and social rights that go beyond the current inadequate protections to be enshrined in any new bill of rights. I ask the Members who tabled the amendment to reflect on that.

The inclusion of those rights in a bill of rights is totally legitimate, is provided for under the Good Friday Agreement, is entirely feasible — as shown by examples in other democratic jurisdictions — and, in the final analysis, is not optional. Current protections are definitely not adequate to redress conflict legal human rights issues, much less underwrite a better, shared and equal future. Therefore, a fundamentally different document to the one that has been provided by the NIO is now needed.

Based on the understanding that the Human Rights Commission’s advice represents the floor and not the ceiling of what is required in an acceptable bill of rights, a new document must and can be produced in a very short time. By doing so, it will meet the test established to achieve the six “gains” identified by the Human Rights Consortium. It must also address and redress all the human rights legal issues that result from the civil, political, economic, social and cultural circumstances of the conflict. It cannot result in lesser rights than those already provided for by domestic legislation, the Good Friday Agreement, the European Convention on Human Rights, or any other international human rights treaty to which the British and Irish Governments are a party. If it is to be of any value, it must provide at least equal and, preferably, greater rights guarantees.

The Bill of Rights Forum did not fail in its mandate, despite a long delay in producing its advice, and the Human Rights Commission did

not fail in or exceed its mandate. However, it appears that the British Government have failed to listen with respect and to genuinely engage and consult the people of the Six Counties and the available expertise on the matter.

A lowest common denominator approach is simply not acceptable 12 years on from the Good Friday Agreement. There can be no veto on the fundamental rights of any section of the people of the Six Counties ever again. Those days are gone. I ask Members to support the motion.

Mr A Maginness: I beg to move the following amendment: Insert after the fourth “rights”

“; calls on the British Government to expand the current consultation on a bill of rights to include consultation on the full range of recommendations of the Human Rights Commission”.

The amendment attempts to expand the area in which the British Government are purportedly consulting the people on a bill of rights. It highlights the inadequacy of the consultation document, which has gutted the advice that not only the Human Rights Commission but the Bill of Rights Forum gave. That forum met for almost a year, concluding its deliberations in March 2008, and expressed wide-ranging support for an extensive bill of rights for Northern Ireland.

First, I will make a number of fairly fundamental points. The consultation document that the British Government issued is inadequate, because it minimises the bill of rights. It is also inadequate and wrong in so far as it devalues the bill of rights and reduces its free-standing nature. The development of a bill of rights was a commitment that the British and Irish Governments and the parties to the Good Friday Agreement gave in April 1998 — it is not part of a process that the British Government initiated throughout the UK. It preceded anything on which the British Government embarked to deal with rights and responsibilities in the UK. It is a free-standing issue. As such, it must be separated from any process that is taking place in the UK. Although the process in the UK may be beneficial for the people of the UK, and for the people of Britain in particular, in my view and that of the SDLP, it is a wrong-headed approach, because the British and Irish Governments gave a free-standing commitment, and the bill of rights must be pursued on the basis of that commitment.

The bill of rights that the British Government envisage emanating from their consultation and from their consideration of the Human Rights Commission's advice is quite inadequate. It is restrictive and does not include social and economic rights, which we believe to be part and parcel of contemporary legal rights throughout the world. The Bill of Rights Forum or the Northern Ireland Human Rights Commission has not invented those rights; rather, they are part and parcel of an international, universalist approach to rights, which is the building of rights not just on the basis of civil and political rights but on the basis of economic and social rights. That phenomenon developed organically from the Universal Declaration of Human Rights and the European Convention on Human Rights, and it is of great value to all of us here.

The British Government emphasise at many points throughout their document that the bill of rights should be predicated on the “particular circumstances of Northern Ireland”. Of course, that is what is stated in the Good Friday Agreement, but the Good Friday Agreement does not state that the bill of rights should be based on the particular circumstances of “Northern Ireland alone”. That particular phrase is so elastic that it does not confine rights to purely political and civil rights. It goes well beyond that, and Members should bear that in mind.

If one considers the minimalist approach that the British Government have taken on rights here in Northern Ireland — an approach that has really been confined to political and civil rights — one will see that those rights are in fact restrictive in themselves. For example, it includes the right to vote freely and be elected in genuine periodic elections held by secret ballot and subject to reasonable restrictions. It could include the general principle that the electoral system should provide that both main communities be fairly represented. The Human Rights Commission's advice refers specifically to proportional representation. The British Government's phraseology does not include a reference to proportional representation. In fact, it could exclude proportional representation. It is important to bear that in mind and to see how minimalist and restrictive the British Government's approach is to that area of rights.

People here often talk about rights as if they were abstract concepts that are better left to lawyers, courts or academics. In fact, the issue is germane to our political problems and to

our political history. The House of Commons (Method of Voting and Redistribution of Seats) Act (Northern Ireland) 1929 was significant because, under the Act, the unionist-dominated Parliament of Northern Ireland voted to abolish proportional representation. It did so to extend its power and to exercise almost total control over the Northern Ireland Parliament. In the subsequent general election of 1929, the Ulster Unionist Party gained an additional five seats and reduced and weakened the representation of independent unionists and the Labour Party in Northern Ireland.

That was the intention, but if proportional representation had been enshrined in a bill of rights, the Ulster Unionist Party could not have done that. The whole purpose of a bill of rights is to enshrine and entrench rights so that the rights that people now enjoy cannot be removed by the political caprices of Governments, Parliaments or Assemblies.

It is reasonable to argue that rights must be entrenched. In their consultation document, the British Government have lost the spirit of the approach to a bill of rights, which is to entrench rights to safeguard against the events of the past. As we know, the Troubles in Northern Ireland were initiated as a result of extensive and structural discrimination in employment and housing. One of the biggest issues was housing. We all know what happened in Caledon, where Austin Currie got involved in a sit-in protest at a house and highlighted the widespread discrimination in housing.

If Members say that social and economic rights do not count, we must ask what the civil rights movement was all about. It was a right and proper reaction against discrimination, and if we are to prevent discrimination in the future, we should be entrenching economic and social rights. That is the essence of the Human Rights Commission's advice.

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr A Maginness: That is the spirit and the vein in which the issue should be approached, and the British Government's approach is totally wrong in that respect.

1.45 pm

Mr Bell: I think that there has been both forensic and good analysis of the Northern Ireland Human

Rights Commission's advice. Some of that advice has been found wanting in some areas because it is beyond the commission's remit and has been correctly left out, and the areas in which the rights apply to the whole of the United Kingdom have been put into their correct and proper place.

I listened carefully to the Members who proposed the motion and the amendment, and I am concerned by what they said. Martina Anderson set out a list reasons why the Troubles and human rights abuses came about. However, does she accept that terrorism has been the single greatest denier of human rights? Her little list seemed to miss out the fact that in west Belfast, a single mother of 10, who was unarmed, was taken away, brutalised, tortured and her body disappeared. Those are not convenient issues that can be easily looked over. I say to the Sinn Féin Member who proposed the motion that when she points the finger at other people for denying human rights, she must remember that three fingers are pointing back at her. Whenever you murder single defenceless mothers, whenever you take bodies and booby trap them, and whenever you shoot judges, you are denying people the ultimate human right — the right to life.

The British Government's approach has essentially been the correct one. We cannot have a situation where democracy is diluted and where the voting system is made subservient to some form of unelected court. Churchill was essentially correct when he said:

"Democracy is the worst form of Government except all those others".

The democratic system must not be diluted or made the plaything of special interest groups. Is it not the case that when the Northern Ireland Human Rights Commission's advice, from which Lady Trimble and I dissented, was examined, it was found wanting? Is it not also the case that when that advice was weighed against what the commission was asked to do, it was shown to be deficient? We find ourselves here as the result of that situation. To be fair, the Bill of Rights Forum, under the distinguished chairmanship of Chris Sidoti, allowed opposing points of view to be heard in the debate and included in the final document. Adopting that approach would have been far better and would have led to a better consensus.

I know the chief commissioner, and I have many friends on the Human Rights Commission whom I believe to be very sincere people. I will, therefore, not get involved in any personal attacks. That said, we could create a metaphor for the commission's advice: a child who reaches for a bottle of tablets, believing them to be sweets, ingests them and suffers fatal consequences. The child might have been sincere, but he was sincerely wrong. In the same way, I have no doubt that advice from the Northern Ireland Human Rights Commission was sincere, but it was sincerely wrong. We should do better by looking for a consensus approach.

The critical issue for most people is that most of the human rights that are in the bill are already judicable and in the system. I do not think that we should get into a situation where we try to reinvent the wheel or redraw the Troubles while ignoring the roles that others have played.

The Democratic Unionist Party will bow to nobody in its defence of human rights. We stand in the British tradition of the Magna Carta and in the British tradition of William of Orange and the Bill of Rights. We also stand in the British tradition of the mother of Parliaments, which has enshrined democratic rights and freedoms here. The Member who proposed the amendment talked about proportional representation, yet his sister party in the United Kingdom, the Labour Party, will not accept proportional representation for Westminster. I think that that stance exposes those parties.

I again invite the Member who moved the motion to state clearly that there can be no amnesty for those who took, brutalised and tortured a mother of 10 and denied her the human right to life. The Member must stand over that, accept that those are grave and grotesque human rights abuses and be conscious of them when lecturing others.

Mr Elliott: Following on from Mr Bell's comments, I must say that it sometimes beggars belief that some people in the Chamber can stand up and talk about human rights when people in this society, maybe colleagues of theirs, butchered human beings.

There are a couple of clear indications that the Northern Ireland Human Rights Commission's recommendations for a bill of rights for Northern Ireland will not be enacted. In the first instance,

there is not a majority in the House who consider the proposals to be adequate.

No one should be under any illusion about the importance that the Ulster Unionist Party places on human rights. Members of my party have been instrumental in the advancement of rights and equality in Northern Ireland. We believe in a society where citizens are equal under the law, and we believe that equality should be underpinned by rights and responsibilities. However, we also believe in parliamentary democracy and that decisions about the allocation of scarce resources should be taken by the people, through their elected representatives. We do not believe that those decisions should be made through a judicial interpretation of a set of socio-economic rights, because that is not democracy. Unlike the commission, we accept the concept of a scarcity of resources and regard its wish list to be totally unachievable.

I was quite interested to hear Mr Maginness, in proposing his amendment, say that the abolition of proportional representation in 1929 had increased unionist representation. My understanding is that the number of nationalist seats increased by four after the 1929 election. Does that not drive a horse and cart through his argument?

Mr A Maginness: The Nationalist Party won one extra seat, but the aim of the abolition of proportional representation was to eliminate independent unionists and the Labour Party in Northern Ireland, and that was successful.

Mr Elliott: So, the Member accepts that the abolition of proportional representation increased nationalist representation, which is what I was trying to say.

It is becoming increasingly clear that the national Government are determined to kill off the proposals for a bill of rights. Their consultation document points out several times that the commission has exceeded its brief, which was to identify Northern Ireland-specific rights. The Government also share our concerns about socio-economic rights, and one section of their consultation document, 'A Bill of Rights for Northern Ireland: Next Steps', is worth highlighting:

"The national debate is also the right context in which to consider both the opportunities and the risks in attempting to establish legally enforceable economic and social rights – including

the challenge of establishing with precision what such rights would actually mean in practice; the considerable danger that the courts could be drawn into resource allocation decisions for which they do not have any democratic mandate and which cannot take account of broader public policy considerations – including, crucially, affordability; and the need for the democratically elected and accountable Government and Executive to retain full responsibility for the prioritisation of expenditure. The Government believes that these issues are common across the UK and should therefore best be addressed at national level rather than solely in relation to Northern Ireland.”

I cannot disagree with any of that, and I doubt that anyone on this side of the House would either.

The Government issued that document in November last year and set the closing date as the start of March this year. That is a particularly long time. However, they have extended the deadline to the end of March, and a cynic might suggest that that was an attempt to kick the proposals under the carpet, which is where they truly belong.

People in Northern Ireland need a bill of rights; they need a charter to protect them from the state and from discrimination by others. However, they have the European Convention on Human Rights, which has been protecting people across Europe for 60 years, and they have the UK Human Rights Act 1998, which enacts the provisions of the convention in the United Kingdom. The 1998 Belfast Agreement, which we have heard much about, mandated the commission to identify those rights that are not in the convention but that are specific to Northern Ireland. However, it dreamed up a set of new rights that were not in the charter but were not specific to Northern Ireland either. Therefore, the commission has wasted a lot of time and resources in pursuing what appears to many people to be primarily a political agenda. We have wasted an opportunity to examine in detail rights issues that are unique to Northern Ireland and to our past. Instead, the commission has created political division. It has failed to respect its Belfast Agreement mandate and to examine Northern Ireland's specific rights adequately. My party accepts the thrust of the Government consultation but not the motion or the amendment.

Dr Farry: I declare an interest as a survivor of the Bill of Rights Forum.

My party recognises that the creation of a bill of rights is a central aspect of the Good Friday Agreement. Moreover, people in this society have been striving for a bill of rights for many years. Although we continue to support the creation of a bill of rights for Northern Ireland, we have had, and continue to have, concerns about the process that has been adopted and the proposed content of the various bills that have been submitted. We have particular concerns about the liberal aspects, the aspects that seek to entrench sectarian divisions rather than overcome them, the aspects that deny the wide range of choices of identity and diversity in this society, and the efforts to, in effect, block the establishment of a shared future.

We would be in a much better place today had things been done differently over the past decade. Both unionist parties took far too long to engage with the process. However, when they decided to engage, the two nationalist parties and elements of civil society continued to pursue a one-sided, blinkered agenda. No attempts were made to compromise and to agree on a shared basis on which to move forward. There is now no time left in this session of Parliament, and it is uncertain how the incoming Government will approach the issue.

I recognise the difficult situation whereby the Northern Ireland Office has issued a consultation document that even I recognise takes a very minimalist approach, and it will not be sufficient to address this aspect of the process. However, equally, the Human Rights Commission, the Bill of Rights Forum and civil society have made totally unrealistic demands that will never be acceptable. Although we understand many people's frustrations, it is important to recognise where we are and how we got here. The Northern Ireland Office, through its consultation document, missed the opportunity to allow the public to comment on a much wider range of options. The consultation document is too narrow and, in that sense, the SDLP amendment makes some sense. However, I am unsure why it rules out the last clause in the Sinn Féin motion, which seems to be at the heart of what the SDLP is seeking.

My party can support the principle of social and economic rights, which are at the heart of today's debate. Indeed, I recognise that the European Convention on Human Rights and the resulting Human Rights Act are deficient in that respect. However, there is a distinction between

social and economic rights that are based around access and treatment and trying to legislate for a particular outcome through rights. Some matters should be left to democratic legislators.

(Mr Speaker in the Chair)

It must also be borne in mind that some aspects cannot be addressed on a discrete Northern Ireland basis. For example, although social security is technically a devolved matter, there is no point putting in place special rights for Northern Ireland in that area given that a common UK-wide regime exists. If we become out of step with the rest of the UK, we may face severe financial consequences. What is happening in the rest of the UK and on the island of Ireland must also be taken into account. Although a separate bill of rights for Northern Ireland is still possible, the content needs to be discussed. Indeed, specific Northern Ireland aspects could be included in a wider UK bill.

That said, those who seek the deployment of social and economic rights in Northern Ireland on a special basis still have a major intellectual and political argument to win. I fully appreciate the particular context in which our social and economic problems have arisen, but there are similar outcomes elsewhere on these islands. In certain places, the situation may be even more severe than it is in Northern Ireland. Any British Government will find it difficult to argue why special measures should be in place in Northern Ireland if the same measures are not in place in the rest of the UK, particularly if those measures have financial consequences. Fundamentally, whatever happens, there should be no regression from the Human Rights Act 1998. That comment applies particularly to any incoming Conservative Government.

2.00 pm

Mr Spratt: We are all aware that, when the Bill of Rights Forum completed its work in 2008, the Northern Ireland Human Rights Commission gave its recommendations to the Government on a proposed bill of rights for Northern Ireland. First, it has to be said that it is fundamental to democracy that people have the opportunity to vote on human rights issues and that decisions not be left to unelected judges. However, the intention was that those rights should:

“reflect the particular circumstances of Northern Ireland”.

Some of the Bill of Rights Forum's proposals, such as those on equality, representation and participation in public life clearly relate to Northern Ireland, as do those on identity, culture and language, sectarianism and segregation, victims and the legacy of the conflict, and criminal justice. However, my party made it clear during the Bill of Rights Forum's deliberations that its recommendations were too wide and were outside the remit of the Belfast Agreement and the Northern Ireland Act 1998.

Many countries have a bill of rights built into their constitution. Although the United Kingdom does not have a written constitution, it is a signatory to the European Convention on Human Rights, which was agreed in 1950. The convention is a binding international agreement, and the rights contained in it are fully enshrined in UK law. It is also important to note that the UK is a signatory to a number of human rights conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the UN Convention on the Rights of Persons with Disabilities.

The Human Rights Act 1998 already enshrines in domestic law the protections of the European Convention on Human Rights. In addition, existing legislation provides rights in a range of areas. Freedom of information legislation, for example, provides a statutory right of access to recorded information that many public authorities hold. The wider debate in the UK highlights the fact that rights do not have to be confined to a bill of rights. The Prime Minister has announced proposals that include the establishment of new, enforceable rights for hospital patients and improved entitlements to education for young children.

As I said earlier, the Human Rights Commission has proposed rights in a wide range of areas. Many of those rights are the subject of active consideration in the debate on a national bill of rights. In fact, more than half of the rights that have been proposed in the Northern Ireland Human Rights Commission's advice to the Government are equally relevant to the people of England, Scotland and Wales. Those include the right to marriage or civil partnership, to education, to freedom of movement, to civil and administrative justice, to health, to work

and to an adequate standard of living, as well as environmental rights and social security rights. In that context, my party believes that it is difficult to justify a separate bill of rights for Northern Ireland. Ensuring health and employment rights, as well as other economic and social rights, is hugely important to everyone in the United Kingdom and should be addressed in the national debate on a bill of rights.

The intention of having a bill of rights for Northern Ireland would be to reflect our particular circumstances. I believe that much of the advice given to the Government does not exclusively relate to Northern Ireland. Therefore, this side of the House cannot support the motion or the amendment.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I support the motion tabled by my party colleagues, and I commend them for securing the debate. After consultation and further consultation, negotiations and further, extended consultation, we have decided to accept the SDLP amendment. Stephen Farry made the point that he believed that the last line of the motion was the most important line for us as a party. The amendment does not remove the last line of the motion; it just extends and expands on it. I wanted to clarify that without sending it out to further consultation in the course of the debate.

Sinn Féin supports the introduction of a robust and enforceable bill of rights that will provide rights-based protection for all people in the North. We talk about consultation and about what our Executive Ministers are doing, but it is also important to recognise that the British Government are consulting on a proposed bill of rights and that that should be welcomed. However, we also need to highlight the fact that they seem to be ignoring advice from the Bill of Rights Forum and the Human Rights Commission on the social and economic aspects and on the protections in a bill of rights. Jonathan Bell made a good comment: he said that most of the rights are already here in the system. I want to focus on some of the social justice issues and leave the bigger politics to one side.

The bill of rights has significance for children and young people. We need it not only to secure a future free from discrimination for our children and young people; the rights of everyone in our community need to be respected. We talk about

the age and vulnerability of some of our young people on a weekly basis in this Assembly. We talk about abuse, discrimination and how we as a society need to be proactive. We have talked about 52,000 young people who are not in education, employment or training; that is the kind of social justice issue that the bill of rights would impact on.

A small percentage of children and young people are involved in crime and criminality. Some children and young people are in the care system, through no fault of their own. We should be able to change that and give everybody a future or a chance to have a secure future. That is what a bill of rights should do. There is also the issue of provision and resources for children and young people. Disappointingly, we heard in the statement from the Minister of Finance and Personnel this morning that money had been handed back.

We spend 30% less on family and childcare services here than is spent in England and Wales. We only spend around £80 a head on Sure Start. Jim Shannon has mentioned Sure Start numerous times. We are talking about giving children and young people a better start in life, yet, at the age children are at when they benefit from Sure Start, we spend £80 each on them, whereas in England they spend £600. The issue of the bill of rights and social justice needs to be looked at. We need to leave the bigger politics behind. We should not throw the baby out with the bathwater.

Following extensive consultation, the Human Rights Commission opted for a strong rights-based approach on the issue of the bill of rights. It is about individual rights, family rights, community rights and society's rights. Although we will accept the SDLP's amendment, I plead with other Members: let us try and deal with this as a social justice matter. Let us not try and get caught up with the politics of it. We are talking about social and economic rights and issues. We are talking about creating better communities and a better society for individuals and families.

Mr Weir: Like Stephen Farry, I declare an interest as a survivor of the Bill of Rights Forum. Indeed, to use common parlance, I am not sure which term — victim or survivor — is more appropriate. Nevertheless, I come at the issue having had a year's experience on the Bill of Rights Forum.

