
Northern Ireland Assembly

Tuesday 9 March 2010

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Molloy] in the Chair).

Members observed two minutes' silence.

Speaker's Business

Mr Deputy Speaker: The Speaker has asked me to inform the House that he will be absent from Parliament Buildings on official Assembly business on Monday 15 March and Tuesday 16 March.

Executive Committee Business

Debt Relief Bill: First Stage

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to introduce the Debt Relief Bill [NIA 9/09], which is a Bill to make provision about the relief of debt of individuals and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Housing (Amendment) Bill: Final Stage

The Minister for Social Development (Ms Ritchie): I beg to move

That the Housing (Amendment) Bill [NIA 7/08] do now pass.

The Bill is an important step forward in dealing with homelessness, and it aims to enhance and clarify housing law in a number of ways. It is appropriate that I briefly highlight the Bill's key elements.

Some of the Bill's most important provisions deal with homelessness and are commitments that I made in 'Including the Homeless', which is a strategy for improving the social inclusion of homeless people. The Bill ensures that tackling homelessness remains a top priority by placing a duty on the Housing Executive to produce a homelessness strategy and on other government agencies to take that strategy into account when delivering their functions. The Bill also offers homeless applicants new rights of review and appeal and makes the Housing Executive's procedures for dealing with homelessness more transparent and accountable.

The provisions that relate to registered housing associations will ensure that my Department can regulate those associations sensibly and cost-effectively. If required, my Department will have the ability to take early and appropriate action to safeguard the interests of tenants and public funds. The Bill also improves existing law for dealing with antisocial behaviour and provides social landlords with new tools to regain possession more quickly of certain abandoned houses. The Bill's remaining provisions improve the operation of existing housing law, strengthen the voice of local government on housing matters and improve Assembly control on certain types of statutory rules.

I thank the Chairperson and members of the Social Development Committee for their positive contributions and support in progressing the Bill. I commend the Bill to the House.

The Chairperson of the Committee for Social Development (Mr Hamilton): On behalf of the Committee for Social Development, I will make a few remarks as part of the Final Stage of the Housing (Amendment) Bill. As the Minister said, the Housing (Amendment) Bill is designed to enhance the legislative framework in respect of a wide range of housing matters, from homelessness and houses in multiple occupation (HMOs) to housing associations and introductory tenancies.

A key part of the Bill is the introduction of a legislative requirement for the Housing Executive to produce a homelessness strategy. As the House will be aware, the Housing Executive currently has a range of anti-homelessness policies that form its 'Including the Homeless' strategy. The Bill puts the homelessness strategy on a statutory footing and makes its production and regular renewal a duty that the Housing Executive must undertake. The Bill also requires key organisations and Departments to take the strategy into account in the exercise of their functions.

In its review of the 'Including the Homeless' strategy, the Committee indicated that it was pleased with the progress that had been made and with what had been achieved already. It welcomed the support that legislation will give to the battle against homelessness. The Bill also refers to the provision of homelessness advice. The form and type of advice was a great source of consternation to many witnesses who appeared before the Committee, particularly those from the voluntary sector. Following the passage of the Bill, the Committee looks forward to reviewing departmental guidance on the form and nature of homelessness advice to ensure the delivery of the right advice in the appropriate format.

Clause 10 of the Housing (Amendment) Bill deals with some aspects of how the challenge of antisocial behaviour can be dealt with in social tenancies. Committee members were concerned about the issues raised in that regard. Almost all members referred to concerns about antisocial behaviour in their own constituencies. Some were keen to discuss the issues involved, including the need for social landlords to have a duty of

care for existing tenants; improving information sharing among social landlords; withholding transfers from tenants who have been sanctioned for antisocial behaviour; and the provision of better guidance on the better management of antisocial behaviour issues for social landlords. The Committee looks forward to the Minister's next housing Bill, which it is understood will go some way to addressing members' concerns in that regard. Members also await with interest the planned modernisation of the common housing selection scheme. I am sure that that will be the subject of further discussion today. I do not look at any particular Members opposite for assurance that they will raise that; indeed, I will be surprised if they do not.

The Committee anticipates with interest the Department's review of the housing association guide. That guide is to be amended to require all social landlords to publish their antisocial behaviour policies and procedures. The Committee hopes that that will mark a further important stage in the debate on the alignment of Housing Executive and housing association tenures.

Members commented on the need to enhance the democratic accountability of the Housing Executive. Clause 12, which increases the Northern Ireland Housing Council's representation on the Housing Executive board, goes some way to allay members' concerns in that respect.

The amended Bill ensures that two cohabiting families retain the protection afforded by HMO registration and the consequent need to comply with important habitation quality standards. The Bill also includes a sensible widening of the definition of a family, which ensures that extended families living in the one house do not have to needlessly register it as an HMO. The Committee felt that those amendments to the Bill were a useful compromise but the Department should make further efforts to engage with all stakeholders on the best way to monitor and improve standards in all HMOs.

The greater part of the Bill refers to social tenancies. However, the Committee, as part of its consideration of the Bill, briefly considered issues relating to the mandatory registration of private landlords. Again, members look forward to the Minister's next housing Bill, which is expected to introduce measures in that regard. As the Chairperson of the Social Development Committee, I thank the Minister, her Department

and the Committee's members and staff for their engagement and efforts during the passage of the Housing (Amendment) Bill.

I will make a few remarks about the Bill from personal and party perspectives. Like every Member and as I have done on behalf of the Committee, I welcome the fact that the homelessness strategy will be placed on a statutory footing. We know that the Department has not suddenly realised that there is a homelessness problem, because it has already been attempting to deal with it in policy, including the homelessness strategy. We used to pride ourselves on the fact that Northern Ireland did not have the visible manifestation of homelessness that existed in other major cities around the world. We did not have the large number of rough sleepers that one saw regularly on television in cities such as London. Sadly, visible homelessness has become more apparent on the streets of Northern Ireland, principally in the cities of Belfast and Londonderry. A representative of another city is sitting beside me, and he is too close for comfort, so I must mention that there are other cities in Northern Ireland.

The visible manifestation of rough sleeping, as it is referred to, is more evident. I am concerned that there is a problem, although facilities such as the Welcome Centre in Belfast and First Housing Aid and Support Services in Londonderry have put in great efforts to tackle rough sleeping. I submitted questions for written answer to the Minister at the end of last year, because particular problems with homelessness arise at Christmas. I am pleased to see that the strategy in Londonderry resulted in there being no engagements there over Christmas. That is very positive. Unfortunately, some 118 engagements took place in Belfast over the same period, although, historically, Belfast has had more of a homelessness problem than Londonderry.

A worrying trend in those 118 engagements was that 16 of them — 14% — were foreign nationals. That is a much higher percentage of foreign nationals than there is in the population of Northern Ireland and, as such, has to be a cause for concern. I do not want to open up a can of worms, but how we should engage foreign nationals has been debated and discussed at length in Committee. Legally, we find it difficult to do anything, yet conscience dictates that something must be done. Over the course of one month, 14% of engagements were foreign

nationals, and that represents a worrying trend. Over Christmas, we read in the newspapers the awful story of a foreign national who had died while sleeping rough. The Department is aware of the problem and needs to home in on it. I want to see the homelessness strategy deal with the wider issue of rough sleeping, no matter who is involved or where they come from. It does Northern Ireland no good to read headlines such as those that appeared over Christmas.

Much good work goes on. Before Christmas, the Committee visited the First Housing Aid and Support Services facility in Londonderry, and we were very encouraged by the efforts made there to tackle homelessness not just by putting a roof over people's head or giving them shelter but by trying to develop the life skills of those who, unfortunately, find themselves homeless. I visited the Salvation Army at Centenary House, where I discussed its report, titled 'The Seeds of Exclusion 2009', which was launched, with the Minister's assistance, in the Long Gallery at Parliament Buildings last July. It is a good report, which analyses the reasons why people find themselves homeless. Two important elements in trying to prevent homelessness are giving people purpose and building their relationships. The lessons learned from that report are useful in guiding the direction of a statutory homelessness strategy for Northern Ireland.

We all welcome the fact that the homelessness strategy will be put on a statutory footing and that the legislation requires a much wider engagement across other statutory agencies. All Members realise the importance of that from their experiences and from what they have seen in their constituencies. I know that I do. Thankfully, the problem of rough sleeping does not extend too far beyond Belfast and Londonderry. However, there are individuals who may fall into the trap. Good work is being done in my constituency by the Link Family and Community Centre in Newtownards, which identifies potential rough sleepers and works with them to try to stop them falling into that unfortunate trap.

10.45 am

Our experiences in our own areas tell us that there is a need for cross-cutting work on homelessness. That is why it is good to see that there is provision for homelessness strategies in the Bill. It is also good to see that all statutory agencies are involved in not only

developing homelessness strategies but in taking them into account.

Provisions to deal with antisocial behaviour are in the Bill. Indeed, the Committee took time to discuss wider aspects of antisocial behaviour, although I acknowledge that that matter will probably be better and more fully addressed in the second housing Bill. It is a bit like buses: we wait for a housing Bill, and two come along at once. No sooner will we have dealt with this Bill than the process on the second will start. That is good, however, and it is good that we are addressing those problems in the right way.

Antisocial behaviour was a common theme in the Committee's discussions. If any Member were asked about the problems that they have to face in their ordinary everyday constituency work, they would say that antisocial behaviour is a real problem in all housing tenures, particularly in social housing tenure. I welcome the provisions of this Bill, and look forward to seeing the provisions of the second. I do so as a result of information that I gleaned that underscores the fact that there are two types of problem. Responses to questions for written answer show that evictions from Housing Executive properties over the five years from 2004-05 to 2008-09 rose by 65%. That is an increase from 26 to 43, which is a pretty small number compared with the overall number of tenants. However, it is significant that there has been such a rise, and it obviously indicates that there are increasing problems with antisocial behaviour.

Mr F McCann: Every party has an interest in ensuring that there is legislation to deal with antisocial activity. However, the figures that the Member quoted hide the problem, because the vast majority of people who go to court for antisocial activity get a slap on the wrist. When we come to look at the next housing Bill, we will have to consider how to tighten the legislation so that people who push drugs or who are heavily involved in vandalism can be dealt with.