The DUP does not have a brief for a particular set of proposals. The NIO consultation is closer to our way of thinking than either the Bill of Rights Forum or the Human Rights Commission, but we do not have any emotional attachment to one particular set of proposals.

The proposer of the motion mentioned the need to learn lessons, albeit from a very different angle. Our criticism of the Bill of Rights Forum in particular but also the Human Rights Commission is that they did not learn lessons. Although the Bill of Rights Forum acted with more latitude, both groups pressed ahead with a report that clearly did not have political buy-in across the board. There was no buy-in from the Ulster Unionist Party, the Democratic Unionist Party or, even, the Alliance Party on some issues.

Our society has learned painful lessons about vetoes down through history. A majority that is opposed by the other community cannot simply impose its will on that minority. The lesson that a majority cannot impose its will on a minority and that we need both communities to buy in is equally relevant to a bill of rights process. We need something that has both unionist and nationalist buy-in. If it is wrong for a unionist majority to impose something on a nationalist minority, it is even more wrong for a nationalist minority to impose its will on a unionist majority.

Both the Bill of Rights Forum and the Human Rights Commission produced expansive proposals. The Bill of Rights Forum rode out a whole stable of hobby horses on the matter, and, to some extent, the Human Rights Commission did the same. The wish lists of everyone in our society with a vested interest were included. Although the Human Rights Commission shied away from some of the more controversial ideas of the Bill of Rights Forum, it largely repeated the same mistake.

There are three things that need to be taken into account. My party has no buy-in to the Belfast Agreement; we are not supporters of or signatories to it. However, I agree with Tom Elliott of the Ulster Unionist Party that the remit —

Mr Kennedy: You negotiated it.

Mr Weir: Yes, and then I washed my hands of it.

It is clear even to those who take a doctrinaire approach and support the Belfast Agreement that the proposals put forward by both the Bill of Rights Forum and the Human Rights

Commission drive a coach and horses through the remit that was laid out in the Belfast Agreement. That remit was to identify a scope for a bill of rights, but both groups identified a full bill of rights.

We must realise that we are not in a vacuum. The European Convention on Human Rights has been signed up to and incorporated into UK law through the Human Rights Act 1998. Indeed, Northern Ireland, in particular, has a plethora of legislation that allows checks and balances. Mr Alban Maginness dragged us back to the 1920s and referred to the iniquities of the House of Commons (Method of Voting and Redistribution of Seats) Act (Northern Ireland) 1929. I prefer to focus on this century and do not want to dwell on the 1920s. Anyway, under the current rules of the Assembly's operation, such legislation could never come about. He is dragging up ghosts from the past, but there are protections in place.

There has been mention of the particular circumstances of Northern Ireland. To me, that means something that is peculiar to Donaghadee and does not apply to Darlington, Dundee or Dublin. Similarly, social justice, social housing and children's rights have been mentioned. However, there is a need for social housing in Colchester, Coats Bridge and Cork as well as north Belfast. These things are not unique to Northern Ireland.

The principal problem is that the proposals interfere with political decisions. Mention is also made of social housing.

2.15 pm

Mr Speaker: Will the Member please draw his remarks to a close?

Mr Weir: A balance of resources will always have to be maintained. The proposals are wrong because they take power away from democratically elected politicians and give it to unelected judges.

Mr Kennedy: I am grateful for the opportunity to contribute to the debate. Unfortunately, other duties meant that I was unable to hear Members' speeches or the tone of what is an important debate.

Under the Belfast Agreement, the remit of the Northern Ireland Human Rights Commission (NIHRC) is to advise the Secretary of State on:

“the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland”.

It must also take account of the United Kingdom's Human Rights Act 1998. The Ulster Unionist Party has long held the view that the Belfast Agreement did not ask the NIHRC to draft a comprehensive bill of rights. Monica McWilliams and the commissioners, with the honourable exception of Mrs Daphne Trimble and Jonathan Bell, who is now a Member of the House, got it completely wrong and far exceeded their remit.

The consultation document produced by the Northern Ireland Office, to which the advertising campaign refers, is a stunning rejection of the proposals made by a majority of the members of the Northern Ireland Human Rights Commission. Not a single Government in western Europe would have accepted such flawed proposals for a region of their country. The entire process has been divisive and a waste of time and resources.

It is inconceivable that any part of any state should have a comprehensively different set of human rights to another. If that were the case, the fundamental constitutional integrity of the state would be significantly undermined, and people in different regions would have a markedly different set of rights under the law from citizens elsewhere in that state. That would be an intolerable position, and it would lead to major difficulties and problems in law.

If a maximalist interpretation were to extend a bill of rights to cover areas of social and economic policy, not only would that be a major derogation of the rights of the Assembly and the sovereignty of Parliament, it would create a new super-legislative authority above and beyond the Assembly and Parliament. That new authority, based on a bill of rights that delves deep into social and economic policy, would be anchored in and interpreted by the courts, which would thereby obtain a power over and above that of the Assembly and Parliament. Fundamentally, however, the Assembly and Parliament are charged with making our legislation.

A situation in which a court can potentially override the power of both an Assembly and Parliament has not existed in this country since at least the seventeenth century. Not only would that be a step back in time, it would be a step back from democracy. Any weakening of the

competence and authority of democratically elected legislators would undermine democracy. That is not only a dangerous road; it is one that constitutional and historical experience teaches us to avoid.

It is nonsense to say that an Assembly or Parliament should create a bill of rights that significantly curtails its powers and authority. To do so would betray the sacred trust given to us by the people to be their first line of protection and the democratic agents of change that society demands. We oppose the motion for all those reasons. This divisive debate needs to be set aside, and we need get on with reducing poverty and inequality by boosting our economy and making the correct policy decisions to give children and families the best chance of achieving.

Mr Speaker: The Member should bring his remarks to a close.

Mr Kennedy: That is where the battle must be fought and won.

Mrs D Kelly: I thank the proposer of the motion for bringing it to the Assembly. The NIO document is a shadow of the recommendations produced by the Human Rights Commission. For Members who spoke earlier to imply that the commission exceeded its mandate was totally unjust and unfair. At no time did the commission receive correspondence from the British Government stating that it had exceeded its mandate. It is only in recent weeks and months that the British Government, bowing, I suggest, to unionist pressure, have proposed a hotchpotch of a bill of rights. The results of a recent survey conducted by the Human Rights Consortium make nonsense of the notion that only nationalist and republican parties support a bill of rights. The survey found that over 80% of the community and many of the Churches support a bill of rights for Northern Ireland.

It was entirely disingenuous of Members who spoke earlier to suggest that the particular circumstances of Northern Ireland do not warrant a bill of rights. It is only in the past year or two that a bill of rights has been looked at by the UK Government. Martina Anderson and Alban Maginness talked about the discrimination of the past and how that led to the conflict. For the record and in case anyone suspects otherwise, the SDLP never promoted violence as a means to tackle unionist discrimination. We always protected the first basic right of anyone, which

is the right to life. That was our cry 40 years ago, and it remains so today. I will not go down that route on this occasion because this debate is too important to have points made at Sinn Féin's expense. In the NIO consultation —

Ms S Ramsey: *[Interruption.]*

Mrs D Kelly: I am very generous to you. In the — *[Interruption.]*

Mr Speaker: Order.

Mrs D Kelly: The document from the British Government suggests that they will consider with the Executive:

“a general principle of inclusive and equitable representation at a local government level”.

Where will we get that? Could that deny power sharing across local councils? The document also states that the Government will consider with the Executive the requirement that:

“the membership of public bodies should, as far as practicable, be representative of the community in Northern Ireland.”

In addition, the Government propose to:

“Consider with the Executive extending the existing duty on public authorities around promoting good relations, so that public authorities would also have regard to the need to promote a spirit of tolerance, dialogue and mutual respect; and to the need to respect the identity and ethos of the two main communities.”

The document also states that the Government will consider with the Executive:

“whether there are additional language protections that could be included.”

As we know from the Hillsborough agreement, very little agreement has been produced by the Executive on those issues. What we have seen has been a carve-up and the denial of legislation that was promised in the Good Friday Agreement and the St Andrews Agreement on the Irish language.

Furthermore, the Government propose to consider with the Executive:

“provision to ensure the needs of victims and survivors of the conflict are addressed.”

The Executive will not agree a definition of the word “victim” never mind how to address the needs of victims in a comprehensive manner.

The bill of rights that Westminster was to have produced is putting into the hot boiling pot of the Executive the very factors that led to the need for the Hillsborough agreement and all sorts of working parties. Those matters should be in a bill of rights.

I do not see how anyone in this Chamber or in our community could fear that a bill of rights would not address social and economic rights. We know that many communities across the North continue to suffer high levels of social deprivation. In the current recession, that suffering has only increased, so why would we not consider how to address the needs of people whom all Members say they represent and care about. Why should that not be progressively realised? The proposed bill of rights does not say —

Mr Speaker: Will the Member bring her remarks to a close?

Mrs D Kelly: I will finish by saying that the proposals are a progressive realisation of those rights, which should not put the House in fear of its ability to deliver.

Mr Speaker: As Question Time commences at 2.30 pm, I suggest that the House takes its ease until then. When we return to the debate after Question Time, Mr Simon Hamilton will be the next Member to speak.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Executive: Minister of Justice

1. **Mr McGlone** asked the First Minister and deputy First Minister for their assessment of the equality implications of the expansion of the Executive to include the new Justice Minister. (AQO 835/10)

The deputy First Minister (Mr M McGuinness):

Events of recent days demonstrate the importance of transferring policing and justice powers. I have already stated my determination that those behind incidents such as last week's mindless bomb attack in Newry, the murder of Kieran Doherty in Derry and the weekend disturbances in Craigavon will not undermine the progress that we have made. Those people, who are anti-peace and anti-justice, are acting against the democratically expressed wishes of all the people of Ireland, and, apart from their futile acts, they have nothing to offer society. We will continue on the road to deliver a better future. Such attacks unite us and serve only to strengthen our resolve.

In its report of January 2009 on the arrangements for the devolution of policing and justice matters, the Assembly and Executive Review Committee recommended that there should be an additional Department to exercise powers in relation to policing and justice matters. The Committee also recommended an appointment process for the Minister in charge of that Department, which would operate until 1 May 2012. The process should be one in which nominations are invited from Members, and the successful candidate would require the support of the majority of Members present and voting, including a majority of designated nationalists and a majority of designated unionists.

On 20 January 2009, the Assembly approved a motion endorsing the Assembly and Executive Review Committee's report. The Department of Justice Bill, which was scrutinised in great detail by the Assembly in the latter part of last year, gave legislative authority to the single

Justice Department and to the arrangements for appointing the Minister. In our view, those are sensible arrangements that are appropriate for the initial stage in the devolution of policing and justice responsibilities, and they are subject to review by the Assembly before May 2012.

Mr McGlone: Gabhaim buíochas leis an LeasChéad Aire as ucht a fhreagra. I thank the deputy First Minister for his answer.

Does the deputy First Minister agree that the way forward, for a matter with which we have been dealing for a number of years, is to bring about fairness, inclusivity and equality in all walks of life? Are the deputy First Minister and the First Minister concerned that the appointment of an Alliance Party Justice Minister, which he and the DUP support, would create further political imbalance in the Executive and would result in us having to face a huge range of equality and inclusivity issues?

The deputy First Minister: I thank the Member for his question. However, I do not think that the First Minister and I ever outlined a preference between ourselves as to which party would take up the position of Minister of Justice. That is a matter for the Assembly on 12 April. As we move forward, it is important to reflect on the reality that the institutions of which we are a part must be based on fairness and equality, and I, among many others in the House, subscribe to that.

I am heartened by the reaction to the agreement that was forged at Hillsborough, which has been welcomed by the British Prime Minister, Gordon Brown; the Taoiseach, Brian Cowen; the Minister for Foreign Affairs and all the opposition leaders in Leinster House; the Conservative Party and David Cameron; Barack Obama, the President of the United States; Hillary Clinton, the US Secretary of State; and the European Union. I just wish that it was welcomed by the SDLP.

Mr Kennedy: I am sure that the deputy First Minister would wish to welcome to the Chamber as observers Councillor Winston Bennett and his colleagues and officials from Cavan County Council. That is another welcome.

On the substantive issue, if the Justice Minister is appointed without using the d'Hondt system, what are the implications for the operation of the d'Hondt system in other cross-community appointments, including that of the deputy First

Minister, and would it point the way to using a different format for ministerial appointments?

The deputy First Minister: We have repeatedly outlined our view of all that. We have made it absolutely crystal clear that we are talking about a temporary arrangement until 2012. As Ian Paisley said to me in our initial meetings, it is preferable to have our own Ministers in charge of all the Departments. If I were to go down the route that has been suggested by some parties in the Assembly by using d'Hondt, I could guarantee that the transfer of policing and justice powers from London to our Administration would not happen in the lifetime of the Assembly. That would be totally and absolutely unacceptable.

We are trying to deal with an important issue. The devolution of policing and justice powers is critical to our society, and the public would prefer a Minister from here to deal with the issue. In respect of the implications of what we are doing, we all know that if d'Hondt were run again from the beginning, there would probably be a major reallocation of all ministerial Departments in the Executive. Would people thank us for doing that one year before the next Assembly elections? I do not think so.

Ms Anderson: Go raibh maith agat. Given the fact that all parties support the transfer of policing and justice powers and that the agreement reached is temporary and time-limited, does the deputy First Minister expect all parties, despite some of the current grumbings, to support the arrangement arrived at in Hillsborough and give effect to the transfer of policing and justice powers?

The deputy First Minister: I also welcome our friends from County Cavan. Their visit is a clear signal of how the situation has changed in the Building. Over the past couple of years, representatives have travelled here from all over the island of Ireland, and they are always welcome.

Next Tuesday, when the First Minister and I move the motion on the transfer of policing and justice powers in the Assembly, naturally, I would like unanimous support. If that were to happen, it would reflect the overwhelming support of the community and, indeed, throughout the island of Ireland for the progress that was made at Hillsborough.

We all understand that the agreement at Hillsborough is not about the transfer of policing and justice powers only. It deals with other critical matters, such as how we put in place the new improved framework for dealing with the contentious issues of parades, protests, and so forth. We put together three working parties, which are dealing with ways to improve the performance of the Executive; we did that in an inclusive fashion. Therefore, when the Question on the motion is put next week, there will be a high expectation among supporters of all parties in the Assembly that they will join the mood that has been created by the agreement at Hillsborough and move forward decisively.

The best response to the people who planted the bomb in Newry, to the people who killed Kieran Doherty and to the people who were involved in disturbances at the weekend is that we continue to show that we are united, are moving forward, will not be deflected, diverted, threatened or intimidated by anybody, but will abide by the will of the people of the North and of the entire island.

Mr Spratt: Despite some of the sound bites from the SDLP and the Ulster Unionist Party, does the deputy First Minister agree that both parties were fully consulted at all stages, including consultations with the Assembly and Executive Review Committee?

The deputy First Minister: I agree with those comments. I pay tribute to Mr Spratt and the Deputy Chairperson of the Assembly and Executive Review Committee, Raymond McCartney, for the positive contribution that they, and all the Committee's members, including those from the Ulster Unionist Party and the SDLP, made to the work of the Committee. We are dealing with important business; it is about instilling into our community hope and optimism so that we can move forward, albeit we come from different political persuasions and backgrounds. It is important that we do that in a way that delivers substantive change for people on the ground, makes their lives better, and allows them to reach their full potential against a backdrop of difficult economic circumstances. The inclusive way in which the Assembly and Executive Review Committee works and the ongoing consultations between the First Minister and myself and the Committee for the Office of the First Minister and deputy First Minister shows that that is the only way to go.

We are determined to continue with that work, but it will work only if people want to be included. This is about inclusion, and it is about us being big enough to ensure that everybody is included. That also imposes a responsibility on others to be included and to make their positive contribution to what has been an important couple of weeks in respect of driving forward to ensure the fulfilment of the agreements that we have made.

Victims' Commissioner

2. **Mr Lunn** asked the First Minister and deputy First Minister when a new victims and survivors' commissioner will be appointed. (AQO 836/10)

The deputy First Minister: We received Michael Nesbitt's resignation from the Commission for Victims and Survivors on 17 February 2010. Members will recall that we framed the legislation that was introduced to establish the Victims' Commission in such a way as to allow for flexibility in its make-up. We did that because we knew that there was a significant backlog of work to be addressed and because we know that the needs of victims and survivors change over time. We will, therefore, take time to consider how the Commission can best take forward its work programme.

I thank Mr Nesbitt for his contribution to the work of the Victims' Commission, and I wish him well in the future.

Mr Lunn: I am not clear as to whether that means that a replacement will be appointed. In the event that there is, can we expect an open and transparent selection process that is based on ability and qualifications, or will it be a case of going through the motions and appointing an Ulster Unionist?

The deputy First Minister: The Member takes a cynical view of how we deal with such important matters. At the beginning of the process in 2008, four individuals were identified as having the skills and knowledge base to address the backlog of work in the victims and survivors' sector. We will give careful consideration to the matter of the number of commissioners, in light of the work required within their corporate and business plan. We will consider the views of the existing commissioners, but, at this time, it is too early to come to any conclusions. The First Minister and I will consider all options, but we

will not be appointing a new commissioner at this time.

Mr Shannon: In his response, the deputy First Minister referred to the commissioner, but the issues for a great many Members are the needs of the victims and survivors. Can the deputy First Minister assure the House that the Victims' Commission will continue to look after the victims and survivors and ensure that their concerns and need for help are fully looked after, because we do not want to see any hold-up in the process?

The deputy First Minister: On a number of occasions, the First Minister and I have made it clear that that is a top priority for us. We have a responsibility to ensure that people who have been victims of the conflict are respectfully dealt with in a way that allows them to move forward. Life has been difficult for all of them.

Over the course of the past week, we have seen another victim: we have seen a young man killed in the city that I come from. We live in a small world. I knew his grandfather, Vinny Coyle, who was prominent in the civil rights movement in Derry city, and his grandmother, Vincent Coyle's wife. I know his grandmother on the other side, Mrs Doherty. I also know his bride-to-be, God bless her; her heart is aching. She has her wedding dress in her house, and she had expected to be married in three months' time. I have known her father and mother, Teddy and Betty Miller, for 40 years. I know Kieran's father, Aidan Coyle. I know all those people, so I know that their hearts are broken. I know that their hearts have been broken by people who claim to be acting in the interests of Ireland. Well, God help us, because they do not act in the interest of Ireland but in their own interests.

2.45 pm

As my colleague Martina Anderson said in the House earlier, those people describe themselves as an army. It is not an army that we are dealing with but a gang. It is a gang of people who are opposed to peace, who are opposed to justice and who are opposed to political progress. It is a gang of people who believe that it is a legitimate political objective to destroy all the good work that many of us in the House have been engaged in, with the assistance of others, over the past 15 years. We have had enough victims. The groups that are out there are mostly on the so-called republican side. Our message to them is clear:

give us a break, go away and get a life, get off people's backs and recognise that they are going absolutely nowhere. A central feature of their strategy was to divide the First Minister and me; the DUP and Sinn Féin; the Ulster Unionist Party and Sinn Féin; the SDLP and the DUP; and to bring the institutions down.

We are approaching the first anniversary of the murders of two soldiers, the murder of Stephen Carroll and the murder of Kevin McDauid in Coleraine. The greatest response to those groups now is the response that we gave at that time. The way in which we stood together sent a powerful message to the world. We are going to have to do that again in the aftermath of the latest ridiculous acts, which were carried out by people who represent absolutely no one in our society.

We say to them: give us a break, we want no more victims, we want you to go away, stop your activities, give us the opportunity to move forward, and if you have the intelligence and the ability, you can continue to oppose politically what we are doing, but the use of violence has had its day in the North and on the island of Ireland. We are moving forward. We will not be diverted. Instead of each act that they carry out making us weaker, it will make us stronger, and stronger than ever before. No matter what they do, we will continue to move forward together.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don Aire.

Will the deputy First Minister outline the Executive's achievements in delivering a strategy for victims and survivors of the conflict? I ask that question mindful of the failure of the previous Executive to address the needs of victims and survivors substantively.

The deputy First Minister: As we all know, the strategy for victims and survivors was published in December 2009. It is a 10-year strategy that represents our commitment to the victims and survivors of the conflict and shows how we plan to provide help and support for victims and survivors over the coming years. The strategy is built around the Commission for Victims and Survivors, the forum for victims and survivors and a new victims and survivors' service. The Commission for Victims and Survivors was established in June 2008 to promote awareness of the interests of victims and survivors. In September 2009, the commission established the forum for victims and survivors, which

will run in pilot form until June 2010. The forum proper will be established following an evaluation of the pilot. The forum's aim is to improve government's awareness of victims and survivors' issues. It is representative of victims and survivors and includes representation from the statutory, voluntary and community sectors.

Draft proposals on a new victims and survivors' service went out for consultation in August 2009. We are discussing the next steps in the process in light of the responses to that consultation. The new service will be the focal point for funding work with victims and survivors and will provide that funding to the sector on the basis of assessed and agreed need.

We do not underestimate the size of the task involved in establishing the service. We fully understand the complexities and sensitivities that are involved. However, we stress that it is our intention to establish the service as soon as is practicably possible. That will remain our focus.

An unprecedented £36 million has been allocated to support work with victims and survivors during the spending period 2008-2011. That is more than double the amount that was allocated to the work in the previous spending round.

Parades

3. **Mrs D Kelly** asked the First Minister and deputy First Minister why two of the authors of the interim Ashdown review of parading are in attendance at the parades working group; and whether they can confirm that no decision will be taken regarding disputed parades without the agreement of residents' groups. (AQO 837/10)

The deputy First Minister: As part of the agreement reached at Hillsborough Castle on 5 February 2010, the First Minister and I agreed to set up a co-chaired working group comprising six members appointed by us who had experience of dealing with parading issues. The group's remit was to bring forward agreed outcomes and proposals that it believed to be capable of achieving cross-community support for the new and improved framework.

On 8 February 2010, the First Minister and I confirmed that the members of the working group would be the Rt Hon Jeffrey Donaldson, Nelson McCausland, Stephen Moutray, Gerry Kelly, Michelle Gildernew and John O'Dowd.

The working group appointed two advisers, the Rev Mervyn Gibson and Sean Murray, who have attended meetings of the working group to offer advice, if required. The Member will be aware that the working group has been involved in a period of intense work to progress the task at hand, which included a series of meetings with elected representatives and a range of stakeholders, including representatives of the residents' groups.

The working group was tasked with making a report to Ministers, but it is acknowledged that finding a resolution to parading issues will require the consideration of the views of all stakeholders, including residents. I am pleased to confirm that the working group presented its report on the agreed outcomes to the First Minister and me, and work is progressing further, in line with the timetable set out in the Hillsborough agreement.

As I laid out in the agreement, future work will include full consultation on a draft parades Bill, with further consultation through the Assembly Committee in September. We realise that it is essential that any work on parading maximises public support, and we are committed to extensive consultation on, and scrutiny of, any Bill.

Mrs D Kelly: Does the deputy First Minister have any concerns about the fact that two of the main authors of the Ashdown review are involved in the parades working group, given that their deliberations resulted in a recommendation that the Parades Commission be abolished? Is he not concerned that the working group's report will not be presented to the Executive or the House? I listened carefully to what the deputy First Minister said, and he talked only about the draft legislation going out for consultation. Will the working group's report not see the light of day? Will it be seen only by Sinn Féin and the DUP?

The deputy First Minister: There is general agreement in society, and general agreement at a political level — apart from the reservations expressed by the SDLP and the Ulster Unionist Party — that it is challenging to attempt to put in place a new agreed framework to try to create circumstances that will see all the controversy that has existed around contentious parades resolved. That work is important. It is looking at an agreed way forward with a new and improved framework. I am open to correction, but I think that I heard one or two members of the SDLP

say in radio interviews over the past couple of weeks that they agreed that it was important to try to bring about an agreed framework. We are involved in a noble cause, and we have taken on board the concerns expressed.

However, we all know how government works. The First Minister and I made it clear from the beginning that when the working party came forward with its report, we would send it to the legislative draftsmen, who would put the legislation in place. We made it clear that the draft legislation would then come back for public consultation over a 12-week period and would be subject to extensive debate and discussion in the Assembly, in which all parties would be involved. The public would also be aware of the situation. Trying to score cheap political points does nothing to address the major task of ensuring that we move forward in a way that delivers outcomes and results that will make life better for the people whom we all represent.

Mr Storey: Will the deputy First Minister explain why two of his colleagues were in the village of Dunloy in my constituency yesterday, where there was a commemoration to two IRA members at which there was a display of paramilitary paraphernalia? The Dunloy Fallen Comrades Republican Flute band, which had the picture of two Armalite rifles on the side of its drum, was also present.

Mr Speaker: The Member should come to his question

Mr Storey: Those are the very things that we are, rightly, being told are unacceptable in loyalist parades. Is it not the height of hypocrisy for the two Members who are sitting behind the Minister to have been present in Dunloy yesterday, where Orangemen have been denied their right to march for nine years, because of the intransigence of republicans?

The deputy First Minister: I was not in Dunloy yesterday, so I do not know —

Mr Storey: I do.

The deputy First Minister: The Member may well know, but I do not know what occurred there. The Member has made his point and people will reflect on that. However, the important thing is that we have put in place a process that will establish a new agreed framework for moving forward. The duty and responsibility of

every Member of the House is to contribute to that in a way that lessens tensions in society.

Some Members will recall a time not so long ago when I was in the Diamond area of the walled city of Derry and heard that approximately 250 people were sitting in protest on the streets of Dunloy. That was on 12 July, and I do not normally travel anywhere on that date, just in case I meet people on the road who would not want to meet me. However, on that occasion, I got into a car on my own and drove straight to Dunloy, through Coleraine, and spoke to citizens in Dunloy who behaved very responsibly and sensibly and took my advice. The outcome on that day at least, whatever the outcome on other occasions, was one that everyone could live with.

As we go forward, we must be positive and constructive and work with the agreements that we have put in place. Those are agreed processes between the parties in the House — at least, the two major parties in the House — and it is our duty and responsibility to make them work in a way that delivers for everyone.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that although some progress has been made on the issue of contentious parades through the establishment of the Parades Commission, there is further room for improvement, particularly in securing local agreements and inclusive dialogue, to ensure that the outstanding parading issues are resolved?

The deputy First Minister: First of all, I wish the Member a happy birthday. I was given a figure for her age earlier, but I am afraid to repeat it in case I get a clap around the ear. *[Laughter.]*

We all know that the Hillsborough agreement outlines our commitment to a new and improved framework that is fashioned by all stakeholders and that maximises cross-community support. I do not think that anyone can object to any of it. It is about local people providing solutions and respecting the rights of those who parade and those who live in areas through which others seek to parade. That includes the right for everyone to be free from sectarian harassment, and it recognises that, at times, there are competing rights. It is about transparency, openness, fairness and independent decision-making. We recognise that any improved regulatory framework must be capable of maximising cross-community support.

We have an agreed way forward. There is work for us to do to deliver that by December of this year, and, with good heart and spirit from everyone, we are well up for that task.

3.00 pm

Environment

Community Planning

1. **Dr Farry** asked the Minister of the Environment for an update on the development of a community planning system. (AQO 850/10)

The Minister of the Environment (Mr Poots): Proposals for the legislative framework for council-led community planning are included in my proposals for the local government reorganisation Bill, which are before the Executive for clearance.

The strategic leadership board that I chair has endorsed a community planning foundation programme to be taken forward by the transition committees. That programme will ensure that the new councils are prepared for the introduction of the statutory duty in May 2011.

Dr Farry: I thank the Minister for that response. In the light of the vote that will be taken next week in the Assembly on the devolution of policing and justice, will he give his full consideration to ensuring that, whatever model of community planning comes forward under that legislation, it will encompass the criminal justice agencies from day one, so that we can ensure that there will be a holistic approach to community planning that can address issues such as levels of offending and reasons for offending in communities?

The Minister of the Environment: Community planning needs to be holistic and incorporate all of the various arms of government, so that the public can have an input and influence at that level through the community planning exercise. Irrespective of whether policing and justice is devolved, it is important that the community has the opportunity to make its views and opinions heard through that process.

Mr Speaker: I remind Members that, if they want in, they must continually rise in their place.

Mr Dallat: Mr Speaker, I apologise for my indiscretion. Will the Minister tell the House what

he sees as the principal issues in a community planning scheme and how they should relate to other government Departments?

The Minister of the Environment: Community planning will provide a framework whereby councils, government Departments, statutory bodies and other relevant agencies and sectors can work together to develop and implement a shared vision for promoting the well-being of an area based on effective engagement with the community. Effective community planning will improve the connection between regional, local and neighbourhood issues and priorities through partnership working and by making best use of all available resources to deliver improved outcomes for all our citizens.

Mr Gardiner: Will the Minister confirm that his Department will fund the community planning system, or does he propose that the costs will be borne by local government?

The Minister of the Environment: I want to ensure that we have a more efficient and cost-effective local government administration. Therefore, if everyone works with me in ensuring that we deliver that, ratepayers will save money and will not be asked to pay more.

Greenhouse Gases: Hydrogen

2. **Ms Anderson** asked the Minister of the Environment if he has explored the use of hydrogen as an alternative to fossil fuels, in light of the Programme for Government commitment to reduce greenhouse gas emissions by 25% by 2025. (AQO 851/10)

The Minister of the Environment: Although energy policy is the responsibility of the Department of Enterprise, Trade and Investment, I understand that many companies are working to develop technologies that might effectively exploit the potential of hydrogen energy for transport. Although hydrogen that is prepared without using fossil fuel inputs produces no carbon dioxide emissions when used as a transport fuel, there are a number of drawbacks. Those include its low energy content per unit volume; high tankage weights; issues of handling, storage, transportation and filling of vehicles; the large investment in infrastructure that would be required to fuel vehicles; and the inefficiency of production processes. I cannot say whether hydrogen will become a suitable alternative to fossil fuels in the long run.

The Committee on Climate Change, which provides independent advice to the Government, suggested in its December 2008 report that electric cars combined with the decarbonisation of electricity generation could lead to dramatic reductions in emissions from cars and light vans. However, it is not only hydrogen- or electric-powered vehicles that can reduce emissions from transport. When I visited the Lotus factory last month, I saw at first hand the groundbreaking research project into a new engine concept that is being developed in partnership with Queen's University and Jaguar. The engine is designed to maximise the benefit from the use of biofuels in relation to thermal efficiency, fuel economy and reduced emissions. I believe that we need to consider all of those initiatives and their potential to reduce transport emissions, which account for nearly 30% of Northern Ireland's total carbon dioxide emissions.

Ms Anderson: Go raibh míle maith agat. I thank the Minister for that answer. Is he aware of the University of Ulster's proposals to create a hydrogen highway across Ireland, between Belfast, Derry and Donegal, along similar lines to projects in other European countries? Is he prepared to discuss that with the University of Ulster and, if there is any merit in it, perhaps to discuss it further with his Executive colleagues, although it is obviously at an early stage?

The Minister of the Environment: I am always happy to discuss such matters, particularly with research bodies such as universities. They can make realistic proposals that can deliver a reduction in the amount of carbon that goes into the atmosphere. All of those proposals must stack up in the real world, and the question is whether they can be sold to the private sector. I am certainly happy to work with those organisations, which are investigating other outcomes that may be positive.

Mr Ford: I am certainly interested to hear of the Minister's commitment to supporting research, but many solutions to reducing carbon output are available already. In light of the commitment to reduce carbon output by 25% by 2025, what action is he taking with his colleagues the Minister of Enterprise, the Minister of Agriculture and the Minister for Regional Development to deal with the massive use of energy by their Departments?

The Minister of the Environment: My Department works closely with colleagues in the Department

of Enterprise, Trade and Investment in particular to deliver the strategic energy framework. There are huge opportunities in Northern Ireland to identify renewable energy sources, including wind, wave, tidal and energy from waste. There are numerous opportunities. In conjunction with the Department of Finance and Personnel, we are seeking to make the government estate carbon neutral by 2015. The Executive are committed to reducing the amount of carbon that goes into the atmosphere.

Mr Beggs: The Minister highlighted the virtues of the modern electric car and its potential. What have he and his colleagues done to ensure that Northern Ireland has an infrastructure that is capable of supporting such a vehicle, which is already being developed in many cities throughout the United Kingdom?

The Minister of the Environment: Electric cars are beneficial only if carbon neutral electricity is being used in them. There is little point in using an electric car if the energy that is used in that car has been produced from oil, coal or gas. They only work well if they are used in conjunction with renewable energies, so we are working to drive up the amount of renewable energy that we use. We are also looking at the potential for Belfast to bid to be one of the six UK cities to plug in electric cars. That would create an opportunity for Northern Ireland to further develop the electric car industry.

The real benefit of an electric car is that it can be plugged in at night and, because that energy is being produced at night, it has a carbon neutral effect. Ultimately, the way forward for transportation in the United Kingdom will be that many more electric cars will use renewable energy and will not have the damaging impact on the environment that combustible engines have.

Road Safety

3. **Mr Bell** asked the Minister of the Environment if any initiatives are being planned or implemented to promote safety on our rural roads. (AQO 852/10)

The Minister of the Environment: One of my Department's key responsibilities is to work towards further reducing the number of people killed or seriously injured on our roads, and a key part of that is improving road safety on rural roads. If we are to make a real difference

in casualty reduction, we will have to tackle the rural nature of our road safety problems. Road safety education officers, who operate across Northern Ireland, and the Department's high-impact advertising campaigns help us to achieve those aims.

In addition, a new funding model will operate from the 2010-11 financial year, enabling the Department to engage more fully with the voluntary and community sector and ensure that it, in turn, engages more effectively with local communities in the promotion of road safety. That will replace the previous system of direct funding solely to the Road Safety Council and the road safety committees. It is designed to direct funding to individuals or groups in rural and urban areas to better address road safety issues at a local level. It will also enable the Department to expand its geographical cover for road safety activities and events throughout Northern Ireland.

Shortly, I will consult on the development of a new road safety strategy for Northern Ireland, and I will make a statement to the House in the next few weeks. The new strategy will be introduced before the end of 2010, two years ahead of the expiry of the existing strategy. My officials have already engaged with road safety partners and other interested parties in developing over 170 possible measures to improve safety on our roads. The measures proposed in the consultation paper, all of which have undergone a high-level rural impact assessment, will also address the behaviours that contribute to the numerous deaths and serious injuries on rural roads.

Mr Bell: I thank the Minister for his answer. Will he acknowledge the concerns that exist in many of the rural parts of my Strangford constituency, as evidenced recently by a massive turnout at a district policing partnership meeting in Kircubbin that centred solely on the issue of road safety? Will he outline any progress that has been made on improving road safety in rural areas?

The Minister of the Environment: Towards the end of last year, I challenged the PSNI to put more resources into rural roads; they subsequently agreed to reduce motorway coverage by 30% and transfer that to rural roads. That is a positive move, because the vast majority of road deaths — between 70% and 80% — occur on rural roads. Rural roads need to be targeted more, and people must be made aware that they are

more likely to be caught now than formerly when driving at excessive speeds or driving dangerously. There needs to be a substantial concentration of police resources on rural roads. People's attitudes to driving on rural roads and to the consequences of excessive speed need to change, because that is where the deaths are taking place.

Mr Kinahan: Has the Minister had or will he have a meeting with the Minister for Regional Development to discuss how much has been spent on rural roads to ensure that they remain as safe as possible?

The Minister of the Environment: I know that officials will tell me that drivers, not roads, are responsible for road deaths. Nonetheless, deaths are much more prevalent on certain roads; accidents and road deaths are less likely on motorways and better-quality roads. We cannot, therefore, totally isolate or separate the two. The Executive have introduced an investment strategy to upgrade roads on which there have been a significant number of deaths. Roads such as the Dungannon to Ballygawley Road, the Newry bypass and the A8 between Larne and Belfast, where many incidents have taken place, are being upgraded, and I warmly welcome that.

Mr McCarthy: The Minister said that rural roads contribute to accidents. Does he agree that there should be discussions with Roads Service about the deteriorating condition of rural roads, which has been caused by flooding, and the presence of potholes, sunken manholes and service manhole covers? Has the Minister had any recent discussions with Conor Murphy to ensure that there is further investment to address that?

Mr Speaker: The Member should come to his question.

Mr McCarthy: Poor road conditions contribute to serious road accidents.

The Minister of the Environment: The Member has given a fairly brutal analysis of Roads Service's performance. He should raise the matter with the Minister for Regional Development himself.

Mr McCartney: Gabhaim buíochas leis an Aire as na freagraí sin. I welcome the news that the Minister is bringing forward a road safety strategy. Does he agree that the GAA's Live to Play initiative should be rolled out with other

sporting organisations, because they have direct contact with many young drivers and that that would complement the Minister's work?

The Minister of the Environment: Live to Play is a terrific initiative; it is forward-looking and gets the message across to many young people. I know that the GAA has lost some of its young players to road accidents, so sporting organisations and schools can help us to address that. There is a range of bodies that reach people in areas where big government can never get to. We can do with all the assistance that we can get. The money that has been set aside for road safety will enable local organisations to tap into such campaigns now.

3.15 pm

Planning Applications

4. **Mr McKay** asked the Minister of the Environment if he has ever asked the Planning Service to defer final approval of a planning application for a sporting facility that had already been passed by a local council. (AQO 853/10)

The Minister of the Environment: If an MLA or an MP asks for a meeting about a planning application after a council consultation, it is standard practice for the decision notice to be held to allow that meeting to take place. That has been normal practice for many years, under direct rule and the devolved administrations.

I am aware of only one application for a sporting facility on which approval has been deferred at my request, following the local council's agreement with my Department's opinion. That application was for a GAA pitch on land adjacent to 69 Burrenbridge Road, Bryansford. The application was presented to the local council as an approval and was agreed at its meeting on 26 October 2009. The issuing of the decision was held back to allow me to meet Jim Wells MLA. That meeting has taken place, and the application remains under consideration.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. There would be concern if MLAs could hold up planning applications in the way that that application has been held up. The application was for a GAA facility in Bryansford, and the Minister ordered senior planning staff not to issue an approval notice, because of the opinion of Jim Wells.

By treating the GAA differently from other planning applicants because of Jim Wells's discriminatory views, has he left his Department open to legal challenge? Has he set a dangerous precedent, because he has clearly brought both his office and his Department into disrepute by allowing the GAA application to be singled out?

The Minister of the Environment: I totally refute the suggestion that anybody has brought anything into disrepute. Mr McKay may wish to know that members of his party have had applications deferred after councils have consulted on them. So, I am not offering something to a member of the DUP that has not been offered to members of any other party. Members of those parties know who I am referring to, because they have done it; they were entitled to do it, and that has been the policy for many years.

We were just talking about road safety. The proposal is for a fairly large facility, which will open onto a C-class road, and the PSNI's traffic branch has submitted a very critical report and analysis of the road safety issues with the application. Therefore, the application is not particularly straightforward, and the issues that Mr Wells raised were planning ones, not political ones.

Mr I McCrea: The Minister will be aware of the discussions and the ongoing press speculation about Knock Golf Club. Will the Minister tell the House whether he is happy that all aspects of that application have been dealt with appropriately? Have all political parties on the local council concerned agreed to the application?

The Minister of the Environment: It is interesting that the Member should ask about that. *[Laughter.]* That application has been the subject of a lot of press interest, which was largely motivated by individuals who are out to get other politicians. Those people are not interested in the welfare of those who live around Knock, the people who belong to Knock Golf Club, the people who use the Ulster Hospital, or the Dundonald community.

Interestingly, a meeting took place on Wednesday 5 March 2008. That meeting was attended, on the political side, by Councillor Robin Newton, Councillor Máire Hendron, Councillor Jim Rodgers, who was the Lord Mayor of Belfast at the time, and Councillor Mary Muldoon. Paragraph 2 of the Department's minutes of that meeting states:

"Each of the councillors and politicians then spoke in support of the application. As before, they pointed out that there had been no local opposition to the proposal other than the Dundonald Greenbelt Association and that there is widespread political and community support."

I also have a letter from John Simpson of the Ulster Hospital, which sets out very clearly why his organisation supported the application and how it would have benefitted. If anybody wishes for that letter to be made public, I will make it public. In fact, I will ask for a copy of that letter to be placed in the Library, so that it is on the public record. Nothing wrong has been done in respect of that application, and for Mr Dallat and others to attack my Department's officials in the way that they have is morally corrupt.

Mr P J Bradley: In light of the Bryansford situation, has the Minister given any consideration to the guidelines that councillors and MLAs should follow when making representations on behalf of applicants or complainants?

The Minister of the Environment: It is very clear: representations on planning issues should be about planning matters, not about social concerns. In that case, the planning issues that an individual Member raised with me related to roads; road safety; access between the Bryansford Road and the Burrenbridge Road; bus usage of those roads; parking for those vehicles; and the proposed access from the chapel car park to the GAA grounds. Therefore, a range of definitive and qualitative issues were raised for further assessment.

Mr McClarty: Will the Minister outline the legislative power through which he can intervene in an individual planning application and whether he has ever used it? Does he agree that it can be confusing for planners if, on one day, the Minister is discussing an issue with them and, on the next day, is lobbying them as a councillor?

The Minister of the Environment: Regardless of whether I am a councillor, I lobby on behalf of my constituents as an effective MLA. I make no apology for working on behalf of my constituents; perhaps other Members want to apologise for not working on behalf of their constituents. The Member might be aware of the Planning (Northern Ireland) Order 1991, which gives the power over all planning decisions to the Minister, who subsequently delegates that power to divisional planning offices. Therefore,

I am responsible for every planning decision in Northern Ireland.

Planning Policy Statement (PPS) 21

5. **Mr McGlone** asked the Minister of the Environment to outline the current position on PPS 21, particularly in relation to non-farming rural dwellers. (AQO 854/10)

The Minister of the Environment: I circulated PPS 21 for Executive clearance in December 2009 and will publish it when I receive that clearance. The planning policy statement has been finalised and takes account of the outcome of the public consultation, operational experience, Planning Appeals Commission decisions and the report of the independent working group on non-farming rural dwellers.