The Chairperson of the Committee for Social Development: I welcome the Member's intervention, which was useful. I agree with him, in that even though it is in some ways encouraging that the number of evictions has gone up, showing that there is proactive activity, there is a concern that it may be masking what is going on. That is why it is important that the Housing (Amendment) Bill requires all social

housing landlords to publish their antisocial behaviour policies. That is an encouraging step. However, the Member is right: we would like to see more being done.

Mr Craig: The Member spoke about masking the difficulties of antisocial behaviour. As a member of the Committee for Social Development and of the Public Accounts Committee, I know that one issue that is raised time and again is that, under the Freedom of Information Act 2000, all bodies are playing safe, in that they are not sharing among themselves the appropriate information about tenants. Such bodies include housing associations and the Housing Executive. That may not be a legal constraint, but there is no legal imperative on them to share such information. As a result, a lot of antisocial behaviour problems go unanswered or are not dealt with. I would like to see that legal imperative put on housing associations and the Housing Executive so that the issue can be tackled. It should perhaps be not in this Bill but in the next housing Bill. Would the Member agree?

The Chairperson of the Committee for Social Development: I certainly agree with anything that can be done, and the Housing (Amendment) Bill is an important first step in addressing antisocial behaviour by ensuring that all social landlords publish their policies on antisocial behaviour. As I said, that is an important move in better aligning different social landlords. Of course, there is more work to be done. That is acknowledged by the Department, which will produce another Bill to look at that issue. I look forward to examining that more closely in Committee.

I identified the first problem of the increase in evictions. In some respects, however, that is positive and negative. The other issue that I noticed from the same answer is that the number of evictions of housing association tenants over that same period was fewer than 20. Although there are more Housing Executive properties than housing association properties, the gap is closing all the time. However, there were no evictions for antisocial behaviour from housing association properties in 2004-05, and there were only two in 2006-07. I cannot believe that there were only two incidents of antisocial behaviour in those years when there were 26 and 17 evictions respectively from Housing Executive properties during the same period.

The Bill includes the important point that there needs to be a better alignment of social landlords, which, equally, has to carry forward into antisocial behaviour. The second Bill must ensure that there is better alignment and more power for the Housing Executive or housing associations to better deal with antisocial behaviour. I look forward to considering that Bill.

It sounds as though I am being critical of housing associations, but I am not. The Minister regularly reminds us of the growing number of housing association properties that are being built across Northern Ireland, which is good to see. I put it on record that, when I have dealt with housing associations at constituency level, I have only ever found them to be very good at dealing with antisocial behaviour problems. Likewise, the Housing Executive is very good and very responsive, although tenants do not always get the result that they want.

We had a debate yesterday about repairs and maintenance. That could be reflected today in that there is a particular duty on existing tenants. After all, they pay their rent. They nearly have a duty, in some people's minds, above and beyond those who are on the social housing waiting list because they are already in a property. I very much look forward to any enhancement of the powers and abilities of the Housing Executive and housing associations to tackle the problem of antisocial behaviour.

There has been a 65% increase in evictions over the past five years. That highlights the problem of which we are all aware. It is good and positive to see that the Housing Executive is able to use the mechanisms that it has available to tackle —

Mr Craig: I thank the Member for giving way for a second time. When it comes to dealing with major antisocial behaviour in a household, the housing associations and the Housing Executive have the remit only to rehouse those individuals elsewhere. Legislation has been looked at that states that, after three strikes, there is no more legal obligation to house such individuals. I support such legislation. What is the Chairperson's opinion? My experience of cases in which individuals refuse to reform is that we end up simply moving them about the countryside until we eventually get them far enough away. We almost find a field for them somewhere. That is not a great solution. There has to be a better way of dealing with the problem.

The Chairperson of the Committee for Social

Development: I am not sure where that field would be located; I am sure that that would also be a problem. A Member for West Belfast on the opposite Benches, Fra McCann, always reminds us that 20% of his constituency is rural. I do not know whether he wants to offer part of Divis Mountain for that purpose.

Mr F McCann: I was talking about hill farmers in West Belfast yesterday.

The Chairperson of the Committee for Social

Development: I suggest that that is a different type of hill farming, Mr Deputy Speaker.

I reiterate Mr Craig's point about the need for better alignment of antisocial behaviour policies between social landlords, and there is a requirement in the Bill for the publication of existing antisocial behaviour policies. In the past, it has sometimes been difficult to see exactly what those policies were. Publication is an important first step. I am open, as are other Committee members and, I hope, the Minister and her Department, to looking at all innovative ideas and trying to dream up some of our own to address antisocial behaviour while also considering experiences elsewhere.

Antisocial behaviour is a catch-all phrase for everything from kids playing football in the street — the sort of stuff that I did as a youngster without considering myself in any way antisocial; in fact, Members may consider the behaviour that the Deputy Speaker lets me get away with in the Chamber more antisocial — right up to really antisocial problems that we all recognise as a scourge on society.

Mr Easton: Does the Member agree that housing associations must share more information between themselves and with the Housing Executive? Differing guidelines often lead to a lack of information sharing and of understanding, which contributes to moving the problem of antisocial behaviour around. There is a serious need for clarification and joined-up thinking.

The Chairperson of the Committee for Social

Development: I thank the Member for his intervention. I know that he has constituency concerns about antisocial behaviour addressed in the Bill. He has raised it a number of times inside and outside the Committee.

The information sharing that he refers to is one of the more basic elements that the Committee

and I, as a Member, would be looking for in a future housing Bill. That relates to the point relayed by our colleague Mr Craig, who said that the problem can be moved around because there is a lack of information sharing. There is no legal requirement for information about somebody's past antisocial behaviour, convictions or sanctions to be passed, for example, from the Housing Executive to a housing association. The problem can be moved, but the information cannot. Understandably, that leads to all sorts of problems such as people who have a history of antisocial behaviour for which they have been sanctioned being moved to an utterly inappropriate area.

We can all think of examples. As I speak, I have an example in the forefront of my mind that involves exactly such a problem: a family with a history of antisocial behaviour being moved from one district to another and then another. The problem does not go away; it simply gets moved, and the only solution is to move it again. The argument comes back to Mr Craig's point that there must be some examination, if not adoption, of the idea that people should be given a limited number of chances. That, of itself, would move the problem around. A three-strike approach would mean that, ultimately, when somebody has a third strike they have to be moved somewhere else. That is a very emotive issue.

The Committee welcomed the inclusion of the clause in respect of the publication of all information. I regard that as a good, positive and necessary first step that I want to see delivered.

Clause 12 increases the democratic element of the Northern Ireland Housing Executive's board by having four or more members of the Housing Council on it. That is positive. My colleagues and I held a personal view that that requirement could have been a bit more robust. Under the review of public administration (RPA), there is a trend towards institutions in health or libraries having a greater number of elected representatives on public bodies, such as the Housing Executive board, however that requirement is constituted. Nevertheless, what is included in the Bill is an important and positive move in the right direction. Granted, I would have preferred it to be more robust, but at least it is a positive move in the right direction.

11.00 am

I am about to steal another Member's thunder, but the housing selection scheme is another issue on which I wish to touch. During the Bill's various stages, the matter was raised at length in the Chamber and in Committee, and no doubt it will be raised in the future. The issue is being discussed a lot, particularly in light of suggestions made in the Commission on the Future for Housing in Northern Ireland's report, which challenged the housing selection scheme's orthodoxy. If one were to ask every Member in the Chamber, it would not take long for them all to identify problems with the housing selection scheme. Clearly, there must be some mechanism with which to allocate housing, and any mechanism must be fair, equitable and unbiased. Every Member is aware of and could hark back to problems that existed years ago, and those problems cannot and should not be repeated. However, having grown up and being a bit more mature, we are now able to look at the housing selection scheme and conclude that it is not working in the way that we would wish.

Mr Craig: The Chairperson of the Committee for Social Development referred to homelessness and to the fact that people are living on the street. In my experience, it is normally young men who have to sleep rough. Frankly, if you are a single, young man, the housing selection scheme lets you down big time. You have no chance of being housed in a Housing Executive or housing association property. Instead, you will be directed towards one of the shelters, which may or may not be suitable. Does the Chairperson agree that that issue must be revisited?

The Chairperson of the Committee for Social Development: The homelessness strategy is a cornerstone achievement of the Bill. Earlier, I concentrated on people's automatic perception of homelessness, which is one of rough sleeping, but homelessness also exists in a broader sense. The Member raised an important point: tackling homelessness and the housing selection scheme is connected. As the Minister will no doubt remind us, while there are not enough houses to house those who are on the waiting list, homelessness will be a problem. Looking at how the housing selection scheme is constituted, we could all come up with various problems with it, including the fact that it does not give preferential treatment to people

who want to stay in their own area in order to retain and to build their community; it does not recognise people who have been on the waiting list for a long time; it sometimes puts people who are desperate for any house into one that is inappropriate —

Mrs D Kelly: The Member will excuse me for thinking that this debate is taking longer than the one at Consideration Stage. Some might even think that we are filibustering.

The Chairperson of the Committee for Social Development: Perhaps I should read out recipes. Given the seriousness of the issue that we are discussing, I regret that the Member should have made those comments. Everyone in the House who takes homelessness seriously would want to spend as much time on the subject as possible. The Member often talks about how dysfunctional we all are; yet, here we are debating a good piece of legislation that will tackle problems that are dear to my heart, other Members' hearts and the hearts of everyone in society, and the Member criticises and wants to stymie that debate. We should be proud that we are passing this legislation today.

The issue that Mr Craig raised highlights the need for reform of the selection scheme. Mr Deputy Speaker, I will not push your patience any further in respect of other issues that were raised, such as a mandatory registration scheme. However, I have spoken in other debates in the House of my view that although mandatory registration of private-sector landlords is desirable in a perfect environment, the light-touch scheme that the Minister seems to be heading towards is probably the optimum system that we can get at the moment.

In conclusion, on behalf of my DUP colleagues who sit on the Social Development Committee, I thank not only the Minister for her time, patience, effort and energy in bringing the Bill forward but the officials in her Department. I also thank all the witnesses who gave oral and written evidence on the Bill. We had very good legislation at the start, and it was enhanced by the contribution that was made through the Committee. That contribution could not have been made by the Committee alone; it was made because of the evidence that was gleaned from the many witnesses. We all, including the Minister, the Department, the Committee, the House and Northern Ireland, benefited from the efforts of stakeholders who take a keen

interest in housing issues. Their work helped us to enhance the Bill, and I wish to record my personal thanks and the thanks of my party colleagues for that.