Mr McGlone: I thank the Minister; I know of his personal interest in the matter. Does he agree that the existing PPS 21 provides little opportunity for non-farming families unless they have a replacement or an infill site? Moreover, does he agree that much more creativity is required to provide housing in rural areas and to factor in environmentally sensitive aspects to ensure that the majority of people —

Mr Speaker: The Member should ask his question.

Mr McGlone: — in rural areas have access to housing in their areas.

The Minister of the Environment: I hope that Mr McGlone and his colleagues will inform me if they know an easy solution. We have established an independent working group, which has reported. It is an important issue, and we need to continue to work on it. Some helpful issues have been included in the proposals for the final PPS 21. Nonetheless, some issues are outstanding. Therefore, we will continue to work to find out whether we can drill down and identify what can be done. It is important that the Department for Regional Development (DRD) and the Department of Agriculture and Rural Development (DARD) are fully engaged in the process, because DRD is responsible for the regional development strategy and DARD is responsible for rural affairs. Those two Departments have a key role to play to deliver on the issue.

Mr Shannon: Wearing my other hat, I declare an interest as a member of Ards Borough Council.

Several applications are deferred every month under PPS 21. Indeed, next Tuesday, several applications will come before the council, 44 of which are scheduled for refusal, and half of those are under PPS 21. Will the Minister confirm whether all applications that have been deferred under PPS 21 and that will be deferred in the future, including those at next week's council meeting, will return to councils before a decision is issued?

The Minister of the Environment: The answer is yes. My Department has been considering how it will respond, because around 2,500 applications have been deferred thus far.

Each divisional planning office has been looking at how it will deal with those applications. We hope to be able to deal with the vast majority of applications within six months of PPS 21 being finalised. I hope to soon put PPS 21 to the House; thereafter, decisions will flow from that, which will be beneficial.

Mr B Wilson: The Minister's response is disappointing. As I predicted, PPS 21 has been totally ineffective. I look at how it has affected north Down. For example, prior to PPS 14, there was only a very small number of single dwellings in the countryside, but now we are getting a massive number of planning applications. PPS 21 has not only affected rural areas, it has affected urban areas such as north Down. Will the Minister review what is happening in those areas?

The Minister of the Environment: PPS 21 cannot affect an urban area because it is a rural planning policy. The Member seems to want a policy that differentiates between certain areas in Northern Ireland. There will be no differentiation between any areas of Northern Ireland. The policy will apply across Northern Ireland, and its benefits will apply to all the people of Northern Ireland. Brian Wilson may propose that we discriminate against the rural dwellers of north Down but I am not going there; I will not discriminate against the community in north Down.

Planning Policy Statements

6. **Mr Armstrong** asked the Minister of the Environment when he expects the full range of planning policy statements to be available. (AQO 855/10)

The Minister of the Environment: Subject to Executive Committee agreement, a fit-for-purpose suite of planning policy statements (PPS) required to meet the public service agreement target will be available by the end of March 2011. In addition, a revised PPS 1 will be completed in tandem with the planning reform legislation.

Mr Armstrong: Does the Minister agree that while the full suite of policies is unavailable, planners are unable to make judgements that take all matters into consideration? Does he also agree that, in light of the Public Accounts Committee's recent report, his Department's Planning Service is essentially not fit for purpose, because it is taking up to 71 months to develop the new planning policy statements?

The Minister of the Environment: Obviously, if a full suite of policies is not available, other considerations have to be taken into account and those circumstances make it slightly more difficult for planning officers.

Mr Gallagher: Is the Minister confident that the new planning policy statements will be strong and robust? Furthermore, will he assure us that they will not be conveniently set aside by councils? For example, according to what we have read in the papers, Castlereagh Borough Council has set aside planning policy statements.

The Minister of the Environment: If Mr Gallagher has some evidence relating to Castlereagh Borough Council ignoring planning policies, he should produce it. We cannot have sweeping statements in the House that are made on the basis of trial by the press or other media. That is pathetic, and it is completely out of order.

Mr Speaker: That ends questions to the Minister of the Environment.

Mr McDevitt: On a point of order, Mr Speaker. Was it in order during question 4 for a Member from the DUP Benches, from a sedentary position, to accuse another Member of being sectarian?

Mr Speaker: I will come back to the Member. Let me check the Hansard report.

Mr Bell: On a point of order, Mr Speaker. Is it appropriate for Mr Dallat, from a sedentary position, to shout at the Minister to resign? One would have thought that the Deputy Speaker,

who has already made a mistake this morning, should have known better.

Mr Speaker: That issue was raised a number of months ago, when I clearly indicated to all sides of the House that speaking or shouting from a sedentary position is wrong. Some Members feel that by doing that, their remarks just might not be picked up by Hansard. I can assure Members that, on occasion, such remarks are picked up by Hansard. Nevertheless, I warn the entire House that we should not, as far as possible, get to a position in which Members are trying to speak from a seated position.

3.30 pm

Lord Morrow: On a point of order, Mr Speaker. I know that, during Question Time, we follow the principle of trying to get answers that are as full and as frank as possible. However, I noted that during questions to the Office of the First Minister and deputy First Minister today we managed to get through all of three questions. I bring that to your attention, Mr Speaker, and ask you to look at it so that Members who take the trouble to table questions could be shown some courtesy and respect. An effort should be made to answer their questions. Rather than ending up with having just three questions answered, perhaps in the future we could devise some ways of ensuring that more questions are answered in the House.

Mr Speaker: I appreciate what Lord Morrow is saying. The issue has been spoken of in the House on many occasions. Lord Morrow is the Chairperson of the Committee on Procedures, so it may be useful for his Committee to look at the issue to see whether it would be at all possible to put a time limit on Ministers' replies to questions. Perhaps that would be the way forward. I always encourage the House to look at issues such as this, and I always encourage Ministers, as far as possible, to come to their answer as soon as they can. I believe that the issue could be resolved, and I believe that the Committee on Procedures could deal with it.

Lord Morrow: Further to that point of order, I heard what you said, Mr Speaker, and I am certain that the Committee on Procedures would be quite prepared to look at the matter. Unfortunately, however, it cannot do so on its own. It can do so only with the co-operation of Ministers and others. It is an important issue, and, as the Chairperson of that Committee, I have no problems in looking into it.

Mr Speaker: I thank Lord Morrow for his point of order. I encourage his Committee to look at the matter. As Speaker, I assure you that I will give the Committee on Procedures all the help that it needs to look at the matter. It has concerned me and exercised my mind for quite a while.

Mr K Robinson: Lord Morrow raised the point of order that I was going to raise, but thank you for calling me, Mr Speaker.

Private Members' Business

Bill of Rights

Debate resumed on amendment to motion.

That this Assembly expresses concern that the British Government's proposals for a bill of rights ignores the advice from both the Bill of Rights Forum and the Human Rights Commission that social and economic protections must be central to any bill of rights; and further calls for the introduction of a robust, enforceable bill of rights that will provide rights-based protection for all our people. — [Ms Anderson.]

Which amendment was:

Insert after the fourth "rights"

“;calls on the British Government to expand the current consultation on a bill of rights to include consultation on the full range of recommendations of the Human Rights Commission”. — [Mr A Maginness.]

Mr Hamilton: I am not sure why so many Members want to leave the Chamber. The debate started so long ago that I cannot remember what I am angry about any more. However, I will try my best. I will get myself worked up into a lather by the time that I have finished speaking.

The patience of unionists with the development of a bill of rights for Northern Ireland is wearing very thin and has been tested to its limits. At every stage in the process of developing a possible bill of rights for Northern Ireland and every time that unionists have urged caution, they have been ignored. Every time that unionists have argued for a minimalist approach, they have been ignored. Every time that we have argued that the only remit that should be adhered to is that in which the particular circumstances of Northern Ireland exist, we have been ignored. Our good faith in engaging in the process has been thrown back in our faces.

(Mr Deputy Speaker [Mr McClarty] in the Chair)

It is not as though unionists have not engaged. Perhaps we are coming from different perspectives and perhaps when we think of particular circumstances we have one view and others have a different view, but I do not think that anyone could stand up in all good conscience and say that unionists have not attempted in good faith to engage in the

process of developing a possible bill of rights. That is what we have tried to do, and I hope and believe that my contribution and those of others at different stages in the process could be judged against that. Every time that we have tried to engage in the process, that good faith has been thrown back in our faces. I think particularly of the Bill of Rights Forum, which I was put on to for some crime that I committed. I suffered some infringement of my rights in having to be on the forum.

Mr Shannon: That is why the Member is angry.

Mr Hamilton: Mr Shannon is right: that is probably why I am angry and probably why I am getting het up about it.

That forum produced a raft of rights that went far beyond its remit. It produced wacko ideas, such as raising the age of criminal responsibility to 18, which was something that was never going to float in Northern Ireland. It involved civic society to the extent that the mutual backscratching was such that one person's hobby horse was included after another person's hobby horse had been voted for. Unionists warned about the unacceptability of the Bill of Rights Forum's proposals. Few decisions were achieved with consensus across the parties represented on that forum, but all the warnings were ignored.

Unionist warnings were also ignored by the Human Rights Commission when it produced its advice. A coach and horses was driven through the remit, and it was not endorsed by the two commissioners who were clearly from a unionist background. I have to say, in some ways, thank God for the NIO and its response. I did not think that I would ever say that, but thank goodness that the NIO saw that the proposals and advice of the Human Rights Commission were ludicrous, crazy and out of step with what would be acceptable in Northern Ireland. The NIO has produced —

Mr Weir: The Member referred to unionists being ignored throughout the process. The SDLP had no Members in the Chamber for a while, so it seems that we were being ignored yet again. A Member suggested earlier that there was a massive public groundswell regarding a bill of rights. Mr Hamilton is an experienced Member and has been involved in politics for many years. In his many years of canvassing, has anyone ever raised the issue of a bill of rights with him on the doorstep?

Mr Hamilton: No one has raised the issue with me. Indeed, many of the issues that we get het up about in the Stormont bubble are not those that concern the general public in Northern Ireland. We would do well to remember that.

Like others, I have serious concerns about aspects of the advice that was given by the Human Rights Commission. We have debated at length in the Chamber and around the Building the issues of potential rights tourists and judges making laws. I feel very dear about that matter. Having got powers back to the Assembly to make our own laws and decisions, it would be perilous to start handing powers away to judges to decide who receives what resources and when. Only lawyers win in those circumstances. There are a couple of lawyers in the House, and maybe they would be happy with that. However, our Government, Departments and Ministers would be in court regularly to fight spurious cases and arguments that were put against them.

The idea of having a separate bill of rights that goes far beyond any other region of the United Kingdom is costly and absolutely crazy. Despite what campaigns on the side of buses and on billboards may claim, no one in Northern Ireland is having their rights denied to them. As Mr Weir said, many rights in this country go far beyond those in place elsewhere in the United Kingdom, the European Union and beyond. Some people want to create some sort of human rights nirvana that goes far beyond what is realisable, realistic and practical in this country.

I have heard much harking back to age-old arguments about rights in this country. However, those arguments do not stack up any longer, and they are not realistic any longer. Those who are calling for an expansive, maximalist bill of rights for Northern Ireland would do well to stop ignoring the views expressed consistently by unionists in all forums, including the Assembly. If they want to progress any sort of bill of rights for Northern Ireland, they would do well to remember those concerns.

Mr Deputy Speaker: I ask the Member to draw his remarks to a close.

Mr Hamilton: They would do well to start listening to unionists.

Mr Bresland: As a democrat, I believe strongly in human rights. I believe in civil and religious liberty for all in our society. That has always been my position, and, in my role as a public

representative, I will continue to do all that is in my power to ensure that civil liberties are maintained for everyone, irrespective of creed, colour or class.

In recent years, especially since the Belfast Agreement was signed in 1998, an entire human rights industry has developed. That industry has taken on a life of its own, and those who are part of it are determined to ensure that it keeps growing. They are doing very well out of it, because it costs millions of pounds. I have no problem with money being spent if it is spent wisely and for the good of society. However, the human rights industry is an appalling waste of taxpayers' money.

It is not often that I feel that I can praise the Northern Ireland Office, but I am glad that it has resisted the pressure to promote the sort of bill of rights that Monica McWilliams and the Human Rights Commission want us to have. I go further than the Northern Ireland Office by arguing strongly that we do not need a bill of rights at all. Northern Ireland already has far too many layers of human rights legislation, directives and quangos. We should cut back on rather than expand the number of layers.

Most worrying of all is the fact that those who are keen to blow the human rights trumpet are not interested in human rights for everyone. Sinn Féin and the SDLP tabled the motion and the amendment respectively. In the House, both parties argued that Nelson McCausland should have no right of conscience as a Minister of the Executive. In the face of that outrageous challenge to human rights from Members opposite, the silence from Monica McWilliams was deafening. When challenged, she failed to explain why she did nothing to deal with the attack on civil and religious liberty by Sinn Féin, the SDLP, the Alliance Party and the Green Party. Is it any wonder that those in my party and people across Ulster who are evangelical and Protestant have no confidence in the sincerity of the party opposite or in those who promote the human rights agenda outside the Chamber?

We do not need a bill of rights; it would not deliver a fairer society. A bill of rights would mean that all rights would be equal but some would be more equal than others. I am also concerned that the obsession with rights means that there is little or no interest in responsibilities. There must be a balance between rights and responsibilities.

In short, I regard the proposed bill of rights as a threat to civil and religious liberties, and I oppose the motion and the amendment.

Mr Shannon: On several occasions, I have spoken in the Chamber about a bill of rights for Northern Ireland. In so far as the bill of rights has not changed, neither has my opinion of it, and I will illustrate why. A few weeks ago, a Christian gentleman came into my office. He was confused about whether, as a Christian, he should support the bill of rights by signing and returning a letter that had been sent to him. As a Christian, he believes that the right to partake in activities, the right of his church to charity status and other similar rights are being attacked. He wondered whether the bill of rights would offer his church some protection. In other words, having seen all those attacks on his church and his beliefs, he wondered about the intention of a bill of rights. However, the bill of rights, as it stands and as it is perceived, would disadvantage that gentleman.

Unfortunately, Dolores Kelly is not in the Chamber at present. She said that she could not understand why there is confusion. There is confusion because people from the evangelical churches wonder what is going on. The Christian gentleman was unaware of our concern that the recommendation of the Human Rights Commission, which is that the Government respond to the conclusions of a UN Committee on Discrimination against Women, could provide a back door to the legalisation of abortion. Although the Human Rights Commission does not recommend a right to abortion, it fails to recommend that the unborn child's right to life be included in the bill of rights. That is one of several grey areas in the bill. I told the gentleman about that concern and left him to decide, based on all the information before him, whether he should sign the letter. Many people face the same problem. It is a serious issue but one that Dolores Kelly has not acknowledged. People are bombarded with media advertising that cites some but not all of the facts, and they rely on Members to bring to life the real issues.

The fact at thair ir a clatter o' consairns about this bill an' at bes fer wie I an' mae pairty es a whole ir sarious gled at the Norlin Airlan Ofaice hes rejected sae monie o' the socio-economic richts. Thae issues ir richtly yins at shud bae decided i this chammer bae elected representatives. Hit bes fundamental tae democracy at the people vote tae hae thair

notions represented on a range of the issues and hit should have been left to unelected judges to decide.

There are many concerns about the bill, and that is why I and my party as a whole welcome the Northern Ireland Office's rejection of many of the socio-economic rights that are included therein. Those issues should be decided in this Chamber by elected representatives. It is fundamental to democracy that the people vote to have their views represented on a range of such issues. They should not be left for unelected judges to decide.

3.45 pm

Evangelical Alliance Northern Ireland said that the bill of rights should steer away from overly detailed and restrictive legislation. Its national director, Stephen Cave, said:

"Responsibility towards others, alongside the protection of rights, is critical to a Christian understanding of a free and healthy society. But if the emphasis is too strongly on individual rights, there is the potential to fracture rather than reconcile, and we feel this is the danger with this report. A focus on shared responsibilities, on the other hand, would have the potential to transform society through hope, imagination and active citizenship. There are undoubtedly positive proposals within the final report, for example on the issue of human trafficking."

I agree that some of the proposals are good. Mr Cave added:

"However, we believe this, along with many other proposals, would be better dealt with in the context of the Northern Ireland Assembly."

Our representatives on the forum made it clear that the recommendations were much too wide and went outside the remit that was established in the Belfast Agreement and the Northern Ireland Act 1998. That also applied to the vast majority of recommendations from the Human Rights Commission. Most of the recommended rights in the report from the commission were not specific to the particular circumstances of Northern Ireland, which was the remit given to the commissioner. I have spoken at length about that issue during previous debates, and my remarks are recorded in Hansard.

The bill is supposed to reference rights that are not already catered for. It is not supposed to simply rehash legislation without the democratic process that should accompany any change of

legislation for the key objectives of very narrow interest groups, as opposed to the majority of people in the Province. That is the key issue for a great many of us who speak on the matter.

The DUP still has concerns about some of the recommendations in the consultation document and will respond in detail to that consultation process in due course. Suffice it to say that the concerns raised in the Chamber during past discussions on the bill of rights have not been addressed to a satisfactory degree. We will continue to ensure that any bill of rights is fit for the purpose for which it is designed —

Mr Deputy Speaker: I ask the Member to conclude his remarks.

Mr Shannon: It must not be a means to chip away at the moral fabric of the society that makes Northern Ireland the country and nation that it is today.

Mr Deputy Speaker: I do not know how many times I have to remind Members not to use electronic equipment in the Chamber. It seems that it is the usual suspects. There is interference in the sound system, which affects Hansard's recording of the debates. Please switch off your electronic equipment.

Mr Attwood: At the beginning of this debate, Martina Anderson rightly referred to the comments of Chris McCrudden, who was one of the best friends of rights and rights protections in the North over the past 30 years. I am sure that Chris McCrudden would want to very strongly identify with the comments that I made in this Chamber previously when I quoted Frank Wright, who was a lecturer at Queen's University but, unfortunately, is now dead. Many years ago, Frank Wright wrote:

"when conflicts are fully developed, they revolve around issues of law, order and justice".

He applied that thesis to the North. He said that, at any time, the conflict in the North revolved around issues of law, order and justice.

Out of that analysis came acceptance in the Good Friday Agreement, which was endorsed by the people of Ireland, that issues of law, order and justice had to be addressed in order to resolve the conflict. Over and above its political dimensions, one had to get right issues of human rights, equality and policing and justice. That is why the Good Friday Agreement established mechanisms to deal

with policing and justice, rights and equality. That confirmed that there were particular circumstances in Northern Ireland that required particular measures and laws. That is where the whole bill of rights issue comes from, and from where the quotation about the "particular circumstances of Northern Ireland" is sourced. Until John Reid, the then Secretary of State, raised an issue about what those words meant, nobody disagreed with them. Nobody challenged that "particular circumstances" in Northern Ireland should be interpreted narrowly. Everyone accepted that they should be interpreted to fit the circumstances that existed in Northern Ireland. I find it disingenuous of the unionist parties today and recently to rely on that clause to mean one thing when it was quite clearly intended to mean another.

I do not understand the Alliance Party's view. What reassurance is it to people in Northern Ireland that the Alliance Party today said that it is totally unrealistic for the Human Rights Commission and others to argue for an expansive bill of rights? What a withering put-down of the rights constituency in Northern Ireland. What a withering statement of intent from those with pretensions to become Justice Minister.

At the heart of the debate, there is an inconsistency in the approach adopted by the DUP. On one hand, Simon Hamilton argues for a minimalist approach. He further argues that no one in Northern Ireland is having their rights denied to them. If that is the case, why does his party, rightfully, put a proposal for a charter for the rights of victims into the Hillsborough arrangements? How do Simon Hamilton and the DUP reconcile today what happened to the Devlin family last week, when they said that their rights had been denied by the Public Prosecution Service?

More critically, there is a tension between Simon Hamilton and Jimmy Spratt, because Mr Spratt said, rightly, that rights are hugely important. He went further by saying that 50% of what the Human Rights Commission proposed would apply to people in Britain. He did not discount that 50%. He did not say that it was wrong. He did not say that that 50% should not be there. He said that it applied equally to people in Britain. The DUP cannot have it both ways. It cannot say that it wants a minimalist approach and that no rights are denied to anybody in Northern Ireland, while Jimmy Spratt

says, cautiously rather than expansively, but, nonetheless, I acknowledge it —

Mrs D Kelly: I thank the Member for giving way. Does the Member agree that that is not true of the whole of the unionist, Protestant population, given that 80% of the people surveyed by the Human Rights Consortium agreed that a bill of rights was needed?

Mr Attwood: That is a good point of evidence, and what Jimmy Spratt said in the debate is a good point of reference. I say to Jimmy Spratt and the DUP that 100% of what the Human Rights Commission said applies, rather than 50%. Nonetheless, is it not better today to create certainty and avoid doubt? Given how the Tories and Labour are beginning to unpick the Human Rights Commission, is it not better today to start afresh? Is it not better to take Jimmy Spratt's stance and to start to implement the 50% of recommendations? If we do not do so, we will end up with much less than 50%. I want to legislate for 100% of the HRC's recommendations, but the DUP has a responsibility to act on its words.