Contrary to all the accusations that are made about what goes on in this place, or, rather, the accusations about what does not go on in this place, a piece of good legislation will be passed today. It will tackle an important issue that is fundamental to a good society by addressing homelessness through a statutory strategy to deal with a problem that afflicts not just Belfast and Londonderry but all towns. The Bill is important, and it makes significant progress in respect of antisocial behaviour, which I mentioned before at length, and other issues. Therefore, I welcome it. It is good legislation, and it is one example of the Assembly doing its best to make a difference for everyone in Northern Ireland.

As I said before, these Bills are like buses. Another housing Bill will come forward as soon as we finish this one. However, I welcome that, because it will take some of those issues that we have raised today and that the Committee raised during its deliberations —

Mr Easton: Will the Member give way?

The Chairperson of the Committee for Social Development: I am trying to build to a crescendo, but I will give way.

Mr Easton: The Member mentioned private landlords having to register. What penalties will be in place for private landlords who fail to register?

The Chairperson of the Committee for Social Development: I wish that I could use my phone to Google an answer to that question. At this stage, there is no requirement to register. I feel like giving way to the Minister to let her use her expertise to answer that question, but perhaps she can address it later through her officials. Nevertheless, there is no scheme in place at this stage, but there is a need to develop one. There is no point in having a scheme in place if it is not robustly backed up by fines of some kind. Indeed, any scheme would be belittled if there were no fines at all. However, the Private Tenancies (Northern Ireland) Order 2006 requires the registration of HMOs, and the suggestion is that there should be a £20,000 fine for failure to comply. Therefore, that is the sort of penalty that we would be looking at.

I will try to conclude again. I look forward to that further Bill, because it will address different issues, and it will further enhance —

Mr Donaldson: In addressing the issue of homelessness, is the housing allocation scheme brought into the frame? I have evidence that, in my constituency, homeless people have priority for housing, but people who live with their parents have difficulty in becoming registered as homeless, and that tends to discriminate against younger people. Is there anything in the Bill that will address that, or will it be dealt with in the next phase of legislation?

The Chairperson of the Committee for Social Development: I thank the Member for his intervention; he has raised an important issue. The homelessness strategy, which will build on the Including the Homeless strategy that is in place, needs to be mindful of that issue. The Department must also be mindful that the two are not separate in any way. Homelessness is a problem that does not stand on its own. Factors such as the housing allocation scheme or the common selection scheme play into it.

As I said before, there is no perfect scheme. There will always be people on the waiting list, but improvements can be made. I look to the Department to come up with ways to make improvements in its regular reviews of the common selection scheme. The Committee has put a lot of pressure on the Department to come forward with a more fundamental review than those that have been undertaken in the past. I am in favour of that, because some options, such as the scheme that was put forward by the Commission on the Future for Housing in Northern Ireland in its recent paper, are worth examining. I do not think that that scheme would totally eradicate the waiting list — the building or freeing up of houses is the only measure that will do that — but it may be able to give some attention to the problem that the Member raises, and, hopefully, tackle it more positively than it is being tackled now. I look forward to seeing how the next Bill that the Minister bring forwards will treat that issue and others, such as antisocial behaviour and the registration of private landlords.

It gives me great pleasure to be able to give my support to the Housing (Amendment) Bill, and I encourage Members to do likewise.

Mr F McCann: Minister, a LeasCheann Comhairle, a chairde. The Bill has been debated at Committee

and is now on its passage through the House. There was general acceptance by the Committee that it would support the Bill as it stands, and I hope that it makes life easier for those who find themselves homeless.

During Committee Stage, we discussed and debated the time frame in which a homelessness strategy should be formulated, and we eventually agreed, with some reservations, that it would be every five years, with a 12-month review to take account of any changes that may arise. After Committee discussion and debate on which bodies should be consulted on a homelessness strategy, the Department eventually accepted the proposal that local government and several other bodies be included. The Committee also raised the issue of translation services for those who do not speak English as their first language. The Department advised us that a range of interpreters was available and widely publicised in areas where ethnic minorities reside. That is a Housing Executive responsibility, and the Committee accepted departmental assurances on the matter.

The Committee also advised the Department that some groups were in favour of the removal of the intentionality and priority need clauses in homelessness cases. The Department pointed out that there were concerns that the removal of those clauses would have a detrimental impact on people who were applying under the common selection scheme and those who were declaring themselves homeless. The Committee accepted that explanation.

The Chairperson of the Committee for Social Development spoke about the common selection scheme. I raised concerns about that scheme, and I have been assured that reviews are to be carried out into discriminatory practices. I am surprised that that was not dealt with before now, given that it condemns many people to years in hostels or overcrowded conditions.

Clause 10 places a duty on all housing associations and the Housing Executive to publish their policies on antisocial behaviour. We have asked for the addition of several amendments regarding antisocial activity. One of those relates to the duty of care, which, as it stands, takes no account of the wishes of local residents when antisocial people or families are being moved into an area. Housing authorities claim that their duty of care relates only to the applicant.

The Committee also wanted to table an amendment to allow for the sharing of information between housing associations and the Housing Executive to ensure that relevant and important facts about problem individuals and families are made known to all necessary authorities. We were assured that those issues would be picked up in the new housing Bill, which will soon come before the Committee.

Other issues that were raised and discussed include the legal definition of HMOs; homelessness advice and who should be giving it; the increase in the number of people from the Housing Council who are nominated to sit on the Housing Executive board; the rights of immigrants on arrival and the Housing Executive's responsibility to provide temporary accommodation for them; obligations under section 75; mandatory registration of the private-rented sector, which will be dealt with by the proposed housing Bill; the extension of the length of time for a review of a decision to refuse homeless status to someone from 21 days to 28 days; widening the remit of the Housing Executive to bring in others to deliver advice on its behalf; and the abandonment of introductory tenancies, which will allow landlords to claim back their properties.

11.15 am

The Committee agreed to support certain aspects of the Housing (Amendment) Bill, while others provoked heavy debate. Fortunately for both the Department and the Committee, we were able to reach compromise.

I thank the Committee Clerks and the Department for their work and the advice that they supplied to us throughout our consideration of the Bill. It is quite obvious that substantial work is done outside Committees to ensure that Bills become law. I support the Bill.

Mr Craig: I, too, support the Bill and its principles. It is important that the Bill deals with a lot of issues, such as the homelessness strategy, HMOs, and how to manage individuals who are homeless.

Although there is a lot of good stuff in the Bill, I share concerns that members raised during Committee Stage with regard to the common selection scheme. I want to reiterate the point that has been raised. The Chairman, quite rightly, stated that people now sleep rough on the streets. The issue is not just that those

people may have come from other countries. Although that is an issue, it is not predominant. Unfortunately, the problem is becoming more common in all our cities. I include all four of them in that statement.

The Chairperson of the Committee for Social Development: Five — Armagh.

Mr Craig: Five cities.

Unfortunately, people are now sleeping on the streets. In my experience, many are young people, particularly men, who have fallen through the system. There is a huge problem. The system was designed to deal with past issues, and did so quite well. However, it needs to be looked at again and reformed in order to do away, if at all possible, with the problem of young people ending up sleeping on the streets.

Mr Easton: Does the Member agree that the Bill does not tackle the question of how we are going to get this information out to the people who sleep on the streets? Although there is a duty on the Housing Executive to provide that information for free, a substantial section of the community will not know about the new regulations and rules and will slip through the system.

Mr Craig: I thank the Member for his intervention. One issue that was certainly dealt with at length in the Committee was how to share information with those who have, regrettably, slipped through the system in Northern Ireland. It is difficult to reach out to that group. I hope that the Department will look at how to deal more closely with organisations that specialise in reaching out to those individuals.

Ms Lo: I thank the Member for giving way. Does he agree that proper resourcing of the voluntary sector is needed in that regard? A number of community groups and women's groups are still waiting for confirmation on whether they are getting funding from the Department for Social Development (DSD) to continue their work. A number of those organisations give out information on homelessness prevention and other benefits issues. The Department must look at that.

Mr Craig: I thank the Member for that thought-provoking intervention. She knows well and rightly that that issue is close to my heart. I agree with her on the need to get funding out to such

groups that, perhaps, work more closely with those people than government organisations.

I was about to touch on that subject with regard to faith-based voluntary organisations. The Assembly needs to bury the hatchet and deal with that issue. A lot of those organisations reach out to homeless people in greater depth than government organisations or even independent voluntary organisations.

I will advertise here: I am speaking to such an organisation next week. Hopefully, in future, we will recognise the value of those organisations and get the Department to work that bit closer with them to solve the problem of people sleeping on the streets.

Mr F McCann: The Member is talking about the important subject of people sleeping rough. I agree with him, and the Committee discussed ways in which those people could be helped. Groups such as the Simon Community and the Salvation Army provide shelters. However, I agree that it is difficult, especially for young men, to find accommodation at night. As far as my area of Belfast is concerned, the Welcome Centre has a particular focus on helping people who are sleeping rough. Those organisations need to be brought on board, because they think outside the box when it comes to dealing with such problems and difficulties. If they were to appear before the Committee to share their wealth of information, we could start to build a strategy that would allow us to deal with the situation. Anna Lo is right; resources are needed to deliver those services.

Mr Craig: I concur fully with the Member's comments. I have personal experience of those issues. I have contact with a faith-based organisation in my constituency that deals with dropouts from society who have found themselves in that situation because of drug addiction. That organisation has had to be very resourceful to find funding through all sorts of avenues. Unfortunately, Departments do not want to know. Once the involvement of the Church is mentioned, government seems to run a mile, which is unfortunate, because the Church is delivering an extremely effective service on the ground for those individuals. However, I hope that the Department will look at that matter further.

Clause 12, which concerns the make-up of the executive of the Housing Executive and its board, was raised again during Committee

Stage. Unfortunately, when I raised the issue, I did not get very far. Only four out of the 10 members on the board are elected.

Mr Ross: Obviously, one would like to think that elected members on the board act as advocates for tenants. Has there been any discussion by the Committee or the Department about having a tenants' advocate on the board, so that the many tenants throughout the country would have a voice and feel that they are being listened to? I know that it is not in the Bill, but has the Department pledged to reconsider the situation in the near future?

Mr Craig: There were two issues raised at the Committee. The first related to the number of elected members on the board, and I feel very strongly on that issue. There is a democratic deficit in all those outside boards, or quangos, as I properly call them. They are quasi-governmental and are responsible to the Department, yet they are independent. Elected members do not have the majority voice on the board. Unfortunately, the Minister did not agree with my arguments. Will she explain why there is disagreement on that issue, as I would like to bring democratic accountability to all those quasi-governmental organisations as it would be more beneficial to the community?

The other issue, which was raised by my colleague, is that of a tenants' advocate. There was a high degree of agreement in the Committee about having some form of tenants' advocate on the board, which would enable tenants to have a more direct way in which to raise the issues that they have with Housing Executive properties. Although there was widespread agreement that a tenants' advocate should be on the board, agreement has not yet been reached on how to deliver that, given that several issues must be taken into account. It involves not only Housing Executive tenants but an increasing number of tenants in the housing association sector. I hope that the Minister will take on board the point that, directly or indirectly, a tenants' advocate should feed into the board. I look forward to hearing what the Minister has to say about all the issues that I have raised.

The Minister for Social Development: I thank Members for their contributions. I absolutely marvel at the filibustering devices that were used in the debate, obviously to cause obfuscation before we debate the devolution of policing and justice powers. I admire Members' interest in

housing issues, particularly homelessness and the need for proper inclusion, which is the very thing that I hope will be supported in the new housing agenda.

I now turn to the issues that Members raised. The Chairperson of the Committee for Social Development, Simon Hamilton, raised several issues. He asked whether the Committee will have sight of the guidance on homelessness that will be produced under clause 2 of the Bill. I reassure the Chairperson that my officials will discuss any such draft guidance that is due to be produced after the Bill receives Royal Assent. He also asked whether DSD will consult on the improvement of standards in houses in multiple occupation. That issue was raised during Consideration Stage, when I stated quite clearly, and I confirm today, that my proposals for a further housing Bill include measures that are aimed at improving the regulation of houses in multiple occupation.

Will the Housing Executive deal with rough sleeping and foreign nationals? I am also aware of the problems that Mr Hamilton raised, and I am happy to work with the Housing Executive to ensure that all reasonable measures are taken to address the issue of rough sleeping through the Housing Executive's homelessness strategy. Members will recall all the actions that were taken in June 2009 during the crisis that was precipitated by Romanian families being intimidated out of their homes. We took every possible step to ensure that the families received emergency accommodation after the unwarranted attacks on them.

Jonathan Craig raised the issue of —

Ms Lo: Will the Minister give way?

The Minister for Social Development: No, I will continue; I may give way later.

Mr Craig spoke about the legislation on information sharing to deal with antisocial behaviour. I want Members to be absolutely clear about that matter. Measures to deal with antisocial behaviour are, in the first instance, policing measures. However, the consultation paper that was published on 7 December 2009 included proposals for new legislation to enable relevant organisations to share information about antisocial behaviour if that would allow the Housing Executive to refuse permission for an exchange of tenancies or a house sale. Future initiatives on information sharing are planned.

The Chairperson and Jonathan Craig talked about the “three strikes and you're out” legislation to deal with antisocial behaviour. Existing legislation states that the Housing Executive is not required to provide housing for individuals who are not deemed to be suitable tenants because of their unacceptable behaviour. I emphasise that individuals are not permanently excluded from social housing under that legislation because it is possible that those who moderate their behaviour could be housed in the future. As Minister, I wish to be sensitive to all people who find themselves in such situations, including those who are homeless and those living in difficult circumstances on housing estates where there is antisocial behaviour. Alex Easton also raised the issues of antisocial behaviour and information sharing. I have amplified the issue clearly.

The Chairperson and Jonathan Craig talked about the common selection scheme and dealing with homelessness. As Committee members will be well aware, I am examining ways of modernising the common selection scheme to address a number of issues, including those raised by Committee members.

11.30 am

I am also examining a range of other innovative ways of addressing homelessness, including making greater use of the private rented sector in appropriate ways. It is worth noting that the private rented sector has an equal number of portfolios as are owned by the Northern Ireland Housing Executive.

Yesterday, I referred to a useful statistic on unfitness in the private rented sector. As a result of research and a good evidence base from the house conditions survey of last year, it has now emerged that levels of unfitness have gradually decreased and are down to around 0.2% in the housing association sector and the Housing Executive sector. I am sure that all Members will welcome that information, and it shows clearly that we in DSD, the Housing Executive and the housing associations are doing everything in our power and authority to tackle the issue of unfitness and make houses fit for people to live in, particularly for people who find themselves homeless.

Alex Easton also raised the issue of landlord registration and of penalties for landlords who fail to register. I have signalled my intention already to bring forward legislation for a landlord

registration scheme, and I shall consider the issues that the Member raised about penalties for failure to register.

Jonathan Craig and Simon Hamilton raised the issue of rough sleeping and the sharing of information. I want Members to be aware of the fact that the Housing Executive monitors regularly patterns of rough sleeping in Belfast and Derry. Thankfully, the number of people who are sleeping rough remains small. However, I am not complacent on the issue.

Anna Lo raised the issue of funding to the voluntary sector, and work is done on the issue through funding programmes such as Supporting People and work with the Housing Executive on a new homelessness strategy. This time last year, I took a decision to increase the budget for Supporting People to ensure that vulnerable people were protected. That includes people who might otherwise find themselves in a more vulnerable position or who might otherwise find themselves homeless. I am leading the way on tackling the issue and ensuring that all homeless people receive the support and services that they require.

Jonathan Craig raised the issue of the Housing Executive's composition and the whole area of tenant representation through a tenant advocate. It may be useful for the House to know that appointments to the board of the Housing Executive are made in line with the code of practice that is issued by the Commissioner for Public Appointments and that the ultimate responsibility for appointments lies with the Minister. The process must be governed by the overriding principle of selection based on merit, and appointments must be made on the basis of the well-informed choice of applicants, who, through their abilities, experience and qualities, match the needs of the public body. That means that an individual could not simply be appointed to the board as an advocate.

However, there is nothing to prevent any person who feels that they are in a position to represent the interests of tenants from applying through the public appointments process. I have talked to the elected representatives on the board of the Housing Executive, who originate from the Housing Council, and the broad Housing Council. From that, I know that the people who we have appointed and who have been appointed by the respective district councils are ably qualified to act on

housing policy and on how they see the future of housing. As far as housing provision is concerned, they will be able to deliver the Minister's new housing agenda and act as very good tenants' advocates in their own way. They raise issues with me on the broad spectrum of planned maintenance, newbuild programmes, multi-element improvement schemes, homelessness and a whole range of housing matters.

Jonathan Craig also raised the issue of faith-based organisations. He will recall that during a debate some weeks ago on a motion that was tabled by Members of his party — in fact, it was tabled by the Chairperson of the Social Development Committee — I said that I had provided funding for a pilot research programme to undertake a survey into the good work that is being undertaken by faith-based organisations in Northern Ireland, both Christian and non-Christian, because I quickly realised that they do an excellent job in that respect.

I am grateful to the Committee for Social Development and Members for their positive contribution to the progress of the Housing (Amendment) Bill and for the high level of consensus that the Bill has enjoyed. I now look forward to taking forward the second housing Bill, which will deal with a plethora of issues, including the regulation of landlords, the private rented strategy and other issues relating to the further implementation of the new housing agenda. I commend the Housing (Amendment) Bill to the House.

Question put and agreed to.

Resolved:

That the Housing (Amendment) Bill [NIA 7/08] do now pass.

(Mr Speaker in the Chair)

Executive Committee Business

Policing and Justice Powers

Mr Speaker: The next item on the Order Paper is a motion that was tabled jointly by the First Minister and deputy First Minister for a resolution by the Assembly, under section 4(2A) of the Northern Ireland Act 1998, that certain matters should cease to be reserved. The Business Committee has allowed up to three hours for the debate. The proposer of the motion will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. Given that the Assembly and Executive Review Committee's second report on the devolution of policing and justice has been published and is relevant to the motion, the Business Committee has also agreed that the Committee Chairperson will have up to 15 minutes to speak. All other contributions will be limited to five minutes.

The deputy First Minister (Mr M McGuinness):
I beg to move

That this Assembly prays that the following matters, as set out in schedule 3 to the Northern Ireland Act 1998, should cease to be reserved matters:

1. Those matters in paragraph 9 with the exception of—

A. The subject matter of the following provisions of the Regulation of Investigatory Powers Act 2000—

(a) Chapter 1 of Part 1, so far as relating to the prevention or detection of serious crime (within the meaning of that Act), and

(b) so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder—

(i) Chapter 2 of Part 1, and

(ii) Parts 2 and 3.

B. In relation to the prevention and detection of crime, the subject matter of Part 3 of the Police Act 1997.

C. The operation of—

(a) sections 21 to 40 of, and schedules 3 and 4 to, the Justice and Security (Northern Ireland) Act 2007, and

(b) section 102 of, and schedule 12 to, the Terrorism Act 2000.

D. In relation to terrorism, the exercise of the royal prerogative of mercy.

E. The operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

F. So far as it was a policing and justice matter (within the meaning of section 4) immediately before the coming into force of the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010—

(a) the subject matter of the Misuse of Drugs Act 1971;

(b) the subject matter of sections 12 and 13 of the Criminal Justice (International Co-operation) Act 1990 (substances useful for the manufacture of controlled drugs).

G. The Serious Organised Crime Agency.

H. In relation to prisons, the accommodation of persons in separated conditions on the grounds of security, safety or good order. (In relation to subparagraph H, "prisons" includes any institution for the detention of persons because of their involvement, or suspected involvement, in crime.)

2. Those matters in paragraph 9A (the Chief Inspector of Criminal Justice in Northern Ireland).

3. Those matters in paragraph 10 (public order) with the exception of—

A. The subject matter of the Public Processions (Northern Ireland) Act 1998.

B. In relation to the maintenance of public order, the armed forces of the Crown (including the conferring of powers, authorities, privileges or immunities on members of the armed forces for the purposes of the maintenance of public order).

4. Those matters in paragraph 11 with the exception of the operation of the temporary provisions, as defined in section 47 of the Police (Northern Ireland) Act 2000.