I welcome the support of Members who spoke in favour of the motion and the amendment. I agree with Danny Kennedy that what the Secretary of State has done is a stunning rejection of the Human Rights Commission's proposals. Much more than that, it is a stunning act of high-handedness by the Secretary of State in adopting that attitude.

Mr Deputy Speaker: The Member will draw his remarks to a close.

Mr Attwood: The Secretary of State should withdraw the consultation and start afresh.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. On behalf of my party, I call for Members to support the motion and the SDLP's very acceptable amendment. I thank the SDLP for tabling the amendment, which undoubtedly adds to the substance of the motion in that it calls for a more expansive discussion. All Members who have spoken in the debate should seek to maximise the rights of the people we collectively represent.

I was going to refer to some of Danny Kennedy's remarks from earlier in the debate, but I suggest that the Member has insulted the House this afternoon. He admitted entering the Chamber without having listened to any

Member's contribution. Speaking from a script, Mr Kennedy went on to describe the debate as divisive, and he has not turned up for the remainder of the debate. That is why I believe that Mr Kennedy's conduct insults the House. I entirely understand that he may be away on other business, but he could have had a colleague address the matter that he addressed so scantily.

Like Mr Attwood, I am disappointed in the Alliance Party saying, through Stephen Farry, that it is unable to support the entire motion or the amendment. I understand that Alliance Party Members may abstain in the vote and that the Alliance Party supports the concept if not necessarily the detail of what is proposed. Nevertheless, I will be disappointed if the Alliance Party does not feel able to subscribe to the aim of maximising the rights of people whom we all, including the Alliance Party, represent.

A number of Members, albeit flippantly, referred to themselves as survivors of the Bill of Rights Forum. Given that it concluded its business in March 2008, those Members have had two years' respite. However, we are still waiting for a substantive move forward. Indeed, due to the delay caused by the NIO, we are still involved in a consultation process. I was a member of the Bill of Rights Forum's criminal justice and victims working group, and, although it was a fairly intensive period of discussions, I found those discussions to be very educational. The working group was inclusive, involving representatives from a number of parties and sectors — including the DUP, although it was not an elected member — and it took oral and written submissions from various organisations.

Although unionist political parties are colder to and less embracing of the concept of rights, I subscribe to the view, as a result of direct experience, that unionist people from wider civic society want the maximum number of rights to be enshrined in law, so that we can all benefit from them. I appeal to the unionist parties. Members have reflected on the past 30 or 40 years or however long they wish to go back. I ask other parties to consider this point: no matter what your perspective is on the past 30, 40 or even 100 years, surely the lessons from and our collective experiences of the conflict and disturbances underwrite the need to maximise everybody's rights. Regardless of whether we are talking about the right to life or to a decent quality of life, surely we want to ensure that

people have those rights and that they are enshrined in law.

I dare say that there are Members in the Chamber who represent victims of the conflict and people who have been bereaved as a result of it, but there are also people in this city, living not too far from here, who must use outside toilets and do not have running water in their home. If Members were to knock on those people's doors and ask them whether they should have rights, I imagine that they would respond with a resounding yes. Indeed, they would probably ask us what the heck we have been doing and why they are not able to avail themselves of those rights already.

A number of unionist colleagues spoke about taking a minimalist approach to rights. I do not understand what that means, although I suspect it means that people should have as few rights as possible. Most Members are extremely diligent on behalf of their constituents, so surely none of them can convince me or themselves that they can advance their constituents' causes if there are fewer rights. Most of us, as elected representatives, argue for our constituents on the basis that they have a right to a home etc. Therefore, I urge Members to reconsider why they are advocating a minimalist approach to rights.

Other Members argued why we should reject the NIO's proposition, which has been issued for consultation. Let us remind ourselves that the call for a bill of rights emerged from the St Andrews Agreement, which parties subscribed to and thought was a very good idea. The outworking of that agreement was a substantive and brilliant piece of work. Not everybody has to agree with everything that was put forward, but neither did the Human Rights Commission have to accept everything from the Bill of Rights Forum.

There were some changes to the Human Rights Commission's final submission, and people can select which submissions or recommendations they wish to support more or less. Nevertheless, there is an opportunity for all of us to say collectively that we need to maximise the rights of all our people, because, whether we like it or not, a lot of what happened for many years was wrapped up in whether or not there was a denial of rights or whether people felt that they had no justice or no recourse to justice.

4.00 pm

As I said earlier, I do not want to take issue with people's perspectives on the past 30 or 40 years or, indeed, the past 100 years. I am simply making the point that that experience should drive us to maximise rights on behalf of all people, because that is one sure way to ensure that we will have no question of any return and no justification of any return to the days of conflict. No citizen here, young or old, no matter what their political beliefs may be, would have their rights denied, because their rights would be enshrined from here on in.

I urge Members to consider that the extended deadline for the consultation on the NIO's recommendations gives us an opportunity to reject those recommendations as minimalist. They have been described as being pitifully limited, unacceptable and disrespectful. I would argue that the NIO's contribution to the debate has been disrespectful, because people from right across our society — young and old, from different Churches and backgrounds, secular and otherwise, and from different sectors, ethnic minorities and so on — have made massive contributions to the debate. However, the NIO has belatedly and very begrudgingly sought to reduce the rights that people have already secured over the decades; indeed, many of us suspect that it would seek to reduce those rights further.

Therefore, I urge people to reconsider the notion of seeking to minimise the rights to which people should be entitled and to push instead for maximum rights. I believe that, if we were to knock on the doors of the people whom we represent, they would call on us to maximise their rights. Representatives from every sector — trade unions, the Churches and so on — have been very quick and vociferous in calling on us to maximise the rights of the citizens whom we all collectively represent. The Assembly can come together in unanimity to support the maximising of people's rights. That would be an important legacy for Members of this particular Assembly.

In order to secure and copper-fasten a just peace and to build on the promise and hopes of the Good Friday Agreement and the St Andrews Agreement, we should reject the NIO consultation proposals and support the need to ensure that we maximise the rights of all the citizens whom we represent.

Question put, That the amendment be made.

The Assembly divided: Ayes 46; Noes 42.

AYES

Mr Adams, Ms Anderson, Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Doherty, Mr Durkan, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard, Ms Lo, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McHugh, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ruane, Mr B Wilson.

Tellers for the Ayes: Mr A Maginness and Ms S Ramsey.

NOES

Mr Armstrong, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds, Mr Easton, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Shannon and Mr Weir.

Question accordingly agreed to.

Main Question, as amended, put.

The Assembly divided: Ayes 42; Noes 46.

AYES

Mr Adams, Ms Anderson, Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Doherty, Mr Durkan, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McHugh, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy,

Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

Tellers for the Ayes: Mr McDevitt and Ms S Ramsey.

NOES

Mr Armstrong, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds, Mr Donaldson, Mr Easton, Sir Reg Empey, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Shannon and Mr Weir.

Main Question, as amended, accordingly negatived.

Police: 50:50 Recruitment Policy

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. Two amendments have been selected and published on the Marshalled List. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Campbell: I beg to move

That this Assembly notes the renewal for one final year of 50:50 recruitment to the police in Northern Ireland; looks forward to the next substantial recruitment competition when, for the first time in a decade, Protestant applicants will face no barriers on the grounds of perceived religious affiliation in the process of being considered for a career in the police.

The motion is timely and important, given the fact that it has now been a decade throughout which a sizeable section of our community has been discriminated against on grounds of religion when applying for posts with the police in Northern Ireland. One good thing that can be said is that, when the Westminster Government extended the 50:50 recruitment process, they did so for one final year.

That makes it no less important that we should look forward to the elimination of that discriminatory practice, which has occurred over the past 10 years. We should prepare for the time when every applicant can apply and expect to be treated solely on his or her merits.

4.30 pm

The DUP has pointed out the recruitment problems of the past, and we will do so in the future because many thousands of people are affected. I am grateful to my colleague the Member for South Belfast Mr Spratt for assisting me with figures on applicants for the past number of years. In the past five years alone, over 40,000 people have applied to join the police. Therefore, this discrimination has been practised not against a small number of individuals but against a significant number of people in the community.

I note that the SDLP has tabled an amendment, which, far from trying to end the practice,

seeks to continue it. I do not understand how any political party that aspires to fairness and equality could not only be against ending discrimination but want it to continue. That is what the SDLP amendment proposes.

Some people argue that, because for many decades, Roman Catholics — *[Interruption.]*

Mr Deputy Speaker: Order. Only one Member should be on his or her feet. Continue, Mr Campbell.

Mr Campbell: The argument goes that, because Roman Catholics have been substantially under-represented in the police over many years, there has to be some sort of device to try to counter that under-representation. That does not take account of the fact that the rationale for the under-representation was the murder campaign that was carried out by the Provisional IRA and, before that, the old IRA for between four and five decades.

Once the violence and intimidation stopped, the numbers of people from the Roman Catholic community who applied to join the police increased substantially. Before the introduction of the 50:50 recruitment policy, 8% of the police were Roman Catholics, and, as I said, the primary reason for that was that Roman Catholics were at risk of being shot if they applied to join the police. Once that threat was lifted, the numbers of Catholics applying to join the police went up to over 20% and then to over 40%.

The key point is that, even if there had not been a 50:50 recruitment process, the numbers of Roman Catholics who joined the police would have increased. Over 40% of the people who applied to join the police were Roman Catholics, and, provided the merit principle was applied in both communities, one might expect over 40% of the people who applied to be successful. Therefore, the percentage of Roman Catholics in the police would have gone up anyway, irrespective of the 50:50 rule.

The abandonment of the 50:50 rule would not have diminished the number of Roman Catholic applicants in any meaningful way, and it would have meant that there was not an effect on the Protestant community. I am sure that public representatives who live and work in the Protestant community can testify to the fact that the 50:50 rule causes resentment in the Protestant community. Many individuals who wanted a career in the police have come

to constituency offices and said that they sat the required exams and were told that they were a suitable candidate only to get a letter telling them that, under the 50:50 policy, they could not be recruited. For many people in the Protestant community, that is tantamount to saying that Protestants need not apply.

As I said, the application of an open-ended merit principle would have had little effect on the increase in the numbers of Roman Catholic recruits because 40% of the applicants came from that community. In fact, I met Mr Goggins, our security Minister, and senior police officers two weeks ago, and I was informed that by the end of next month 28.7% of the Police Service will be Roman Catholic, which is up from 8% just over 10 years ago.

Many people try to testify that the rationale for the 50:50 recruitment policy is under-representation, yet there is a significant under-representation of the Protestant community in other aspects of public service in Northern Ireland. I never hear the SDLP proposing the introduction of a 50:50 rule in the Housing Executive, even though Roman Catholics are more likely to be police officers than Protestants are to be housing officers. There is never a proposal, suggestion or hint that we should move to 50:50 recruitment in the Housing Executive, yet, as I say, there is more merit in that, because more than 40% of those applying to join the Police Service are Catholic, whereas only 36% of those employed by the Housing Executive are Protestant.

It seems that, on numerous occasions, there are those who take a blinkered approach and say that they want to address one type of disadvantage but, in other instances, they are quite happy to accommodate one group and disadvantage another. We must move forward to a brighter and better day where there is equality of opportunity. That will only be seen, felt and experienced when people who apply for a job in the police know that they will get it on the basis of their being the best qualified person for the job and that their religious persuasion — or perceived religious persuasion — is totally and utterly irrelevant to the outcome of their application.

The numbers speak for themselves: 40,000-plus applications have come through the system. At the meeting that I mentioned earlier, Mr Goggins and senior police officers said that

I should tell my community to keep applying for policing jobs even if they had been turned down last year and this year. It might be good enough to tell people to keep trying and applying, but the point is that they should not have to keep reapplying only to suffer discrimination year on year. The discrimination ought to end.

On 8 February 2010, a latter-day democrat and one-time terrorist said:

“under no circumstances would I tolerate any section of our community being discriminated against because of religion.” — [Official Report, Bound Volume 48, p28, col 1].

The man who said that, in answer to a question that I asked in the Chamber, was Martin McGuinness.

Mr Deputy Speaker: I remind Members that mobile phones should be switched off. If Members refuse to acknowledge that request, I will simply refuse to call them to speak.

I call Mr Attwood to move amendment No 1.

Mr Attwood: I trust that that is confirmation that my mobile phone is off. *[Laughter.]*

I beg to move amendment No 1: Leave out all after “renewal” and insert

“of 50:50 recruitment to the PSNI; believes that special measures are still needed to achieve a police service which is representative of the community as recommended by the Patten report; and recommends that 50:50 recruitment should continue after the Catholic community background reaches 30 for police officers, to help bring about the ‘closer resemblance to that of the community as a whole’ in the composition of both police officers and civilian staff respectively.”

The SDLP and I acknowledge that there are different views about 50:50 recruitment, but I do not want the unionist party to have a difference of opinion from us in our belief that one of the single greatest achievements — arguably, the single greatest achievement — since the Good Friday Agreement is what the parties have done in respect of the new beginning for policing.

I have said before, and I will say again, that the contribution to policing by the unionist parties has been their finest hour over the past number of years. I have sat on the Policing Board from the beginning, so I know that much of the business of the Patten report, the changes to policing and the Policing Board sat heavily with the unionist

parties. Despite the difficulties that we all had in bringing about the new beginning to policing and implementing the Patten recommendations, unionism never walked from the board; it played its full role.

Even when the institutions in the North were suspended, when there was political turbulence and when other parties were not participating in the new beginning to policing, the SDLP, the UUP and the DUP never walked off the pitch. I acknowledge that, whatever our differences about 50:50 recruitment, my differences with unionism over the past 10 years are not about what the unionist parties contributed to the new beginning to policing.

More than that, nothing that we say in the Chamber tonight should diminish in any way the bravery and leadership shown by those individuals who joined the PSNI and those who applied to join it over the past 15 or 16 recruitment exercises. We realise the level of threat that police officers are under and the number of attacks on them, including those on an officer who was working in west Belfast and on officers in other parts of the North over recent days. Nothing in the difference of opinion on 50:50 recruitment should take away from the contribution that those officers have made.

That is why I take issue with Gregory Campbell's assertion that 50:50 recruitment sends out the message that no Protestant need apply. If Protestant applicants had taken Mr Campbell's advice, the 63% of applicants from a non-Catholic or Protestant background would not have applied. Like the Catholic community, the Protestant community learned a lesson from the Patten report that Protestants, Catholic and others should apply. They did so, because 63% of applicants to the police over the past 11 years have come from a non-Catholic or Protestant background, and 37% have come from a Catholic background.

Those figures speak eloquently to those who have said over the past 10 years that no Protestant need apply. Similarly, those figures speak eloquently to those who say today that no Catholic need apply due to the terror threat. Through those figures, people are saying boldly and courageously what they think of those threats to the community and of those who threaten them.

Mr Paisley Jnr: Although it is very gratifying to hear you congratulating unionists —

Mr Deputy Speaker: Will the Member address all his remarks through the Chair?

Mr Paisley Jnr: It is very gratifying to hear the Member welcoming the fact that unionists stayed on the Policing Board. However, he must acknowledge that, for decades, the SDLP deliberately boycotted the Police Authority. Perhaps if the SDLP had joined the Police Authority and demonstrated the level of commitment that it is now prepared to show to the Policing Board, we would not have as many police graves.

Mr Attwood: The Member knows the response to that. He knows that the RUC, because it so substantially reflected the unionist view of the world, was an arm of the state and was not an impartial vehicle for the delivery of civilian policing. That is not my view; the Patten report stated that the RUC was an arm of the state, which did not treat all its citizens and all its communities equally. That is why we had the Good Friday Agreement and the Patten report, which have created a new threshold and template for the nature of policing. Therefore, bringing up the Police Authority is a red herring, because the problem with policing was not the Police Authority; it was the nature, the culture and the practice of policing and the experience of nationalism over too many years and in too many instances.

We want the retention of 50:50 recruitment because it honours the Patten recommendations properly. The British Government are disingenuous in their consultation document on 50:50 recruitment. In the foreword, the Minister of State, Paul Goggins, says:

"we still have a short distance to go before we have a police service which is representative of the community."

In the British Government's opinion, "representative of the community" means 30%. That is not representative of the community. I accept that substantial progress has been made towards that objective. However, based on the 2001 census figures, which showed the Catholic community at 44% of the total, it is disingenuous for the British Government to suggest that we have only a "short distance to go" before we have a representative police service.

4.45 pm

The Patten report set a different standard, which is more fundamental than the words of the

British Government. Patten recommended 50:50 for 10 years and said:

"We have not taken our model beyond ten years ... a judgment would need to be made as to whether special measures were still needed to achieve a police service representative of the community or whether this could now be expected to develop naturally. Either way we envisage that the composition of the police should continue to move towards a closer resemblance to that of the community as a whole."

Patten was telling the British Government that what was needed in order to create a representative police service, up to 44% Catholic on current trends, and what is needed to build on the significant successes of Patten and policing over the last 10 years, is the maintenance of 50:50 recruitment. Based on current application and recruitment rates, it will be at least 30 years before the uniformed side of the PSNI comprises 44% Catholics. On the civilian side, where Catholic representation has moved up to only 17% in the past 10 years, it could take 50, 60 or 70 years, based on current applicant and recruitment rates, before Catholic membership reaches 44%.

We are telling the British Government, as we are telling everybody, that, given the success of policing over the past 10 years, we should try to accelerate the overall balance as quickly as possible to deepen confidence, build strength and increase representation. If we do that through 50:50 recruitment, Catholic membership will reach 44% in less than 20 years. If we do not use 50:50 recruitment, it could take 30 years or more — and longer on the civilian side. That is not credible or sustainable and is not the right way to go. We appreciate, Mr Campbell — through you, Mr Deputy Speaker — that a small number of Protestants have not been recruited to the PSNI over the past 10 years because of the 50:50 recruitment policy. However, it is a small number, and a small number of Catholics have benefited as a result.

The SDLP believes, as the European authorities believe, that that positive method of recruitment is necessary in a situation where there has been such a historic imbalance of Catholics in the RUC. That imbalance was not caused only by republican organisations' threats against Catholics who joined the police force, but the nature and culture of the RUC and the experience of the Catholic community. We do not diminish the sense of hurt and disappointment

of a small number of Protestants who have not been recruited. However, there is also a deep sense of disappointment among thousands of Catholics and Protestants who have not been recruited for the reason that so many people want to join the police.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Mr Attwood: We should not jeopardise that.

Dr Farry: I beg to move amendment No 2: leave out all after “when” and insert

“all applicants, irrespective of their actual or perceived background, can be eligible for recruitment solely on merit.”

The Alliance Party welcomes today’s debate; it is a debate that the Assembly needs to have. Our party has consistently opposed the use of 50:50 quotas as set out in the Patten report and in subsequent legislation. That has been our long-standing position for the past decade and longer. Despite that, our support for policing reform in society has been clear.

There are three issues that inform my party’s opposition to the quotas. First, we believe that they are unnecessary; secondly, we see them as being divisive; and thirdly, we believe that they have questionable legality — I will come to those in a moment. We approach the subject largely from a liberal perspective, and our amendment flows from that point of view.

We are somewhat concerned about the language that is used in the DUP motion, because it refers to the needs of Protestants in relation to the way in which quotas are working out, as opposed to the interests of the whole community. We believe that our amendment offers a much more rounded approach to the issue, rather than focusing on something that benefits Catholics or works against the interests of Protestants. Quotas work against the whole community.

Mr Campbell: I accept what the Member says about the terms of the motion, but does he accept that it is worded as it is because it is the Protestant community that is discriminated against in the first place?

Dr Farry: I do not. I appreciate where Mr Campbell is coming from, but the point that I am making is that quotas work against the entire community, whether one is Protestant, Catholic or from

a different background. That is the essence that we need to capture in the thrust of the debate. The quota system is not simply a Protestant versus Catholic system; it comprises a Catholic quota and a Protestant and other, or non-Catholic, quota. Although, in the main, the people who are affected negatively by the system may be from a Protestant background, people from ethnic minority backgrounds also suffer as a consequence. The Police Service of Northern Ireland and other police services elsewhere in the UK have questions to answer about their representation of people from different ethnic minority backgrounds. However, the interests of people from such backgrounds are neglected because the system includes them in what is perceived to be the majority community in Northern Ireland.

Mr Paisley Jnr: Does the Member accept that the number of people that he is talking about who have applied to be recruited in the past five years is so negligible that it is very difficult even to gather statistics on it? In fact, there may have been as few as 12 individuals.

Dr Farry: I would say, rather, that the recruitment of those 12 individuals makes my point for me. They may be a very small percentage of the overall number of recruits, but we have to reflect that, in Northern Ireland, we have a much more diverse society. In particular, in circumstances in which people from ethnic minorities have particular problems, having a representative police force is all the more important. A situation in which efforts to make the Police Service more representative are counter-productive, because the barriers are set even higher than elsewhere, does not make sense.