5. Those matters in paragraph 11A (co-operation between the PSNI and Garda Síochána with respect to certain matters).

6. Those matters in paragraph 12 with the exception of—

A. Items for the time being specified in article 45(1) or (2) of the Firearms (Northern Ireland) Order 2004; and the subject matter of article 45(10) of that Order.

B. The security of explosives, including—

(a) the prevention of loss or theft of explosives,

(b) the prevention of the use of explosives for wrongful purposes, and

(c) the detection, identification and traceability of explosives.

(subparagraph B does not include the security of fireworks, or the licensing of shotfirers, or the subject matter of section 2 of the Explosives Act (Northern Ireland) 1970.)

7. Those matters in paragraph 14A (rights of appeal to the Supreme Court, and legal aid for such appeals).

8. Those matters in paragraph 15 (matters relating to the Courts) with the exception of the operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

9. Those matters in paragraph 15A (the Northern Ireland Law Commission).

10. Those matters in paragraph 17 (the Social Security Commissioners and Child Support Commissioners for Northern Ireland).

Go raibh maith agat, a Cheann Comhairle.

Just over a month ago, the First Minister and I declared in the Hillsborough Castle Agreement that we would jointly table an Assembly motion for a resolution for this day, 9 March 2010. The motion, the debate and the vote that will conclude it are long overdue and are crucial to the Assembly's attainment of policing and justice responsibilities.

In November 2008, the First Minister and I made public a process paper setting out the steps towards devolution. We have now reached the final group of actions in that process paper. Since November 2008, we have witnessed the Assembly and Executive Review Committee's thorough and essential groundwork in preparing for policing and justice devolution. Its January 2009 report, which was endorsed by the Assembly, identified the necessary modalities for devolution, and those have shaped subsequent legislation. We have seen Westminster legislation to amend the Northern Ireland Act in line with the Committee's recommendations. We are indebted to the Committee for that work.

Today, the Committee is publishing its third comprehensive report on policing and justice within the space of two years. That is a considerable output for any Assembly Committee, and we hope that the latest volume, together with those that have gone before it, will inform the Assembly's deliberations today. We all owe a considerable debt of gratitude to the

Chairperson, Jimmy Spratt, to his predecessor, Jeffrey Donaldson, to the Deputy Chairperson, Raymond McCartney, and to all current and previous Committee members.

Last year, the House experienced long and comprehensive debates on the Department of Justice Bill. That Act will enable us to establish a Department. We also saw the successful outcome of the intensive negotiations that the First Minister and I held with Gordon Brown last autumn to address the financial pressures that the policing and justice agencies will face in the coming years. It is clear that the additional £800 million in finance is entirely dependent on the successful transfer of policing and justice responsibilities at this time.

The motion is long — some would say cumbersome — and there is a reason for that. It is designed to align closely with the Order that the Secretary of State will lay at Westminster. We have decided to err on the side of completeness and transparency in the motion to ensure that everyone understands what is being proposed.

There are some in the Chamber who have expressed concerns about the course of action on which we are embarked. That is understandable, as these are uncharted waters. However, we know that the transfer of these powers makes sense. The community knows it and supports this course of action.

Last night, the Ulster Unionist Party declared that it will not support the motion. That saddens and disappoints me. In my view, they are opposed to the transfer of policing and justice powers for cynical party political reasons. Since losing the leadership of unionism, and since the re-establishment of the Assembly and the Executive, the Ulster Unionist Party has set out to portray the Executive as dysfunctional. An Executive designed and agreed to serve all the people — *[Interruption.]*

Mr Speaker: Order. Every Member will have an opportunity to speak in the debate and should allow the deputy First Minister to proceed.

The deputy First Minister: An Executive designed and agreed to serve all the people. An Executive supported by public opinion, which wants to see them work and deliver.

The Ulster Unionist Party maintains that it is opposed to the Hillsborough agreement, an

agreement welcomed by its senior partners in the British Conservative Party. The Hillsborough agreement established a committee to determine how the Executive could function better, and that committee is co-chaired by the leader of the UUP. The position that the UUP has put forward to us in the past couple of days would give them a veto on the Executive and on the work of each Minister. That is a recipe for delay and disagreement. The Ulster Unionist Party's proposals seek to undermine the safeguards of the Good Friday Agreement and are designed to be unworkable and unsupportable. It is a party that complains about not being involved in decision-making, yet it refuses to make any contribution and boycotted the final session at Hillsborough with the Taoiseach and the British Prime Minister. On top of that, the UUP is on record as stating that it will not support the election of a local Minister to oversee the administration of policing and justice until there is agreement to test 10- and 11-year-old children to determine which school they should attend. Those are the most dysfunctional political positions that I have ever come across.

Let me be the first to recognise that there have been difficulties in the Executive. My views on that were aired in the past and are a matter of public record. However, the Executive are a body made up of parties that have different political and national outlooks. That body has been in existence for only three years and can only work effectively with parties that want to contribute and to be involved. The Executive are relatively new and include some political leaders who had never spoken to me before the Executive were set up.

It was always going to be difficult to build and maintain relationships and working practices, and throughout the period, the institutions have continued to deliver. I would have preferred it if we had made and implemented agreements earlier, but we are where we are. The Hillsborough agreement provides an opportunity for a new start.

The process that we are engaged in is one that no single party can dominate and control. It demands that we all work together for the common good and to maintain the political stability that will deliver prosperity, quality public services and investment. I acknowledge that it is a challenge to us all, but it is one to which we all must rise.

We must put aside party political posturing and begin an era of joint and equal working.

11.45 am

I note that former Congressman Jim Walsh, who is a great friend of the peace process and Ireland, will be here with us today to witness the vote. Jim, like many other Congressmen, has supported the peace process and the search for prosperity and investment.

Next week, the First Minister and I will travel to the United States to meet political and business leaders. As we set about the task of delivering investment, I am conscious that the special economic envoy, Declan Kelly, has articulated the view of potential investors that political stability is crucial. Those investors cannot understand why any party would be opposed to having a politically accountable policing and justice service. Indeed, in the words of one commentator, it is a no-brainer. How can the Ulster Unionist Party argue that the Executive must address the pain of unemployment that is felt in communities across the North and, at the same time, undermine the institutions and our actions to promote investment, growth and jobs? As we prepare to travel to the United States, investors and political leaders, from President Obama down, are watching developments here very closely. We can send out a strong message to investors that the institutions are robust and stable and have the support of all and that we are open for business.

A process was agreed between the parties at Hillsborough, and it is a local agreement that is free from the patronage of the British and Irish Governments. It is our agreement, and, as a result, it is much stronger and more valuable. Parties set aside party political positions for the common good. It was a challenge, but it was one that we met. It is another step in the maturing of politics here, and it should mark a step change in which parties set aside party political positions for the common good. We must recommit to finding solutions rather than restating positions.

The Agreement at Hillsborough Castle is a good agreement for our entire community. Let us move on and address the challenges that we face to build prosperity and deliver for all of our people. It is time to get on with the job that we were elected to do. It is time for a new start and a new beginning. I commend the motion to the House.

The Chairperson of the Assembly and

Executive Review Committee (Mr Spratt):

I declare an interest as a member of the Northern Ireland Policing Board. I thank the Business Committee for its foresight in providing me with sufficient time to speak on the debate today at an early stage. I acknowledge the Business Committee's recognition that this is a unique situation and that the devolution of policing and justice powers is a matter of great significance to the House and the people whom we represent. The Assembly and Executive Review Committee believes that the work that it has done on the devolution of policing and justice matters will be of interest to Members and the wider public.

As the deputy First Minister said just a few moments ago, the Agreement at Hillsborough Castle included a timetable for the devolution of policing and justice matters. Throughout the negotiations that led up to that agreement, I had a sense that members of the Assembly and Executive Review Committee were among those most keenly interested in what might be in that agreement, and they had good reason to be.

Back in 2007, the Assembly agreed that the Assembly and Executive Review Committee should conduct an inquiry into the devolution of policing and justice matters. A report on that inquiry, which included details of the powers to be transferred, was endorsed by the Assembly on 11 March 2008. The Committee published its first report on the arrangements for the devolution of policing and justice matters on 6 January 2009. That report dealt with the structures for a Department of Justice and the arrangements for the appointment of a Justice Minister.

The Committee then turned its attention to the remaining matters that it considered needed to be addressed prior to any possible request for powers to be devolved. In light of the Agreement at Hillsborough Castle, the Committee decided that it might be helpful to produce its 'Second Report on the Arrangements for the Devolution of Policing and Justice Matters' in time to inform today's debate. Late last week, Members were provided with an advance and embargoed copy of the report. It is important that the report is read in conjunction with the other two related reports and the process paper, which was published by the First Minister and deputy First Minister on 18 November 2008. A copy can be

found in appendix 5 to the second report, from page 215 onwards.

The motion refers to the powers to be transferred. They appear to be consistent with the powers identified in recommendations 2 to 17 of the Committee's 'Report on the Inquiry into the Devolution of Policing and Justice Matters', which was published in 2008. However, the House would find it helpful if the First Minister, in his closing remarks to the debate, would confirm that the request for the transfer of powers is entirely consistent with the earlier wish of the Assembly. If that is not the case, it is reasonable that the First Minister should explain why there is a divergence and what it is.

I want to give the Assembly some sense of the co-operation, and the occasional lack of co-operation, as the Committee went about its work. The four political parties that were represented on the Committee worked together on the report. We may not always have agreed on certain matters, as is evident from the report, but all the meetings were well attended, and members always had an opportunity to state their views. We also offered those parties that were not represented on the Committee observer status while we were discussing devolution.

The Committee made a submission to the Committee for the Office of First Minister and deputy First Minister to assist it in its scrutiny of the Department of Justice Bill, which was taken through the House last year and has since been granted Royal Assent. That Committee appreciated our assistance.

The Committee worked closely with the Committee on Procedures on the Standing Orders that were required to accommodate devolution. I will return to that point later.

The Committee did its best to keep the Committee for Finance and Personnel informed of its work, and, assuming that the motion receives the necessary support today, I wish that Committee well in its deliberations on the budget for the new Department.

The Committee gathered and examined a significant amount of written and oral evidence. I wish to thank the specialist adviser to the Committee, Victor Hewitt from the Economic Research Institute, for his work, which can be found in appendix 3 to the report, from page 141 onwards. On that note, and before I turn to

co-operation with others, I want to acknowledge, on behalf of all Committee members, the co-operation and commitment of the Committee Clerk and his staff. Their standards of professionalism, impartiality, integrity and organisational skills, together with their appreciation and understanding of the subject, which was often discussed in a politically charged atmosphere, served the Committee well.

As part of its deliberations, the Committee visited parliamentary colleagues and officials in London, Edinburgh and Dublin. We were warmly received, had helpful discussions and met each of the Justice Ministers and representatives of the Justice Committees. We also had a number of informal meetings with the Northern Ireland Affairs Committee, and we are grateful to all those who assisted us.

The Committee had regular discussions with the First Minister and deputy First Minister and the Secretary of State. Perhaps those meetings were not frequent or long enough for some Committee members, but they were always cordial and constructive, if not always illuminating. Initially, the Secretary of State questioned why the Committee should involve itself in the financial implications of devolution and appeared to resist its interest. However, the Committee asserted its undoubted authority in such matters.

Similarly, the Committee insisted on seeing the seven key documents that are considered to underpin the arrangements for devolution. Members can find those documents in appendix 4 to the report. It is true to say that the NIO took its time in releasing those documents, some of which were found to be defective. The majority of the papers continue to be subject to review and revision.

The Committee is also frustrated that it has yet to see the paper commissioned from John Larkin QC, as well as the First Minister and deputy First Minister's response to it.

Pages 2 to 12 of the report deal with a number of key matters, including the financial implications of devolution; the role of the Attorney General; the arrangements for the appointment, and removal, of judicial office holders; North/South policing and justice agreements; parading; the Public Prosecution Service (PPS); and the Justice Minister's position in the Northern Ireland Executive.

There is also an executive summary on page 1 of the report which contains five conclusions. First, that there is merit in £1.328 billion being ring-fenced for policing and justice services within the Northern Ireland Executive's overall budget for 2010-11.

Secondly, in the interests of the good and proper regulation of the way in which the Assembly conducts its business, it is important to have an early resolution of matters relating to the role of the Attorney General.

Thirdly, it will be necessary to have appropriate arrangements in place to enable the Assembly to fulfil its scrutiny role on prosecutorial policy, spending and administration in the Public Prosecution Service.

Fourthly, the independence of the Public Prosecution Service should be maintained, and the accountability of the PPS should be examined by the justice Committee, once it is established.

Finally, subject to their compliance with all appropriate policing and justice legislation, the procedures and protocols between the Justice Minister, the justice Committee and the Department and its agencies should be the same as those that apply to other Ministers in the Northern Ireland Executive.

I will elaborate on each of those conclusions in turn.

The £1.328 billion does not include the additional financial package, which is considered to be some £800 million in the current comprehensive spending review (CSR) period and beyond. The Northern Ireland Office will retain £26 million to cover its own costs in 2010-11.

The additional financial package was the result of detailed financial negotiations, which were very much informed by the work of the Committee. The importance of that work has long been acknowledged, not least by the First Minister and the deputy First Minister. The details of the package were first published in a letter from the Prime Minister on 21 October 2009. A second letter from the Prime Minister, also dated 21 October 2009, was provided to the Committee in confidence. That letter provides clarification on a number of points. The Committee subsequently sought and received permission to publish the second letter, which

it has done for the first time in the report. Both letters can be found in appendix 3.

On 10 November 2009, the First Minister and the deputy First Minister appeared before the Committee to discuss the correspondence from the Prime Minister. At that meeting, they declared that they regarded the additional financial package as acceptable.

Details of the distribution of the £1.328 billion across the headquarters functions of the Department of Justice, and of the sums to be made available to the range of executive NDPBs and executive agencies, can be found on page 355 of volume 1 of the report.

There is no denying that, in the short term, more work needs to be done urgently, especially on the role of the Attorney General.

The Committee expects to see John Larkin's paper, and the Office of the First Minister and deputy First Minister (OFMDFM) response to it, in the coming days. That may pave the way for us to give some further direction to the Committee on Procedures.

12.00 noon

I understand that the First Minister and the deputy First Minister will appear before the Assembly and Executive Review Committee again before the end of March. That meeting may give us an opportunity to resolve the Attorney General's role and other outstanding issues, such as how the Public Prosecution Service will be properly scrutinised. The Committee recognises that the Assembly, and politicians generally, should not interfere in individual cases. However, the PPS is funded from public moneys and, therefore, should be subject to proper scrutiny by the Assembly. The Committee believes that the independence of the PPS should be maintained but that its accountability should be examined in more detail after devolution.

The report deals with a number of other matters, which I will touch on briefly. I want to draw Members' attention to the fact that the Northern Ireland Act 2009 provides for the initial arrangements for the appointment and removal of judicial office holders. The arrangements are subject to review by the Assembly by May 2012. Although the Committee discussed the relationships between the Serious and Organised Crime Agency (SOCA) and the security services and between

the Minister and the Assembly on a number of occasions, no consensus was reached on what those relationships should be. Similarly, although it considered the matter, the Committee did not reach consensus on the requirement for a justice sector of the North/South Ministerial Council.

The Committee had originally planned to address what consideration, if any, it wished to give to the Ashdown report on parading. Indeed, Lord Ashdown was invited to appear before the Committee but declined to do so, and the Committee acknowledges that parading is addressed in section 2 of the Agreement at Hillsborough Castle. The Committee also discussed the fact that the First Minister and the deputy First Minister have an advisory role to play in the appointment of the Police Ombudsman, but no consensus was reached on any variation to the existing arrangements.

Finally, I remind Members that the Committee's first report on the arrangements for devolution identified a number of matters that a future justice Committee might want to examine, the first of which relates to the question of whether political parties should continue to appoint MLAs to the Policing Board. The second issue relates to the future status of the Probation Board, and the third and fourth issues relate to matters that the Northern Ireland Law Commission and the Northern Ireland Legal Services Commission raised in the Committee's initial report.

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

The Chairperson of the Assembly and Executive Review Committee: I hope that Members find the Committee's second report informative and helpful in dealing with matters today. I commend the report to the Assembly.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an LeasChéad Aire, agus éirím chun tacú leis an rún ar son Shinn Féin.

I declare an interest as a member of the Policing Board. I fully support the motion that the two Ministers tabled jointly and welcome the contribution that we heard from the deputy First Minister, Martin McGuinness. Martin outlined some reasons why it is very important to complete the transfer of policing and justice powers to here. Moreover, he set out what he thought were some negative responses from

other parties, particularly the Ulster Unionist Party. However, that party will be able to elaborate later if it so chooses.

It is very important to welcome the point that we are at, because it is clear that the transfer of policing and justice powers is a move forward for the entire community. Even at this stage, I urge all parties and all Members to vote for the motion, notwithstanding any reservations that they may have, some of which may even be justifiable. The single most important thing that the parties can do collectively today is to send out a solid and unanimous message. However, it remains to be seen whether that will happen as the day goes on.

As I said at a public engagement this morning, I am not a unionist, and I can have only a limited insight into the thinking of those unionists with whom I engage. However, I and my colleagues who have been members of the Policing Board for almost three years and other colleagues who sit on district policing partnerships have been working day in and day out with members of all the other parties. I defy any representative of any other political party to decry any of the work that we, and many others, have been engaged in over recent years as we have tried to tackle policing issues and to ensure that the police work in partnership with local communities.

Ultimately, all that we do is about making our communities safer. I and my party colleagues Martina Anderson and Daithí McKay have no doubt that there are people from every community, including Ulster Unionist Party members, its MLAs and their supporters, who work every day of the week to ensure that they not only engage on matters specifically related to policing but on wider criminal justice issues. We all know, if we reflect honestly, that there have been times in the recent past when families have come out of the courts crying their eyes out about the way in which they have been unfairly treated. They have been hurt by the lack of criminal convictions or inappropriate sentences for heinous killings and other crimes in our community. I urge the Ulster Unionist Party, even now, whatever its reservations, to come on board positively and work with the rest of us to iron out the difficulties that it believes exist.

The UUP knows that the vast majority of people whom it represents want the transfer of policing and justice powers, and, equally importantly, they want the parties to work together under

a collective mandate to resolve those issues and get on with the other important things that matter to the community.

Mr B McCrea: Will the Member give way?

Mr A Maskey: I am sorry; I will not give way. I have listened to the Member in recent days, and although I may feel his pain, I do not want to contribute to it by giving him another shovel. *[Interruption.]*

Mr Speaker: Order.

Mr A Maskey: The Member may be vacuous on his own time, but not on mine.

Our communities are looking forward to a fresh opportunity to take part in an informed debate on how the complex issues of policing and criminal justice can be brought to a forum like this under the tutelage of a locally elected Minister who will engage with local communities and be accountable to them, as opposed to under the tutelage of a direct rule Minister. I look forward to a positive vote today so that the communities that we collectively represent will have a new opportunity to engage on the important criminal justice issues. Let us talk about the revolving-door system in the Magistrate's Court and the failure of the Public Prosecution Service to properly prosecute cases on behalf of victims and their families. I urge all parties to be positive and constructive and to take the opportunity that is before us today.

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

Mr A Maskey: Go raibh míle maith agat.

Mr Kennedy: I am grateful for the opportunity to participate in the debate on behalf of the Ulster Unionist Party. I declare an interest as a member of the Assembly and Executive Review Committee. I add my tribute to the Chairperson of the Committee, the other members of the Committee and the Committee Clerk and his staff for all their hard work.

The key decisions of the Assembly and Executive Review Committee, it might be fairly and accurately said, took place elsewhere. It is clear that although the issue of policing and justice ought to have been dealt with in this House and at Stormont, it was instead, along with other issues such as the Irish language, the on-the-runs and the removal of the Army from Northern Ireland by October 2010, dealt

with at Hillsborough. In that coalition of loathing, that political carve-up —

The Chairperson of the Assembly and

Executive Review Committee: Will the Member give way?

Mr Kennedy: I will give up — give way. *[Laughter.]*

The Chairperson of the Assembly and

Executive Review Committee: Will the Member inform the House when it was that the Assembly and Executive Review Committee discussed the removal of the Army, or when it was discussed in any other place?

Mr Kennedy: All I can say to the honourable Member is: wait and see. *[Laughter.]*

Mr Speaker: Order.