Mr O’Loan: The Member said that the Alliance Party was opposed to 50:50 recruitment from the outset and that it wanted it wound up as quickly as possible. Will he explain how we would have got to the situation that we have today, in which, at least, Catholics represent 28% of the Police Service? The current recruitment round has an application rate from Catholics of 38%. If that continues in perpetuity, we will never get above even 38% of Catholics in the PSNI, which is far from being representative of the population as a whole. How, otherwise, would we have got to the position that we are in today, and how does he see us ever getting to a situation in which we have a Police Service that is representative of the whole population?

Dr Farry: The answer to that is quite simple; representation will be achieved through recruitment on the basis of merit. Obviously, that will take us slightly longer, but the point is that the efforts that we are making to get a balanced and representative Police Service must be sustainable and not divisive. There are some extremely strong feelings in the House, which, no doubt, will be expressed as the debate goes on, and those feelings will reflect how the issue is viewed on the streets of Northern Ireland. It is certainly something that I have picked up on as I go round the doorsteps as an Alliance Party representative. However, I want to focus the debate on the interests of the whole community, rather than making it a Protestant or Catholic issue.

There is far too much labelling going on in this society. We have people who come from open, mixed and multiple backgrounds who do not see themselves as coming from a single identity, and it is important that we represent their point of view as well. There is a notion in society that our political identities, national identities and religious identities, all reinforce one another. For many people, that is not the case, and we should celebrate that fact, rather than constantly trying to pigeonhole people.

When the SDLP spokespeople who talk about the justice portfolio describe David Ford as a unionist, they are making a sectarian comment. David Ford is perfectly entitled to base his politics around an issue other than the union or a united Ireland and to not represent a sectoral interest of society. For him to be pigeonholed is sectarian, whether the SDLP accepts it or not. That is a fact.

The other aspect of how quotas can be counter-productive in trying to achieve a representative police force is that they can fail to reflect the diversity within the monolithic blocks that people have based public policy around, particularly in the Catholic, nationalist section of society. We want to ensure that people from a wide range of backgrounds come forward; not necessarily those from an SDLP political viewpoint who may be on the more moderate end of the political spectrum. We want people from a much more republican background to come forward also. The problem with the simplistic use of quotas is that it does not reflect the type of diversity that may exist at grassroots level in society.

The policy is flawed, even in the stated objectives of trying to achieve a representative and balanced outcome. To use a parallel in looking at the use of quotas, affirmative action has been taken by universities in North America where there is a heavy emphasis on trying to increase ethnic minority participation in classes. Evidence has shown that people who have benefited from those quotas tend to be drawn more from a middle class background and from those who already have the required qualifications. The process means that people in the more hard line ghetto areas who have not had the opportunity to reach a high level of education miss out. Quotas can be a simplistic way of trying to address the type of issue that people are seeking to address.

Mr A Maginness: How do you address the imbalance?

Dr Farry: I am happy to give way. Do you wish me to give way?

Mr A Maginness: It is a very simple question: how do you address the imbalance?

Mr Deputy Speaker: Please refer all remarks through the Chair. Dr Farry, I will decide.

Dr Farry: I am sorry, Mr Deputy Speaker?

Mr Deputy Speaker: I will decide whether someone is allowed to take the Floor.

Dr Farry: I am sorry; I was under the impression that Mr Maginness wanted me to give way. I was confused, given that he was speaking from a sedentary position.

There are three problems. First, the matter is divisive: it polarises people and puts labels on recruits. It also detracts from the pure merit principle. Although I accept that all applicants have to meet the minimum criteria of ability, people are not subsequently treated purely according to their ranking within that merit. Secondly, there have been diversions from European law, in that the British Government have had to seek a number of derogations from European Union directives in order to proceed with the use of quotas. Thirdly, to make a point that may address the concern raised by Mr O'Loan and Mr Maginness, I believe that quotas are unnecessary, as well as being counterproductive and divisive. Other measures can be taken to make services such as the police service more representative of society. There are other affirmative action

measures short of the use of quotas. My party's argument has always been that that is where the emphasis in public policy should lie, which means being aggressive in reaching under-represented communities and going into schools in a proactive manner and encouraging applications from the sector or sectors that are under-represented. I want to see a balanced intake of people applying for jobs in the police and elsewhere. If we have that balance, we will have a workforce that is reflective of society over time.

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Dr Farry: It may not happen overnight, but we have to proceed in a way that is sustainable.

Mr A Maskey: Go raibh maith agat, LeasCheann Comhairle. I ask Members to reject the motion, support amendment No 1, and reject amendment No 2. I ask this on behalf of my party under the requirements of the Good Friday Agreement, the spirit and intentions of Patten, and our party mandate from our special ard fheis in 2007. I will go further and say that we should do this in the overarching spirit of policing with the community, which is a principle of Patten and of the legislation that governs policing today.

5.00 pm

A number of Members understand fully that, in recent years, there has been an ongoing debate about how to embed the entire spirit of policing with the community as an integral part of the way in which the Police Service does its job. We hope that that project was given a lot of momentum by last year's appointment of Matt Baggott as Chief Constable of the PSNI. He has been acknowledged, certainly before taking up his new post, as a renowned expert and strong advocate of policing with the community. However, policing with the community cannot be done unless a police service is reflective of the community that it wants to serve.

The Good Friday Agreement talked about a new beginning. I accept that, across the different communities, there are many sensitivities regarding policing in the past number of decades. By the same token, the Good Friday Agreement was endorsed by the majority of people across the North and, indeed, the whole island. Most people of goodwill have acknowledged, in recent times, that it is the only show in town.

It is the way to go, and we continue to build on its delivery.

The Good Friday Agreement also talked about providing a new beginning for policing and creating a police service capable of attracting and sustaining support from the whole community. Flowing out of that was what became the Patten Commission. The Patten Commission made some excellent recommendations, but it did not go far enough. Members have mentioned the Patten report in the House this afternoon and referred to the magical figure of 30%. However, 30% is still not representative of the size of the Catholic community. Like others, I do not like dealing in the crude, headline terminology of Catholics and Protestants, but that is the kind of society that we lived in. It is almost shorthand for community representativeness, but it does not go far enough.

Members need to know what they are talking about in debates. The Patten Commission said that if a proactive 50:50 recruitment policy were adopted, there would be a representation from the Catholic community of between 29% and 33% within 10 years. Patten went on to say that, in parallel with that, recruitment could be carried out without any cap up to 1,000 Catholic officers in the part-time service of the PSNI. Those two measures, in parallel, would bring about a 40% Catholic representation in the PSNI in 10 years, which is a little bit closer to community representation than we are today and will be next year.

The British Government — as they always do in matters such as the bill of rights, which we debated earlier — subverted aspects of the Patten report and did not deliver on the spirit and intention of Patten. To deliver the type of representative police service to which this community is entitled, the 50:50 recruitment policy and other measures are needed. We tried to table an amendment that went further by calling for the retention of the 50:50 recruitment process and any other measure that might be necessary to ensure that, within a reasonable period, the PSNI, in all aspects, was representative of the community that it purports to serve.

Indeed, I argue that the PSNI will never fully have the entire confidence of this community until it is representative of that community. That is a job of work that, thankfully, many people

in the PSNI openly advocate. It makes sense, and it is another argument that Patten made about efficiency and effectiveness. If the Police Service is not representative, it will not attract support from the wider community.

I also argue that the motion is inherently sectarian, because —

Mr Deputy Speaker: I ask the Member to draw his remarks to a close.

Mr A Maskey: For every claim that Protestants are discriminated against because of the 50:50 recruitment practice, there are thousands of Catholics who have been discriminated against. It is not a Protestant Police Service, so every person should be appointed to an officer job on merit and on a 50:50 basis.

Mr B McCrea: The Ulster Unionist Party has long had difficulty with any form of discrimination, even positive discrimination. It creates a long-term cancer in our society and makes people feel that they are not being treated fairly. There are also issues relating to the legal powers.

Mr Maginness challenged a number of Members and asked how we will ever get to 50:50 or 40% Catholic representation if only 38% of the people applying to the Police Service are from the Catholic tradition. The answer is that many, many more people apply than there are places available. It can, therefore, be achieved through the application of simple mathematics, albeit in a different way. If Members want to know how to increase the number of Roman Catholics who serve in the police, a key point is that people should stop shooting and targeting those who serve. That is the real reason that we did not have balance in the past. The RUC was never opposed to having people from different traditions in its ranks.

Mr A Maginness: Does the Member agree that even in the most peaceful of times in Northern Ireland, the percentage of Catholics in the RUC never exceeded 11%? Why was that the case?

Mr B McCrea: One must ask why that was. When people started off with the RUC, it was with good intent.

I am surprised that the SDLP tabled such an amendment, because it appears irrelevant. The number of recruits that we need in coming years is not 400 annually but 100 annually. One begins to think how long it will take to change the situation. Surely we have reached a level

of maturity in the PSNI and elsewhere, whereby we can rely on the spirit of generosity and righteousness, and appoint recruits on merit.

Mr Attwood was a little selective in reading out the Patten recommendations. Members have danced around the issue. Even Mr Alex Maskey mentioned it. Paragraph 14.10 of the Patten report states:

"The model we have developed would lead to the proportion of Catholic officers more than doubling within four years, to between 17 and 19 ... and quadrupling within ten years to 29-33".

The text that has not been quoted from that paragraph reads:

"We believe that this is a very substantial increase within a reasonable timeframe ... It quickly gets into the range of 'critical mass' estimates that experts have given us (between 15 and 30), as the level needed to ensure that a minority does not find itself submerged within a majority organizational culture."

Mr A Maginness: Will the Member give way again?

Mr B McCrea: I am sorry, but I have already given way, and I am quoting from the Patten report on this point.

We are at the top end of that range. The figures that I have before me show that we are at 27.88%, as of February this year, and the projections are that we will hit the Patten targets. We have now reached a stage of maturity, and we can make the point that all are welcome to join the police on the basis of merit.

Mr A Maginness: Will the Member give way once more?

Mr B McCrea: I am sorry, Mr Maginness. I have already given way and will not do so again.

I will address amendment No 2. It may come as a surprise to Mr Farry that the Ulster Unionist Party will support the amendment. Mr Farry said to the SDLP that Mr Ford does not like to be called sectarian just because he is a unionist. The Ulster Unionist Party does not support the amendment without good reason. We are determined to be a non-sectarian party that is open to all the people. We are pro-Union and pro-devolution. That is the way forward and that is why we will support the amendment. However, if the sauce is good enough for the gander, it is good enough for the goose.

I return to the SDLP's point. I do not understand why that party is fixated on the past and on going backwards, and on dragging us into debates that are unproductive. Mr Attwood talked about the positive things that we have all done, yet he then dragged us back and said that we cannot be relied on to act in a positive manner.

We should fix on the strategic review of policing's revelation that there are 704 fewer front line police officers than there were three years ago and that, since the Patten recommendations were implemented, the experience base has diminished by 73%. There are now 3,904 officers in the PSNI who served in the RUC and 3,358 who have been recruited since the establishment of the PSNI. The impact of that is that we no longer have the experience that we need to deal with serious crime.

Look at the terrorist attacks that we have had recently — we do not have that resource there either. It is not about a sectarian headcount; it is about selecting good officers on merit who give us the police service that we need.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Mr B McCrea: The fundamental challenge for all of us is to get a police service that all the people of Northern Ireland can support. That is the only way to a sustainable long-term future, and that is why we support amendment No 2.

Mr T Clarke: I support the motion. I welcome the fact that the discriminatory policy is, at long last, coming to an end. It has been our party's position that the policy of 50:50 recruitment in the PSNI should be brought to an end. To go further, it should never have been introduced in the first place. It is discriminatory to select people on the basis of whether they are Catholic, Protestant or other. I know of many people, some of whom were in the Reserve forces, who have applied once, twice, three times and even four times to join the Police Service in recent years and have been turned down because they were Protestants. That is absolutely outrageous.

The argument for the policy was to increase the number of Catholic police officers in the PSNI. One has to ask what religion has to do with the Police Service of Northern Ireland. Even the Member opposite referred to merit in his closing remarks. Unfortunately, he added a comment about 50:50 recruitment, so although he went

halfway to declaring that recruitment should be based on merit, he put in the caveat that it should be merit that was based on 50:50 recruitment. It should be on merit alone, not on any other basis. The policy demonstrates that the SDLP and Sinn Féin are not interested in human rights or equality. They speak so much and so loudly about equality, but this policy flies in the face of that.

I noted that my party colleague Gregory Campbell, at the introduction of the debate, referred to Alex Attwood and the statistics that show the under-representation of Protestants in the Housing Executive. Another example is the Equality Commission, in which there is a stark contrast between the representation of Protestants and Catholics. If Alex Attwood or any other SDLP Member wishes to put forward a motion to introduce fairness and equality to the Protestant community in either of those two sectors, I would happily sign it. That would be very fitting, given that the SDLP Minister holds the portfolio of Social Development, which is responsible for the Housing Executive. If any SDLP member wishes to come to me in the near future, I would certainly sign that piece of paper with open hands to bring that discrimination to an end.

In no other western country would a policy of 50:50 be allowed to operate. Quite frankly, it flies in the face of basic human rights and equality of opportunity. I pay tribute to the members of the RUC, the UDR, the Special Constabulary and the Royal Irish Regiment for their commitment, dedication and honour in serving Ulster during the darkest days, which were known as the Troubles. I pay tribute to those who paid the ultimate sacrifice and lost their lives at the hands of terrorists. Those people did not join those forces because of Catholics or Protestants; they joined those forces to serve everyone in Northern Ireland. I commend the motion to the House.

Ms Anderson: Go raibh míle maith agat. Éirím chun tacaíocht a thabhairt do leasú uimhir a haon.

I support amendment No 1. Policing in the North has been transformed in the 10 years since the Patten report was published. As my colleague Alex Maskey stated, Patten did not go far enough on a range of issues, including 50:50 recruitment. However, we concluded that if the Patten proposals were implemented, they could provide the threshold for a new policing service.

To republicans and nationalists, policing was once the armed wing of unionism. It was used as a tool to abuse and repress. In my constituency, I remember the cases of Sammy Devenny and many others. However, in the years following the Good Friday Agreement and the Patten reform, through legislative changes that were secured by Sinn Féin and others, democratic control and accountability were forced onto policing structures here. Those structures have been transformed. Republicans are now at the heart of policing, ensuring that the PSNI is held to democratic account while these institutions prepare to take full account of policing and justice powers for the first time in almost four decades.

5.15 pm

Patten has contributed to creating that new atmosphere. As has been mentioned, when the provision was introduced in 2001, Catholics made up just 8.3% of the police. Today, as has been said, it stands at almost 28%, which is still well short of being truly representative of the community as a whole. However, it is progress in the right direction, and I would have hoped that the Members who tabled the motion would have welcomed that. After all, what is so threatening about having a police service that is representative of the community that it serves?

Gregory Campbell and others have consistently railed against the Patten reforms. Gregory Campbell is one of those who have been telling the world for years that everything would be OK if Catholics accepted the forces of law and order. I believe that Gregory Campbell wants Catholics to be policed, but in my opinion, he does not want them to be in the police. However, just like your Parliament, the days of a Protestant force for a Protestant people are long gone.

The 50:50 recruitment policy is not about discrimination against Protestants or about giving Catholics an unfair advantage; it is simply about recruiting on a representative basis. Regardless of whether it is applied to police officers or to civilian staff, recruitment must be carried out in a way that reflects the community as a whole. A good police service should be representative of the community that it serves, and we are now on track to achieve that through 50:50 recruitment. Therefore, I welcome the retention of that provision for another year. I hope, as the amendment states, that the policy continues after the percentage of members from

a Catholic community background in the Police Service reaches 30%. That continuation will help to bring about a closer resemblance to the community as a whole.

The experience of policing has shown us that special measures are absolutely necessary to bring the number of Catholics in the PSNI up to the level that it should be. Such measures should remain an option in the years ahead until we reach the stage at which the PSNI is truly representative at all levels.

Mr Weir: The Member puts great store by her belief that processes should be put in place and maintained to ensure that the Police Service fully reflects society. Why, then, has her party not tabled an amendment requiring similar percentage quotas on the grounds of gender or for ethnic minorities, for example? Surely if the police are to be fully representative of all sections of society, her party would be similarly exercised about putting in place legal quotas that reflect all elements of society, rather than about having quotas that are based simply on a sectarian headcount.

Ms Anderson: We are similarly exercised about those issues, but we are dealing with the fact that one community used to police another. One community used to impose policy on another. Thankfully, those days are gone, and measures such as 50:50 recruitment should remain an option in the years ahead until we reach the stage at which the PSNI is truly representative at all levels. The fact remains that there continues to be a serious under-representation of Catholic officers in senior ranks, as many Members here who are on the Policing Board know. Indeed, I declare an interest as a member of the Policing Board.

Therefore, as we continue to build a new era of human rights-based policing here, with justice responsibilities being transferred out of Britain into the hands of people here in Ireland, I urge the proposers of the motion and the amendments to stop re-fighting the old lost battles over and over again. They should join with the rest of us in building the kind of representative, accountable policing service that people voted for and want to see. I support amendment No 1. Go raibh míle maith agat.

Mr Spratt: I am pleased to speak in the debate, and I declare an interest as a member of the Policing Board and as Chairperson of the

Assembly and Executive Review Committee. I support the motion.

It must be said that since 2001, the Police Service of Northern Ireland has undergone unprecedented change, as has the entire British police service. Indeed, that change continues. The PSNI is now one of the most accountable police services in Europe, and, possibly, in the world.

Some figures have been cited, one of which was that 27% of the PSNI's membership is now Catholic. It has also been said that the 50:50 policy has been extended for another year to allow that proportion to hit the 30% target.

The Patten report has been quoted many times today, but here is a new quote:

"The percentage of Catholic applicants rose from 12 to 21 after the IRA ceasefire in 1994, and fell back when the ceasefire ended. It rose again in 1998 to 20."

That is why, over the years, there has been an imbalance. Even Patten accepted that fact, and nobody can rubbish it.

I spent 30 years in the Police Service. I see some SDLP Members smiling, but I challenge any Member, or anybody outside the House, to say that, throughout my service, I did not serve the whole community impartially.

Mr McElduff: Does the Member accept that in some people's experiences in places such as Carrickmore, County Tyrone, where the RUC's behaviour towards the local population was often disgraceful, the RUC presented itself as a sectarian force? Notwithstanding the Member's commitment, does he accept that that was the case?

Mr Spratt: On many occasions over many years, it was RUC officers investigating themselves who brought to justice members who had done wrong. I could quote many instances in which that was the case, so do not give me any lectures.

My son, who is now a police officer in another part of the United Kingdom, has first-hand experience of 50:50 recruitment. On two occasions, I saw the devastation on that young man's face. He twice passed the first part of the PSNI's recruitment process, which is much more robust than other police recruitment processes in the United Kingdom, and on both occasions, he was elated to receive a letter to say that he

had passed. Within a week to 10 days, there was absolute devastation when the "sorry you're a Prod" letter arrived on the doorstep. That scenario was repeated in many homes. Whether people like that or not, it is wrong.

Mr A Maskey: Will the Member give way?

Mr Spratt: I have already given way.

There has been much talk about police services in the rest of the United Kingdom, and Alex Maskey spoke about community policing. Throughout the United Kingdom, many cities are as divided as Northern Ireland, and people from ethnic backgrounds do not apply to join those police services. All parts of the Catholic community must encourage Catholics to join the police. Everyone should have equal opportunities and be recruited on merit, and the best people for the job must apply.

Basil McCrea referred to the future, and he mentioned a figure of 100 recruits in the nine to 10 years after 2011. As the chair of the Policing Board's human resources committee, I know from Police Service figures that only 40 or 50 new recruits will be required to replace those who will leave the Police Service because they are at pension age, resigning or being dismissed. The recruitment process should be based on merit, and the best person should get the job, irrespective of religion.

The Police Service of Northern Ireland is no different from any other British police service or, if people want to talk about them, from the guards. Policing and community policing is about providing a service to the community, irrespective of a person's religion, ethnic background or anything else. That is what the public deserve and should have, so let us get away from tarnishing the police as a Protestant police force for a Protestant people, an expression that Alasdair McDonnell used only last week when, in an open forum at Wellington College, he deliberately misinterpreted figures.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Mr Spratt: That was wrong, and it needs to stop.

Mr Cree: I also wish to place on record my membership of the Northern Ireland Policing Board.

I welcome the debate today and would have welcomed it last week as well. The Ulster

Unionist Party has always believed that the 50:50 recruitment policy initiated by Patten was the repugnant legalisation of religious discrimination. I welcome the end of a policy that has placed Northern Ireland outside the norm of equality legislation in the UK and across Europe.

Any reasons that people may have had for supporting 50:50 recruitment in the past have surely disappeared by now. We should not ignore the fact that having put recruits through a discriminatory process, we ask them to swear an oath upholding equality and fundamental human rights.