Mr Kennedy: I want to make it absolutely clear, and I comprehensively reject the earlier remarks and accusation levelled by the deputy First Minister when he opened the debate, that the Ulster Unionist Party is not opposed to the devolution of policing and justice in principle. We place that firmly on record. The Ulster Unionist Party is not opposed to power sharing. It is thanks to the Ulster Unionist Party in large measure that the deputy First Minister and others, including the First Minister, enjoy their positions today.

The Ulster Unionist Party has always taken the hard decisions. It has always taken the right decisions for the right reasons and at the right time. We will continue to do so today. It was not an Ulster Unionist Party Member who said that policing and justice would never happen in our political lifetime. It was not an Ulster Unionist Party Member who said that it would not happen in the lifetime of this Assembly. There are people missing from the DUP Benches. Perhaps some of them are having grave doubts. Perhaps some of them are the “abominable no men”, as they were described, or perhaps they are just incredible snowmen. However, we shall see whether their principled opposition will melt away in the early spring sun.

I now come to those who have waxed loud about being the principled opposition in this House: the Alliance Party, the self-proclaimed defenders of the ordinary people. When I was a wee lad, my mother used to talk about a man — *[Interruption.]*

Mr Speaker: Order. Continue.

Mr Kennedy: My mother used to talk about a man who operated a stall in Smithfield market: Joseph Kavanagh. His slogan was “I buy anything”. David Ford is now the Joseph Kavanagh of Northern Ireland politics. *[Laughter.]* It seems that there is no cause too great, no issue too important and no core belief so vital that cannot be sacrificed for political expediency. The Alliance Party should be ashamed of itself. It is now an article of ridicule all over Northern Ireland.

From the “I buy anything” man, I move to the “I’ll do anything” man, Shaun Woodward, our esteemed Secretary of State; he of Sainsburys fame — and I can kiss goodbye to my Nectar points this week. *[Laughter.]* The Secretary of State, in my view, has behaved disgracefully, particularly over recent days. His attempts to bully, bribe and blackmail this party have abused the high political office that he holds. He should pack his bags well in advance of the forthcoming general election.

That brings me neatly to another person, the deputy First Minister. Recently, we had the long-awaited announcement of the publication of the cohesion, sharing and integration (CSI) strategy.

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

Mr Kennedy: Thank you, Mr Speaker, I am very grateful.

That strategy is now on its way. We, as a party, got a taster of that yesterday in the deputy First Minister’s office: the way ahead, a shared future. We wanted to discuss the way forward, and instead we were shown the way out. *[Laughter.]* The mask slipped, and it was not make-over Martin, it was not the Martin of the ard fheis, the autocue, and the designer set of the RDS Dublin. It was more like the Martin from the Bogside. *[Interruption.]* I am glad that this party is not in the Lobbies with that man today.

The problem is not with policing and justice. The problem is that the Executive are not being properly run. They are being run for the two and the few, and not for the many. Therefore, we cannot endorse the motion. We need to address seriously the issues that confront the Assembly and our people; the issues of economy and jobs and education and health.

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

Mr Kennedy: The Ulster Unionist Party is right when it stands back and holds back its position today. *[Interruption.]*

Mr Speaker: Order.

Ms Ritchie: The motion before us is very important. It will set in motion the procedure that will result in the transfer of policing and justice responsibilities from Westminster to Stormont next month. Therefore, the SDLP very much welcomes the motion. Indeed, we believe that it should have happened long ago.

What has made today possible is not the recent scrambling at Hillsborough but 10 years of dedicated policing and justice reform, which was spearheaded by people such as Chris Patten, Nuala O'Loan, Alex Attwood, the thousands who applied to, and the hundreds who joined, the new PSNI, and so many others. We will vote for it today. The devolution of policing and justice powers should never have brought the collapse of our devolved institutions so close a few weeks ago, and it should not be allowed to destabilise us now.

12.15 pm

The air of crisis that has surrounded policing and justice is the result of people not being honest about it. That began three years ago, when Sinn Féin claimed that it had secured the DUP's agreement to the devolution of policing and justice powers in the St Andrews Agreement. Sinn Féin asserted that claim repeatedly, and, as time passed, it accused the DUP of being in breach of the St Andrews Agreement. That situation was compounded by the silence of both Governments, who allowed Sinn Féin's inaccurate version of events to go unchallenged. Although I acknowledge the desire of the two Governments to deliver progress, they have not distinguished themselves on the issue.

More recently, we have had all the dissembling and gerrymandering around the appointment of a Justice Minister. A DUP concern about the possibility of a Sinn Féin Justice Minister has become a DUP veto on any nationalist Minister who has Sinn Féin's blessing. That situation continues despite the fact that the established system for appointing Ministers states that the next ministerial position could go to nationalists.

A Member: Will the Member give way?

Ms Ritchie: No; I will not be giving way.

In the coming weeks, we will witness Sinn Féin trying to engineer a situation in which it appears to vote for Alban Maginness in the Chamber despite having designed a process that guarantees that he cannot be appointed. We will also see a display of phoney reluctance from others who have no democratic right to the position. To cap it all, the DUP will lecture us that a cross-community vote in the Assembly is the finest form of democracy or that the involvement of five parties is more democratic than four. Once again, carve-up politics is being disguised as inclusive government.

A Member: Will the Member give way?

Ms Ritchie: No, I will not.

The DUP and Sinn Féin and their cheerleaders heralded the Hillsborough arrangement as yet another historic deal. *[Interruption.]*

Mr Speaker: Order.

Ms Ritchie: Let me nail the latest spin. A vote for the transfer of policing and justice powers is not an endorsement of the Hillsborough package. Martin McGuinness has been making that claim all week, but he is wrong. The SDLP supports the devolution of policing and justice powers, but we think that aspects of the Hillsborough arrangement are unclear, uncertain and unhelpful. The Hillsborough arrangement is based on a distortion of democracy, and it could turn the clock back on parading. It is secretive while pretending to be open, and it is a carve-up that pretends to be inclusive.

Members need only look at the elements of the Hillsborough arrangement, which include a date for the devolution of policing and justice powers, which, for purely electoral reasons, is applicable only if the DUP is supported by the party that it has excluded and abused for years. There is a parading working group, to which the SDLP and the UUP need not apply. Elected Ministers are not allowed to see any papers, but Sinn Féin is happy to share them with the Orange Order. The Executive function and delivery working group has four-party involvement, but, after six meetings, it is going nowhere fast.

There is a St Andrews unfinished business working group and an Executive backlog working group, which is chaired by the DUP and Sinn Féin but struggles to make progress. At the Executive, I asked for a copy of the agreed cohesion, sharing and integration strategy, but

I was told that I cannot have it. Although David Ford made agreement to the CSI strategy the fig leaf that enabled him to claim the nomination for Justice Minister, he has not seen —

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

Ms Ritchie: David Ford has not seen the CSI strategy either. At least that is what I was told at the Executive.

The SDLP supports the devolution of policing and justice powers today, just as we always have.

Mr Speaker: Order. I must insist that the Member brings her remarks to a close. Time is up.

Ms Ritchie: We do that, without equivocation, for the greater good of our community. We need the devolution of policing and justice powers, because we need to stand with the many families who have been let down by the Public Prosecution Service and the many who live in fear of crime. *[Interruption.]*

Mr Speaker: Order.

Mr Ford: As I rise to support the motion, I note the enormous wave of support that is either side of me.

There is no doubt that the devolution of justice powers is the last challenge that we face as an Assembly. The issue brought down the institutions of this place in 1972, it was too difficult to deal with in 1998, and agreeing to it will be a sign that we can start to make progress at this stage. In fact, it will be the biggest change since 1998 in the devolution arrangements in any of the three devolved nations.

Members need to listen to the community, particularly those who are involved in the justice system, about the importance of getting this devolution and to show that we can deliver in the Assembly for all our people.

I start by thanking Jimmy Spratt for his report. I also thank the members of the Assembly and Executive Review Committee for their work. I fear that their detailed report will not get the attention that it probably deserves, given the way in which it has been introduced. Mr Spratt certainly made some interesting points, particularly when he talked about the role of the Attorney General and the functions of the Public Prosecution Service, which will need to be addressed in coming weeks.

I believe that we need the devolution of justice powers for three key reasons. First, it is part of cementing the peace process. I speak as an MLA for South Antrim, a year after the shootings at Massereene Barracks when two soldiers were murdered and a couple of months after the car bomb that so seriously injured Peadar Heffron. If we need any examples in this society of the necessity of getting the devolution of justice powers under way, we have only to look at what those who oppose it seek to do.

Secondly, if we get devolution of justice powers, it will demonstrate that this institution and these institutions as a whole are capable of taking responsibility for difficult decisions. It will also demonstrate that the sort of ya-boo politics that we have seen so much of over the past three years are at an end.

Thirdly, there is clearly a need to have joined-up government and to have the institutions function together correctly. This morning, I sponsored an event in the Long Gallery for the Northern Ireland Association of Social Workers. I made the point that an interplay exists between the criminal justice system and people who have mental health and personality disorder issues. Those issues are simply not dealt with unless Ministers who sit together round the same Executive Table address them. I note that my professional colleague across the way is at least nodding his head in agreement.

I have no doubt that confidence in the devolution of justice powers exists in this community. The overwhelming results of opinion polls and the kind of conversations that we all have show that although there may not be a demand for the devolution of justice powers as such, there is an absolute demand that these institutions take responsibility for the issues that are in the remit of the future Department of Justice. That is the case even if the questions that are asked in the polls are somewhat loaded. That absolute demand is why we need the devolution of justice powers. We need those powers to be devolved not because people necessarily want institutional change but because there is a vital necessity to see practical change and to see devolution delivering in all the areas that it can, including justice.

I listened with modest interest to Mr Kennedy's rant. I noticed that he managed to spend most of his time giving general abuse. He was then followed by Ms Ritchie, who managed to heap

an equivalent amount of abuse on people. *[Interruption.]* That is OK, however, because I can deal with it. However, when we are discussing an issue that is as serious as this, the fact that the two parties on either side of me degenerate into personal abuse and do not consider the issues seriously shows that some people have to grow up even if others have started to move forward.