Let it not be forgotten that Sinn Féin and the SDLP support the Police Service in Northern Ireland. It is good that both parties sit on the Policing Board, which scrutinises the Police Service, and on the district policing partnerships, which help to set priorities for local community policing. Other Members touched on the fact that we probably have the most regulated police service in the Western World.

In light of those facts, the SDLP amendment is deeply regrettable and, in truth, in stark contradiction to the principles on which I thought that party was based. The equality in which I believe means that people are judged on their talents and abilities, not on their status at birth or their religion or ethnicity. I want a Northern Ireland that promotes that type of equality.

There is no doubt that Northern Ireland has changed for the better. I genuinely want the Police Service to reflect the entire community. That means that the Police Service must be made up of Protestants, Roman Catholics and anyone else who wants to join. However, promoting discrimination to achieve that goal is simply wrong. Whether people are appointed to the Police Service must be based on merit alone. Some Members implied that police officers are there to represent their section of the community. That is also wrong and should not be accepted by any right-thinking person. Everybody in this place has a clear responsibility to encourage Protestants, Roman Catholics and any other religious or ethnic group to join the police and to serve all the people of Northern Ireland.

The Ulster Unionist Party condemns the cowardly attacks by dissident republicans on Catholic officers in the PSNI, and I am pleased that

the attacks have not reduced the number of Catholics applying to serve in Northern Ireland. However, if we are genuine about creating a new and sustainable dispensation in Northern Ireland, everyone must be treated equally. The SDLP should now do the right thing by respecting the decision to end 50:50 recruitment and working towards a genuinely equal Police Service.

The 50:50 recruitment policy meant that one section of the community lost confidence in the police. The SDLP has shown today that it does not trust the structures of which it is part, and it does not trust the brave policemen and policewomen in Northern Ireland to serve the entire community. That is deeply regrettable.

If Northern Ireland is to have a more positive future, we must promote genuine equality of opportunity for all. We will have to build a Northern Ireland that is based on trust. Earlier, Mr Attwood referred to the fact, as he saw it, that Protestants had not been unduly affected by the 50:50 recruitment policy. However, since the introduction of the policy, 945 Protestants and no Roman Catholics have been rejected. That discrepancy speaks for itself. The decision to end the deeply flawed policy of 50:50 recruitment will help to boost confidence again. Therefore, everyone should welcome it.

(Mr Deputy Speaker [Mr Molloy] in the Chair)

The Ulster Unionist Party had suggested a similar amendment to that of the Alliance Party, but, unfortunately, it was not accepted for debate today. As a result, I am happy to support the motion as altered by amendment No 2.

5.30 pm

Mr A Maginness: I am pleased to participate in the debate. I am amused by the unionists' argument that they are opposed to positive discrimination because, as is the case with the Alliance Party, they do not present any alternative argument on how to achieve a police service that is representative of the whole community. That is the basic weakness of their argument. If 50:50 recruitment did not exist, Catholics would not have such significant representation in the Police Service.

Mr Campbell: I thank the Member for giving way, unlike his colleague Alex Attwood who refused to do so earlier. Alban Maginness has made that same point several times. Does he

accept that 40% of those applying to the police, currently and in previous competitions, are Catholic? That, in and of itself, will eventually resolve the under-representation of Catholics in the Police Service. However long that might take, it will be resolved more quickly than the under-representation of Protestants in the Housing Executive.

Mr A Maginness: I accept that there is a variety of figures.

We want a steady stream of people from the Catholic community to join the Police Service to make it representative of the whole community. As members of the Police Service, we want them to represent the whole community, not only the Catholic community or the Protestant community. That is the important objective, and it is one that we should all want. When people signed up to the Patten report, they agreed, as stated in chapter 14, that the community would be fully represented in the Police Service.

Mr Simpson: Will the Member give way?

Mr A Maginness: No; my time is running out.

If Members want to consider the arguments, paragraph 14.11 of chapter 14 of the report states:

"We have not taken our model beyond 10 years. As we have said in the previous chapter, we would expect the question of the size of the police service to be revisited by that time. In the light of recruitment experience and other developments between now and then, a judgment would need to be made as to whether special measures were still needed to achieve a police service representative of the community or whether this could now be expected to develop naturally. Either way we envisage that the composition of the police should continue to move towards a closer resemblance to that of the community as a whole."

That is what Patten said, and people signed up to that worthy objective.

We have almost achieved 30% Catholic representation, and that is good for all of us. That figure of 30% represents the critical mass to which the Patten report refers. However, there is a fundamental difference between establishing a critical mass and achieving representativeness of a community in the Police Service.

It also amuses me that the unionist parties forget that, in 1922, Sir Dawson Bates recommended that one third of RUC recruits be taken from

the Catholic community. That was an attempt to make the Police Service representative of the whole community. In case some Members think that Sir Dawson Bates was a softie, he was far from it. As the Minister of Home Affairs for several years, he was responsible for gerrymandering and, amongst other things, the abolition of proportional representation. From a unionist point of view, his political credentials were sound, and his view should be instructive to all unionist Members. Such a recruitment policy is a proper means by which to try to establish a community balance in the Police Service.

More work remains to be done to make the Police Service of Northern Ireland fully representative. Contrary to what the Alliance Party said, it cannot be achieved on a laissez-faire basis. If we were to rely on what the Alliance Party said, we would be stuck with the percentage of Catholic representation in the Police Service at around the mid-teens. That level would not have been exceeded, the percentage would not be close to the critical mass of 30%, and the Police Service would not be approaching the point at which it could be deemed as representative of the whole community. That is an important achievement.

The people who have been appointed, whether from the Protestant community or the Catholic community, are meritorious. Everyone should remember that. The merit pool is important.

Mr Deputy Speaker: The Member should bring his remarks to a close.

Mr A Maginness: Shame on anyone who suggests that police officers, whether Catholic or Protestant, are unmeritorious and unworthy of membership of the Police Service.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I declare an interest as a member of the Policing Board.

I support amendment No 1. The Chief Constable's annual report for 2008-09 stated:

"The PSNI wants to have a workforce that is reflective of the society it serves."

It went on to say:

"It is through initiatives such as ... the 50/50 legislation that the PSNI hopes to establish a truly reflective workforce."

That makes it clear that the top-ranking police officers in the PSNI recognise that there is a

compositional problem and see the benefits of implementing a 50:50 recruitment policy or something similar until the workforce is more representative than it is now.

Mr Easton: The Member's party is fond of talking about equality, but there does not seem to be equality for Protestants joining the PSNI. Does his party believe that recruitment to the PSNI should be based on the best man or woman for the job and not on his or her religion?

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr McKay: As was made clear in previous contributions, a merit pool exists, and everyone who gets a job in the PSNI through the 50:50 recruitment system is appointed on merit.

As I said, it is clear that top-ranking police officers recognise that there is a compositional problem that must be dealt with. The PSNI top team, which includes the Chief Constable, faces a challenge to bring forward proposals to ensure that compositional change continues if Patten is phased out. If they do not, and the percentage of Catholic employees and employees from other minorities in the Police Service decreases, confidence in the police will suffer a massive blow.

We must, of course, address the representation of other minorities and other sections of our society. Stephen Farry referred to those from working-class communities. There is an under-representation as far as the loyalist and republican communities are concerned.

Mr Simpson: Will the Member give way?

Mr McKay: I will not.

Peter Weir referred to under-representation in gender and race. The Policing Board has tried to address that through a gender action plan. Sinn Féin has submitted proposals to look at measures that other police services have implemented where the representation of females in the police is monitored.

At a time when we should be maximising confidence through the devolution of policing and justice powers, there is a danger that that confidence could be eroded from within.

Mr B McCrea: Will the Member give way?

Mr McKay: I will not give way.

The Patten report said:

"real community policing is impossible if the composition of the police service bears little relationship to the composition of the community as a whole."

That point was also made in the Macpherson report, which, following the death of Stephen Lawrence, highlighted the racism in the Metropolitan Police Service in London.

Patten did not place a cap on the 50:50 recruitment programme when Catholic composition reached 30%; the NIO and the British Government did that. Patten forecast that the programme could achieve as much as 33% Catholic representation in the Police Service after 10 years and said that the composition of the police should continue to move towards a closer resemblance to that of the community as a whole.

Other opportunities have been missed. Alex Maskey referred to the recruitment of part-time officers, which could have been handled better.

There is an onus on the board and, indeed, on the PSNI to look into the number of new recruits who leave the service and to interpret the reasons for their leaving. Three hundred and thirty officers who joined the PSNI since November 2001 have left, 209 of whom had Catholic backgrounds. Therefore, Catholics are significantly more likely to leave the police. Clearly, that area requires more scrutiny. Not enough exit interviews are being carried out with those leaving the Police Service.

Aside from the 50:50 issue, it was envisaged that the accommodation of lateral entry would help to deal with the more severe under-representation of Catholics at the higher levels of the service. Unfortunately, that has not come to pass, and the British and Irish Governments have not shown the political will necessary to deal with the barriers being faced by gardaí who want to join the PSNI by way of lateral entry. Given the proposed phasing out of 50:50 recruitment, the two Governments must urgently put in place a plan to deal with the issue of pensions for those seeking to transfer using that mechanism. With the forthcoming promotions in the police, the importance of the lateral entry mechanism cannot be underestimated.

The changes to the Police Service and to policing over the past 10 years have been positive, but it is important for that process of change to continue. Community representation

is intertwined with community confidence and real community policing. A lot of work has been done, but a lot more needs to be done.

Dr W McCrea: The debate is timely, and I congratulate my colleagues on bringing it to the House. We have had a decade of discrimination against the Protestant community, and it is sad that that is to be extended for a further year. However, it will be welcomed if it is the final year.

Significant numbers of Protestants across the community have been deliberately discriminated against because of the action taken to kowtow to the republican agenda and to nationalist agitation. Today's debate has been very interesting. I never cease to be amazed by the arrogance of some people, which verges on hypocrisy. On the one hand, they are against discrimination and are for fairness and equality legislation. However, when it comes to Protestants, it really does not matter: that can all be thrown out the window. In his remarks, Mr Alban Maginness said that it amuses him. I can tell Mr Maginness that there is nothing amusing about discrimination when one is being discriminated against. I realise that that fact might amuse him, but many of the young people who have applied to join the Police Service of Northern Ireland want to serve their community.

I pay tribute to those who served the community in the RUC, the RUC Reserve and the RUC GC. They served the community during some of the most difficult years that Northern Ireland has been through. I pay tribute to those young men and women from both the Protestant community and the Roman Catholic community who stood side by side against a vicious onslaught of terrorism, and did so courageously. I congratulate all those in the community who decided to make their contribution to the well-being of Northern Ireland, not because of their religious name or tag, but because they wanted to serve the people and to bring peace and stability to Northern Ireland. Therefore, the Protestant community resents the fact that when applicants go through all the examinations and health checks and are acknowledged to be suitable candidates to serve the community, they are told that the only reason that they are being turned down is that they happen to be Protestant.

When Mr Maginness made his comments, he was challenged by my friend from East Londonderry Gregory Campbell about equality

of representation for Protestants in the Housing Executive. He never took it under his notice. He had nothing to say. He was totally silent, and the record of the House will prove his silence. He was silent because he does not really care about the Protestant community. He does not care about it being discriminated against in the Housing Executive, and he does not care about it being discriminated against in the Health Service. He just does not care, simply because fairness and equality mean nothing when a person happens to be a Prod.

Just as those people do not want to see a Prod on the streets or walking the roads, so they do not care whether they have a job. I do not care about a person's religion. If a person is a Roman Catholic, that person has the right to a job, and he or she has the right to have opportunities equal to those of their fellow citizens in this country. It is not a person's religion that should decide whether they get a job; whether they are best person for that job should decide.

5.45 pm

Many years ago, before I was the chairperson of Magherafelt District Council, a charge was made against the SDLP that when it was in control of that council, it had discriminated against the Roman Catholic community. It is on record that the only time that the Roman Catholic community got fairness of employment in that council was during the four years that unionists controlled it. Indeed, I was the chairman of the council during that time. Therefore, I will not stand for lectures from anyone on the issue of fairness.

I believe that the best person for the job should be the one who gets it, irrespective of their religious persuasion. That person would deserve the job, regardless of whether the post is in the police, the Housing Executive or in any other body in society. That is why I give my wholehearted support to the colleagues of mine who tabled the motion. A discrimination exists that must be condemned and ended now. I ask the House to give its resounding support to the motion.

Mr Deputy Speaker: The Member should draw his remarks to a close.

Dr W McCrea: Let us see Northern Ireland moving forward to brighter and better days in which we can cast aside discrimination

against both the Protestant community and the community at large.

Mr Paisley Jnr: A viable principle in any democracy ought to be that religious discrimination is wrong — period. The British Government have had to create a derogation from law, and they have had to abuse natural justice and create a false situation in which that principle has been violated and in which active discrimination has an impact day and daily.

Earlier in the debate, Jimmy Spratt gave a very moving account of what happened in his own house. Indeed, that account could be repeated 1,000 times across the homes of Northern Ireland.

Mr A Maskey: Will the Member give way?

Mr Paisley Jnr: Let me make my point.

A person could have applied for a job in the Police Service, could have passed all the tests, may have gone through vetting and had everything approved, yet a letter could land on their doormat telling them that because they are a Protestant, they will not be getting in. That is an indictment of a democratic society, and it tells a story of discrimination that the House should be united in opposing. It is discrimination, regardless of whether it is against Roman Catholics or Protestants, and it happens because of the place in which the people concerned choose to worship or because an accident of birth means that they have ticked a particular box on a form. The House should stand in unity against such discrimination. Instead, however, we have Members trying to contrive clever little arguments that justify discrimination. Discrimination cannot be justified; it is wrong. The House should stand united against it, and it is a sad reflection of our society that it has not.

The House has heard a great deal from the SDLP about the Patten report and about how it should be protected, how it is a totem about which everything is right and how we should never move away from it. However, the SDLP was quite content to move away from the Patten report when it demanded 2,500 part-time officers in the Police Service. I have yet to hear that party demand that that element of the Patten report be implemented. I have also yet to hear the SDLP argue decisively that the Patten report should be implemented for building a police college in Northern Ireland, and I have yet

to hear that party oppose the extension of the contracts of the full-time Reserve for four years, even though Patten suggested that it should be made extinct by April 2006.

Mr A Maskey: Will the Member give way?

Mr Paisley Jnr: I will give way in a moment.

Although the SDLP keeps clinging to the point that the Patten report is invaluable and must be protected, the fact is that that party is cherry-picking because it likes discrimination against Protestants. That is the bottom line.

Mr A Maskey: I thank the Member for giving way. Returning to an earlier point, will the Member tell the House what he would say to a meritorious Catholic applicant who received a refusal because they did not fit the 50:50 recruitment policy? The whole emphasis of the debate is on the Protestants who did not get the jobs. What about the Catholic applicants?

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Paisley Jnr: I thought that my earlier comments would have sufficed. All discrimination is wrong, and the only people who should receive letters of refusal are those who have not been meritoriously successful and who have been advised to try again. That refusal should not be based on their religion. However, it is unfortunate that such discrimination happens. The fact of the matter is that discrimination fosters more discrimination and more hurt.

Some points were made earlier in the debate about how some want to see more discrimination — indeed, some want discrimination extended for another 30 years. I hope that the House says that enough is enough, that discrimination will not be extended for another 30 years, and 50:50 recruitment will not be used for the recruitment of civilians or anyone else. We should end the evil of discrimination.

There is an issue about the number of Roman Catholic recruits who have left the Police Service. The Member for North Antrim said that 209 Roman Catholics who had been probationer constables and then constables had subsequently left the service. That happens twice as often among Roman Catholic recruits as it does among Protestant recruits. However, we should look at the reasons why some of those people are dismissed. According to the sheet of paper that the Member quoted from

— selectively — 80 student officers resigned and 36 were dismissed. Forty-one probationer constables were dismissed, seven constables were dismissed, and 51 resigned because they did not like the job. One sergeant resigned because he did not like the job.

Those people leave the service for a whole host of reasons. Most of them do so voluntarily because they do not like the service. One has to accept that, when, for so many years, members of a community were deliberately targeted and murdered if they joined the police, and the so-called democrats of that community did not encourage their community to join the police, and would not even join the Police Authority, it is little wonder that Roman Catholics did not feel comfortable about joining. When they do join and discover that it is not the job that they actually wanted, they have to face up to the consequences of that, and it is better for them to get out. The fact is that those 209 vacancies could have been filled by people who should have been meritoriously recruited to them. That is the indictment of the House, and I hope that we right that great wrong.

Mr Bell: I fear, when I listen to the arguments for discrimination from the Benches opposite, that Members are defending their mistakes almost as if they were defending their inheritance. When the history of 50:50 recruitment is written, it will be shown to be the antithesis of fairness and equality.

I have four points to make, and I would like, if I may, to use the acronym SDLP. The “S” stands for “sectarian”. We have already heard today the attempted identification of Mr Ford as a unionist — a clear example of sectarianism creeping into the SDLP. The “D” stands for discrimination. We in Northern Ireland have had to go to Europe to say that we wish to depart from the acceptable standards of fairness and equality. The Benches opposite want to go against standard practice on human rights. They want to derogate from human rights in order to get the discrimination in the SDLP against Protestant people who apply for jobs on merit.

As for labour relations, when I think of the SDLP and look at the little bunch of green capitalists in front of me, I see a party as far removed from that of Fitt and Devlin as it is possible to be. Is the 50:50 recruitment policy not the opposite of labour relations? We will bring people in, set them a test, offer them a position on merit, but

at the end of that process, the SDLP will tell them that it will discriminate against them and derogate from internationally accepted human rights principles in order to do it.

My colleague Ian Paisley Jnr referred to the picking in the SDLP. We have had the sectarianism, the discrimination, the opposite of labour relations, and then we have the picking of the parts of the Patten reforms that they like and the parts that they do not like. Is it coincidence that the parts that they do not like are the parts that particularly affect the Protestant community? I will mention a case from my Strangford constituency, although I will not mention the person's name.

A young man got his job through merit and served for a number of years in the Metropolitan Police in London, where he gained a plethora of experience in a modern UK city. In Strangford, we want people to come to live, invest and work in the area. That young man came from a United Kingdom police force with a proven track record of excellence and expertise, and he applied to join the PSNI. Having got all the way through the system, he was told that although he was qualified and had a proven track record and references in policing, he would be discriminated against in Northern Ireland because he is a Protestant.

How can I go back to that person and say that I want him to live and work in Strangford and raise his family and invest there, when he will be discriminated against because he is a Protestant? Is that not the worst form of discrimination imaginable? Is that not discrimination with a capital “D”? How can we ever turn that around?

In the future, people will ask us questions. They will ask why we derogated from human rights by discriminating against Protestants. It will be asked why many people who could have served the Police Service very well are not going to be given that opportunity. I join Dr McCrea in paying tribute to the men and women of the police, the RUC Reserve and the RUC George Cross, who served the public when the SDLP ran away. They continued to provide a service when they were being terrorised in and outside of work and when off-duty disabled police officers were shot. Is it not the ultimate in heroism that they continued to serve while the SDLP ran away?

I am sad that only two Ulster Unionist Party Members are present for a debate on a matter

of such magnitude. It gives me no pleasure to say that the principle of 50:50 recruitment originated in the mind of Ken Maginnis.

Mr Deputy Speaker: The business on the Order Paper has not been disposed of by 6.00 pm. In accordance with Standing Order 10(3), I propose to allow the business to continue until 7.00 pm or until business has been completed.

Mr Shannon: I support the original motion. As will most Members, I can well remember the day when the saying “may the best man win” was applicable for all competitions and for all job applications. The person who performed best and who was the best skilled would win the gold medal or get the job. Clearly, that has not been the case in PSNI recruitment since the Patten recommendations for a 50:50 policy came into play. It is no longer the case that the best, most skilled or most fit-for-purpose man or woman will get the job; it is the one who ticks the right background boxes.

The best way of illustrating the issue is to give an example without mentioning any names, as other Members have done. Recently, I was contacted by a young man who went through the rigorous selection process on three occasions. On each occasion, he scored well, but, unfortunately, he did not come from the right background. I long for the day when that young man will phone me to say that he has been accepted to join the PSNI and can make a contribution to society, as many such young people can.

I will give an example from my constituency of Strangford, which Jonathan Bell also represents. Members will remember a song that used to be on TV called ‘Two Little Boys’ by Rolf Harris, and they will be glad to hear that I am not going to sing it. The song is about two young boys who grew up together and ended up on the battlefield. One was a Union soldier and the other was a Confederate soldier.

I am very annoyed by the SDLP amendment, because I know of two young boys from the same district who ran about together. If they were standing in front of us, you could not tell the difference in where they came from, because they both looked the same. They were the same age when they applied to join the police, and they were friends. They both made it through the application process as far as the medical and the role play. One got through to

the next stage but, unfortunately, the other one did not.

The one who got in was a Roman Catholic. I know the young man, and I am sure that he will make a superb police officer and will do extremely well. However, he got a lower score in the role play than the Protestant applicant, yet the SDLP says that the system is meritorious and honest and not discriminatory and biased against Protestants. The fact is that it is dishonest, and so is the SDLP’s amendment. I am very annoyed about that, but I will have to deal with it.

6.00 pm

The number of people from a Catholic background who have applied to the Police Service has risen. In fact, the figures quoted today show that 28.7% of police officers are Roman Catholic. Times are changing, and we should support the principle of people getting jobs based on their merit, experience and ability rather than on which church they attend on Sundays. Minister Goggins has stated that the 50:50 process will be run for the last time this year. Many people in the Province breathed a sigh of relief when they heard that, and they are pleased that that will be the case. A discriminatory process is in place that is grossly unfair to Protestant people, and that is quite annoying.

Mr Paisley Jnr: Does the Member accept that it costs £61,022.95 to recruit a single police officer and that the reason that it costs so much — it is about £30,000 more than the rest of the UK — is the discrimination clause? Earlier, we heard that 209 Roman Catholic officers have left the service, which means that in excess of £12 million of resources has been wasted over the past couple of years because of that recruitment clause. That is a disaster financially, socially and for community relations.

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Shannon: I thank the Member for his comments, and I agree with him wholeheartedly. His point clearly illustrates the issue. The monetary factor must also be taken into consideration.

I work closely with community groups in my constituency of Strangford, and I can assure Members that the only questions that those groups ask about police offers are whether they

are willing to get their hands dirty, muck in with everyone else and do the job. They do not ask what their religion is. They do not want to know which box those police officers mark on election day; rather, they want to know whether they will go the extra mile when necessary. They do not want an officer who fits the right profile; rather, they want an officer who can profile and catch the thieves who are terrorising their areas. That is an issue for the many people whom I represent. They want police officers who are called to the job as their vocation and who are sensitive to the needs of the community in which they serve. That is not found in a person's religion but in the quality of his or her character.

The DUP wants the best for all people, so, regardless of religion, why accept less than the best that we can have? I am happy to support the motion because I know that, in doing so, I am supporting the end of discrimination and a new era for PSNI officers of all religions who are not there to fill a quota but are there to do the job to the best standard that can be achieved. That young Protestant from my area who did not get into the Police Service because he attends the wrong church on a Sunday must be given the chance to do a good job.

Mr G Robinson: First, I express my sincere thanks to all past and present members of the Police Service in Northern Ireland and their families. They have done a sterling job over many years, often in very difficult circumstances. I salute them and thank them for their service to the entire community. I pay tribute to all those from both communities in Northern Ireland who are in the security forces, some of whom made the supreme sacrifice.

Some Members have cried discrimination at every possible opportunity over many years. Today, they will try to justify discrimination in the form of 50:50 recruitment to the Police Service. That shows how determined they are to ensure that the unionist population loses out in the process of selecting police officers. However, discrimination is discrimination no matter how one tries to justify it. They use the phrase "positive discrimination" only as a PR stunt to spin their hypocrisy when it comes to equality for every member of Northern Ireland's population.

Recent press coverage said that 1,000 applicants to the Police Service who were perceived to be from the unionist community and were suitably

qualified to begin training were unable to be offered a position because they were not from the nationalist community. Is that the equal society that Members want to build? That is not my vision for the future. I want to see police officers on the street who gained their position on merit and not because of their perceived religious background.

Another aspect of this twisted process is the future strength of the Police Service. Will it be adequately manned? If candidates from the nationalist community were required to fill 500 vacancies but only 200 applied, the perception is that the 200 applicants would get positions and the Police Service would only be able to recruit another 200 officers in order to fulfil the requirements of the 50:50 policy. What would happen to the other 100 positions? They would remain unfilled. That could ultimately lead to an undermanned police service, stretched to the limit and providing a poorer service. That would not serve the people of Northern Ireland well, regardless of political or religious background.

As the motion states, all of us can look forward to a new beginning for recruitment to the Police Service that is based on the merit of candidates and not on perceived religious affiliations. For the first time in a decade, employment opportunities will be based on equality.

Mr Simpson: We have listened to comments from Members on the opposite side of the House about more Catholics joining the police force. However, in Craigavon on Saturday night, the co-religionists of those Members attacked young police officers and attempted to take their lives. Does the Member agree that in the long term that could have a detrimental effect on young Catholics joining the police force?

Mr G Robinson: I agree entirely with my colleague's sentiments.

Candidates must fit the physical and educational criteria laid down for entrance to the police, instead of being turned down because of their perceived religious affiliation. I congratulate my colleagues on securing the debate and take great pleasure in supporting the motion.

Dr Farry: The debate has been fairly restrained and largely constructive, compared with what it could have been. The issue of 50:50 recruitment is clearly divisive, and there is a significant sense of grievance on a number of sides of the House.

Our amendment seeks to find the broadest basis possible for agreement and unity in the House. The two nationalist parties have a diametrically opposed viewpoint, but hopefully our amendment provides the basis around which a number of parties can unite. What we are trying to do is straightforward: primarily, we are trying to welcome the forthcoming end of the 50:50 recruitment policy. The stated opposition in the Assembly to the use of quotas is clear. The important step forward of ensuring that recruitment is based solely on merit is central to what we are trying to achieve.

We welcome the support from the Ulster Unionist Benches. Although parties in here may have differences on a range of issues, my party always judges issues on the words on paper and on what people are saying. Basil McCrea is not here, but I have no doubt that he does the same.

I urge the DUP to consider supporting our amendment. I identify with the sense of grievance that DUP Members have expressed today, and the points raised with them as elected representatives are no different to those that I and many other Members hear. However, it is important that we move the issue away from being a grievance for the Protestant section of society, although I recognise that people from that background are affected by 50:50 recruitment more than anyone else. Looking to the future, it is important that we frame the issue as something that works against the interests of society as a whole and recognise that people, whether they are of Protestant, Catholic or ethnic minority background, have a different sense of identity in society. The debate is an opportunity to look to the future and to say that the issue is not about one section of society versus another but about the important principle of merit and ensuring that all police officers in Northern Ireland are treated as individuals and are judged solely on the skills that they bring to the table.

Leslie Cree and Alban Maginness outlined the essence of the shared and common vision that we are seeking to achieve in Northern Ireland, which is, essentially, that every professional police officer, irrespective of his or her background, should and will be capable of delivering the same fair and impartial service to all sections of the community without any issues of religion. We can all unite around that idea and around the merit principle as the important bases on

which to recruit. The merit pool is not the only issue. We must also consider how candidates are ranked, because people feel a sense of grievance when someone who scored lower than them is recruited ahead of them.

Other issues about quotas have been raised. We made the point that quotas can be counter-productive and that they are sometimes too simplistic to capture the real diversity in our society, particularly among people from a working-class background. Daithí McKay echoed that sentiment. Moreover, we need to consider the issue of retention. During the debate, Members made a challenge and asked what the alternative is. I sincerely believe that quotas are not necessary to achieve a representative police service. Members can quote statistics from the past number of years, but the political process has been up and down.

If we, as a society, send out a united message that we respect police officers and support recruitment on merit without discrimination, we can encourage applicants to come from all sections of society in proportion to their distribution across society. Over time — quickly, I hope — we will create a truly representative police service, and the sense of grievance will be absent from society. I urge all Members to unite around the Alliance Party amendment, which represents the best and most positive way to send a clear signal of what people want to achieve.

Mrs D Kelly: Many comments have been batted back and forth about the SDLP, and some Members have tried to be amusing in their insults. The SDLP is prepared to take that on the chin. Members have talked about standing up for equality and fairness. Members opposite and many Members across the Chamber seem to have forgotten why the fair employment legislation was introduced in Northern Ireland, why the Equality Commission still exists and why we need a bill of rights: it is because there was so much discrimination in the past. We all agree that a police service is one of the central pillars of any democracy.

Mr Paisley Jnr: I am delighted that the Member has brought the Fair Employment Commission into the debate. She must know that, historically, the largest claim that was ever taken and fought by the Fair Employment Commission was on behalf of a Protestant who had been discriminated

against. That case demonstrated the high levels of discrimination against Protestants.

Does the Member recognise and accept that the Irish state in the Republic of Ireland is only now coming to terms with the history of the Royal Irish Constabulary? When will the SDLP come to terms with and accept the history of the Royal Ulster Constabulary, instead of denigrating it?

Mrs D Kelly: I will deal with the Member's points. My party has always been on record as saying that many good men and women in the RUC stood against terrorism in the past. However, as events and reports have shown, some members of the RUC colluded with loyalist paramilitaries in their attack against the Catholic community. That is a matter of record; it has been evidenced and researched. In fact, people — not nearly enough of them — have been brought to court and to justice over that.

The Member mentioned standing up for discrimination against Protestants. As a member of Craigavon Borough Council, I and other members of my party are the only representatives who have gone to the Equality Commission on four occasions because of that council's unfair treatment of Protestants in Craigavon. I await the outcome of those tribunals with interest.

6.15 pm

Mr Paisley Jnr: Will the Member give way?

Mrs D Kelly: No; I have already given way, and I have very little time to deal with the matter.

I hope that, as a result of this debate and the debate on the bill of rights, Sinn Féin Members will think again before they go through the Lobbies to support a Justice Minister from the Alliance Party. That party's Members skulked out of the Chamber before the main Question was put on the bill of rights motion, and they cannot even agree on the 50:50 recruitment policy. The Alliance Party is in denial about what happened in the past on policing, and it should reflect, as a party, on whether it should continue its collusion with the unionist parties on the gerrymandering of the Justice Minister post. Time and time again, the Alliance Party has kowtowed to the DUP on all those matters of importance to the whole community.

A number of issues were raised in the debate. Mr Attwood began by saying clearly that our party is on record as supporting and acknowledging

the bravery and the leadership shown by the young men and women who apply to join the PSNI. Indeed, by the time Sinn Féin decided to join the Policing Board, 87% of the Patten recommendations had been either wholly or partly acted on, endorsed or implemented.

Mr Paisley Jnr threw out a few red herrings, which he knows to be entirely disingenuous, about the SDLP's support for policing. Our party — Alex Attwood in particular — has on many occasions led the campaign for funding for a new police college. We have supported the opening-up of the debate on the part-time PSNI Reserve, but we have failed, as Alex Maskey rightly pointed out, to deliver on community policing in the way in which Patten envisaged and our communities hoped for.

Mr Simpson was right when he said that those who attacked the police at the weekend are making it more difficult to implement the outstanding Patten recommendations on police community support officers, community policing and the defortification of our police stations. Those people are acting against the wishes of the community —

Mr Deputy Speaker: I ask the Member to bring her remarks to a close.

Mrs D Kelly: — and they are acting against Patten.

Do I have an extra minute, Mr Deputy Speaker?

Mr Deputy Speaker: You do have an extra minute, Mrs Kelly. That was my mistake.

Mrs D Kelly: Thank you very much, Mr Deputy Speaker. I am sure that Members will be delighted to hear that.

I want to deal with any misunderstandings that exist about the merit pool. In response to a question for written answer that Lord Laird asked in the House of Lords, Baroness Royall of Blaisdon said:

"The 50:50 recruitment procedures are only applicable to those applicants in the merit pool, by which time they have demonstrated that they meet the required UK standards."

Therefore, all applicants are in the merit pool. George Robinson raised the "What if?" scenario — if not enough Catholics apply in a particular funding round, no one will get a job. That has not happened, nor is it likely to happen.

Mr Deputy Speaker: The Member must bring her remarks to a close.

Mrs D Kelly: The figures show that applications from both communities continue to rise, despite the background of increased violence.

Mr Weir: At the end of what has been a passionate but well-mannered debate, I support the motion that my colleague Gregory Campbell moved. I declare an interest as a member of the Northern Ireland Policing Board.

I think that it was Ian Paisley Jnr who said that the motion was about righting wrongs. Some of the older Members in the Chamber will recall that, after the signing of the Anglo-Irish Agreement, one of the unionist slogans used at the next Westminster election was "To Put Right a Great Wrong". That is what the House should do, in order to send out a clear signal. Ian Paisley Jnr said that religious discrimination is never right, whether it is directed at Protestants or Catholics. The Assembly should take a firm stance and decide that those who seek employment in the police or in any other profession should be employed purely on merit. That should be a strict principle. The SDLP and Sinn Féin have preached at us and lectured us ad nauseam on equality, but unfortunately I am not surprised to say that today we have seen that they are doing the opposite. They do not practise what they preach. The opportunity to stand four-square behind the merit principle seems to have been rejected by two of the parties opposite.

In moving the motion, Gregory Campbell highlighted the fact that there have been in the region of 40,000 applications to join the police force in past years. This is not some mere theoretical debate; it is something that impacts on many people's lives. Reference was made later in the debate to the fact that around 1,000 applicants from the Protestant community had been rejected solely on the basis of community background, and no applications from the Catholic community have been rejected.

As Mr Campbell indicated, the principal reason that there were so few Catholics in the old RUC was the campaign by the Provisional IRA. Whether it was the direct violence of the IRA or the shunning of the police by the SDLP which failed to take its place on the Police Authority for much of the Troubles, it is no wonder that the figures were so low at that stage. We have also seen that, whenever the threat of violence has been largely removed following the ceasefires —

Mr A Maginness: Will the Member give way?

Mr Weir: I will give way briefly.

Mr A Maginness: The highest level of Catholics in the RUC was around 11%. That was during peaceful times.

Mr Weir: Why?

Mr A Maginness: You may ask why. The figure was 11% not because of any IRA campaign. It was 11%, and the historical and political reasons are there if you care to look at them.

Mr Weir: The historical reasons are that, just as the SDLP's fingerprints are all over trying to keep people out of the police, its predecessors in the Nationalist Party and other nationalist parties urged people not to be members of the police force for years. It was not just the terrorism of the party opposite but the constitutional blocking of parties such as the SDLP and the old Nationalist Party. The guilt lies at the door of the SDLP as well.

The evidence of the extent to which the situation was based on violence was that even in the first year of the ceasefire we saw the number of people from the Catholic community applying to join the police force almost double. It has been indicated that, had there not been a 50:50 recruitment campaign over the past years, nearly 40% of applicants would have come from the Catholic community. Therefore, there was no need for it.

The double standards of the parties opposite on discrimination were highlighted by the proposer and a number of other Members. Whether it is the Housing Executive or the Equality Commission, where there is a disproportionate number of Catholics in any section of the workforce, there is silence. There is no advocacy of 50:50 recruitment in those cases. The Civil Service, for example, has a disproportionate number of Catholics at the lower levels. Has a quota system been offered or suggested by any of the parties opposite? No, it has not.
[*Interruption.*]

Mr Deputy Speaker: Order. I ask Members to make all comments through the Chair and not from a sedentary position.

Mr Attwood: Will the Member give way?

Mr Weir: No, I only have a few minutes.

Mr Attwood started off with a fine contribution, praising the work of unionists on the Policing

Board, and then, like one of the skiers in the winter Olympics, he went downhill rapidly soon afterwards. He said that, although there were many fine people in the RUC, they were seen as an arm of the state. He went on to suggest that special measures should be carried on for 20 or 30 years in the police force as a whole and, perhaps, for 60 or 70 years when it came to civilian recruitment for the PSNI. Although I welcome the concession that the Member made, he clearly sees partition carrying on into the long-term future to advocate those sorts of measures. I reject the level of discrimination that he sees as being in place.

Mr Farry's measured contribution indicated that the Alliance Party, to its credit, has been consistently opposed to 50:50 recruitment, and he said that it was unnecessary, divisive and of questionable legality. We have some reservations about the Alliance Party's amendment because it avoids direct reference to the community that has been most discriminated against. However, in a spirit of cross-community consensus, Mr Farry's remarks have persuaded us to support his amendment. He is right that, although the discrimination inherent in 50:50 recruitment has been against the Protestant community, there has also been a negative impact on members of the Roman Catholic community and other communities who have sought to join the police.

Any Catholic officer who has joined the police over the last number of years has had a degree of stigma over their head that they have not necessarily got their place completely on merit. When we move to recruitment on merit next year, for which this party argued —

Mr A Maginness: Will the Member give way? His remarks are grossly insulting.

Mr Weir: I will not give way; I have only another two and a half minutes.

Mr Deputy Speaker: Order. It is clear that the Member does not want to give way.

Mr Weir: I am afraid that some of the Members opposite will have to be insulted from a sedentary position.

Mr Attwood: On a point of order, Mr Deputy Speaker. Is it in order for a Member to suggest that a member of the PSNI is — *[Interruption.]* I am making a point of order, Mr Deputy Speaker.

Mr Deputy Speaker: Order. The Member is making a point of order.

Mr Attwood: Is it in order for a Member — *[Interruption.]*

Mr Deputy Speaker: Order. Mr Attwood has the Floor.

Mr Paisley Jnr: To which Standing Order does the point of order refer?

Mr Deputy Speaker: I will make that judgement.

Mr Attwood: Is it in order for a Member of the House to suggest that any person in public employment in the North, including members of the PSNI, is employed on grounds other than merit? Everyone, including the Chief Constable, confirms that every member of the PSNI has been recruited on merit. Is it in order for a Member to suggest otherwise?

Mr Deputy Speaker: Order. The point has been made, but it is not a point of order.

Dr W McCrea: Is it right for a Member to abuse the systems of the House? The Member knows that that is not a point of order.

Mr Deputy Speaker: Unfortunately, we have had many spurious contributions.

Mr Weir: I will return briefly to the debate. Several Sinn Féin Members, including Alex Maskey, tried to compete with the SDLP by making out that they were not just pro-Patten but pro-Patten-plus. They claimed that that the evil hand of the Government was behind all forms of discrimination.

Trevor Clarke, Jim Shannon, Jonathan Bell, Jimmy Spratt and others gave personal examples of people who applied to the Police Service but were turned down. We must remember that a range of human stories and lost opportunities lie behind the figures. Mr Clarke even held out the hand of friendship to Mr Attwood and suggested that, if equality was really what that Member seeks, he will be willing to support a motion on that basis. Double standards have been demonstrated by the Members opposite. As many Members asked, if they are so wrapped up in the idea that the Police Service must be completely representative of society, why are there no special quotas for women, ethnic minorities and every other kind of minority? The desire for 50:50 recruitment is driven by one motivation.

As William McCrea said, the DUP was never in favour of 50:50 recruitment, but we welcome the fact that this is its final year. We look forward to a situation in which all police officers can provide the required service on the basis of merit. That will also — I pick up Ian Paisley Jnr's point — lead to recruitment that is more cost-effective than the somewhat constrained current approach. Resources can be taken from the false position of 50:50 recruitment and put towards front line policing and dealing with crime. Officers will be able to deal with crime, having been appointed on merit.

Mr Deputy Speaker: I ask the Member to draw his remarks to a close.

Mr Weir: That is what society wants. I support the motion and the Alliance Party's amendment.

6.30 pm

Mr Speaker: Before I put the Question on amendment No 1, I advise Members that if the amendment is made, amendment No 2 will not be called. If that is the outcome, I will proceed to put the Question on the motion as amended.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 37; Noes 46.

AYES

Ms Anderson, Mr Attwood, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Dallat, Mr Durkan, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

Tellers for the Ayes: Mr P J Bradley and Mrs M Bradley.

NOES

Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr

Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

Tellers for the Noes: Mr Bell and Mr T Clarke.

Question accordingly negatived.

Question put, That amendment No 2 be made.

The Assembly divided: Ayes 46; Noes 37.

AYES

Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

Tellers for the Ayes: Mr McCarthy and Mr B Wilson.

NOES

Ms Anderson, Mr Attwood, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Dallat, Mr Durkan, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

Tellers for the Noes: Mr P J Bradley and Mr Burns.

Question accordingly agreed to.

Main Question, as amended, put.

The Assembly divided: Ayes 46; Noes 37.

AYES

Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dodds, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland,

*Miss McIlveen, Mr McQuillan, Lord Morrow,
Mr Moutray, Mr Newton, Mr Paisley Jnr,
Rev Dr Ian Paisley, Mr Poots, Mr G Robinson,
Mr P Robinson, Mr Ross, Mr Shannon,
Mr Simpson, Mr Spratt, Mr Storey, Mr Weir,
Mr Wells, Mr B Wilson, Mr S Wilson.*

Tellers for the Ayes: Mr Bell and Mr T Clarke.

NOES

*Ms Anderson, Mr Attwood, Mrs M Bradley,
Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler,
Mr W Clarke, Mr Dallat, Mr Durkan, Mr Gallagher,
Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Leonard,
Mr A Maginness, Mr A Maskey, Mr P Maskey,
Mr F McCann, Ms J McCann, Mr McCartney,
Mr McDevitt, Dr McDonnell, Mr McElduff,
Mrs McGill, Mr McGlone, Mr M McGuinness,
Mr McKay, Mr McLaughlin, Mr Murphy,
Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill,
Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.*

Tellers for the Noes: Mr P J Bradley and Mr Burns.

Main Question, as amended, accordingly agreed to.

Resolved:

*That this Assembly notes the renewal for one
final year of 50:50 recruitment to the police
in Northern Ireland; looks forward to the next
substantial recruitment competition when all
applicants, irrespective of their actual or perceived
background, can be eligible for recruitment solely
on merit.*

Adjourned at 7.01 pm.