Those who did not engage at Hillsborough when they were given the opportunity and those who did not engage before that when we invited them to engage on policies are the people who fail to recognise that, on the issue of a shared future, for example, we never expected to see a policy paper. However, we asked for and we got progress and engagement from the First Minister and the deputy First Minister. That never happened when the Ulster Unionists and the SDLP were in charge. That is a measure of movement forward that shows some degree of happening.

When we get to the sort of remarks that we heard this morning from the Ulster Unionist Minister about what would happen if the Army had to be brought in —

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

Mr Ford: The UUP is now showing that everyone else is out of step except it and Jim Allister. The Alliance Party supports the motion.

Mr Paisley Jnr: I am a member of the Northern Ireland Policing Board.

Members driving to the Assembly today probably heard the interview on BBC radio of the widow of Stephen Carroll, the murdered police officer. I do not think that anyone could have not been moved by her strong words, the words of an Ulsterwoman crying on behalf of Ulstermen and Ulsterwomen: get on with it, do your job, do what we have elected you to do, respond to the needs of this community, and listen to the people.

I would not want anyone else in the House to be in the unenviable position of one Member during that radio discussion, because he had to respond to a real person. Not a journalist's put-down, but the real words of a widow who could take a very different approach to life. She said: get on with it for the memory of my husband and the memory of ordinary Ulstermen and Ulsterwomen. That is a challenge to every

man and woman in the House to pick up the gauntlet, take the House forward and rule this divided country with a bit of energy and hope, and try to bring a bit of harmony to this place. Is this House listening to the crying words of men and women outside the Chamber, or are we in wrecking mode? That is the answer that Ulster awaits today.

I carefully chose my place in the Chamber today. I stand beside a man who was shot by the IRA, and behind a man who was a gallant member of the Royal Ulster Constabulary. That tells its own story about the strength of feeling in this party and this House to take this land forward. I do not like the outside interference that has been put upon the Ulster Unionist Party. No one likes that, but it does not take away from our duty and our responsibilities to take the difficult decisions and to do what is right. It is taking those difficult decisions that will make this House noble, instead of a House of ridicule.

Mr Donaldson: What message does the Member think that the dissident IRA bombers who exploded a bomb outside Newry courthouse would have for the House today? Would they be supporting the devolution of policing and justice or opposing it? Did they explode that bomb to frighten some people out of taking the right decision?

Mr Speaker: The Member has a minute added to his time.

Mr Paisley Jnr: Thank you, Mr Speaker.

I hope that Members take the right decision, not because of outside interference, and are not scared away. I hope that they do the right thing because of the people whom we all represent. To come into this House, we made a manifesto pledge that there would not be a Sinn Féin Minister of policing and justice precisely because of some of the fears of some of my colleagues and some of the things that have happened in our land. On that point, we can say that we have delivered; it is mission accomplished. Yes, we have come to an agreement, and, yes, the compromise is that we do not take that post either.

Taking those tough decisions will make this House noble rather than a House of ridicule. However, some want it to continue to be the place of ridicule, and we should not rise to the scare tactics of suggesting that Sinn Féin will not support operational decisions. The very

people who say that have themselves failed to support operational decisions by the police. I just wish that some of those people would lead by example.

There is a default; the position that we have negotiated will not go back to a grab-all after 2012 — a safeguard that this party put in place for unionism that was not there in 2003 or 2005. Why was the UUP willing then, but not willing now?

12.30 pm

There will be some issues raised about national security, which is a matter that is important to me and other Members of this House. Let us address the confusion. Mr Attwood has said publicly that Northern Ireland is not like any other part of the UK. The fact is that it is the same as the rest of the United Kingdom. National security is an issue, and it is embedded here in the same way as it is in the north of England, Scotland and London. We have put in place another reassurance and safeguard because we are not a place apart. We are a place within the Union. Therefore, we should and must go forward today with confidence.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Martina Anderson.

The sitting was suspended at 12.31 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Ms Anderson: Go raibh maith agat, a Cheann Comhairle. Éirím chun tacaíocht a thabhairt don rún. I support the motion and declare an interest as a member of the Policing Board. I also declare that I am, like Martin McGuinness, a very proud resident of the Bogside.

I return to what Members were talking about before lunch: no matter how much some parties in the Chamber try to frustrate the process, the transfer of policing and justice powers away from London and into the hands of locally elected politicians is without doubt what the people want. They are demanding a justice system that will deliver for all people here. Those of us who work closely with our communities — that applies to many in the Chamber — know the extent of the anger at the revolving-door justice system that allows criminals back on to the streets, sometimes hours after being arrested. We know of people's sheer heartbreak when killers are sentenced to a few years' imprisonment for their crimes. I am sure that Members have worked with families, as I have done in Derry, who have been absolutely devastated by the lenient sentences handed down to the people responsible for the death of their loved ones. People such as Eugenia Doherty, who has allowed me to refer to her, whose son Ciaran died in a car crash in 2008. The man convicted of causing 17-year-old Ciaran's death was sentenced to just two years in prison. I and, I am sure, many others have seen the heartbreak and pain endured by such families.

There has been no local Minister or locally designated framework to which we can refer those families for assistance in arriving at some kind of understanding of the situation. Seeing their loved ones' killers given such lenient sentences only compounds people's pain. Such cases go to the heart of the need to transfer policing and justice powers and to build a justice system that is absolutely fit for purpose. I have dealt with cases in which there has been a fundamental breakdown of the justice system, from the PSNI through to the PPS and the courts. The motion provides us with an opportunity to shape and reconstruct the system, so that justice and the needs of victims are at the heart of the process. UUP Members say that the machinery of justice is broken, but they do not want to take on the responsibility of

fixing it. Of course the task ahead is massive and difficult, but we in Sinn Féin have never been afraid of hard work.

In many ways, this is day one for the new justice system. The challenge that we all face now is to build the kind of justice system that the people demand and deserve. For one, I look forward to playing my part. As a member of the Policing Board's human rights and professional standards committee, I appreciate the opportunity to shine a light into every corner of policing in order to safeguard citizens' rights, including, where necessary, those of police officers. That is the diligence and accountability that we now intend to apply to the whole justice system.

Concerns have, of course, been raised regarding the NIO's draft protocols on how existing policing arrangements will operate in the new Department of Justice, but the role, responsibility and status of the Policing Board are set in legislation and will not be adversely affected by the transfer of policing and justice powers. Furthermore, members of the Policing Board were informed on Thursday that all those protocols are works in progress and are subject to change.

I want to be clear: MI5 should have no role whatsoever in Ireland. As someone from a community that has suffered absolutely immensely at the hands of an oppressive state, I know the poisonous and malignant influence of that organisation in my country only too well. It is for that very reason that Sinn Féin firewalls civic policing from the toxic influence of MI5. That organisation should have no role in our country or in civic policing. Some parties criticise us, yet they want to bring MI5 back into the heart of the process and make it a fundamental part of policing in our community. We are building a system with maximum accountability, transparency and disclosure of all aspects of policing and justice.

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

Ms Anderson: It is about so much more than politics; it is about communities, families and people. It is about all the people in the North, and they want the kind of justice system that I believe we can put in place.

Mr Speaker: The Member's time is up.

Ms Anderson: It is up to everyone in the Chamber to vote in favour of the motion.

Mr Hamilton: It is a pleasure to speak to this motion. Like my party, I have long been in favour of the devolution of policing and justice powers to this institution. There is a catalogue of reasons why we have wanted it, not least the historical attachment that unionists have had to having policing powers in our own Parliament. In fact, as David Ford indicated, the 1972 Parliament collapsed as a result of those very powers being taken away from unionists in this Building.

Everyone in my party is a long-standing devolutionist. Long before others came up with fanciful ideas about how to run this place, my party stood alone and fought for the maximum amount of sensible devolution to Northern Ireland, so we want more powers here, not fewer. In addition, we have always wanted to make a difference. Imperfect as things have been, in the past three years, we have tried to make a difference and, whether in policing and justice, social policy or economic policy, we will continue striving to make a difference in this country.

We wanted powers to be devolved on the basis of sound and solid conditions being met, principal among which was that there should not be a Sinn Féin Justice Minister. Mr Speaker, that is not going to be the case; there will be no Sinn Féin Justice Minister now or in the future. *[Interruption.]*

Mr Speaker: Order.

Mr Hamilton: I hear catcalls from Members to my right, so this is an opportune moment to remind those individuals about their position on the devolution of policing and justice powers. This morning, I heard on the radio Reg Empey talking last night. He said, "Our history is our strength". On this issue, their history is their weakness, because they stand exposed as the hypocrites that they are. The Ulster Unionist Party was prepared and willing to devolve policing and justice powers in 2005, at the midpoint of the last Assembly's mandate. Today, they are not so sure about what, in their eyes, was the right and proper thing to do five years ago in 2005.

Mr Hilditch: Was that to enable them to secure the position for Sinn Féin? *[Interruption.]*

Mr Speaker: Order.

Mr Hamilton: The Member made a very good point: the Ulster Unionist Party's decision in 2003 to devolve powers in 2005 showed its utter short-sightedness. As everybody knows, at that time, powers would have been devolved to two Ministers and, at that time, Sinn Féin was overtaking the SDLP as the largest nationalist party, so, in 2005, Sinn Féin and not the SDLP would have occupied one of the justice positions. That was also a time when Sinn Féin was allied to an army that was armed and involved in criminality and terrorism on the streets of Northern Ireland. That shows the short-sightedness —

Ms Ní Chuilín: On a point of order, Mr Speaker. I remind the House that Sinn Féin is a political party, so the Member should curb his remarks. *[Interruption.]*

Mr Speaker: Order. I remind Members that they should temper their remarks and respect the House's dignity and its business.

Mr Hamilton: I am happy to point out that, as a result of the Democratic Unionist Party's resolute actions, the republican movement has advanced to the point at which those arms have been abandoned and its terrorist and criminal past is behind it. The Ulster Unionist Party, however, was prepared not only to sit in government with Sinn Féin while all that behaviour was going on but to devolve policing and justice powers to it. Its members stand exposed as the hypocrites that they are. Although we would like to have had their support for the devolution of policing and justice powers, when it became patently obvious that they had no intention of doing what they have long stood in favour of doing, it was utterly apparent to everybody that we were dealing not with a dysfunctional Executive but with a dysfunctional Ulster Unionist Party. Opinion poll after opinion poll shows that the vast majority of people in Northern Ireland support the devolution of policing and justice powers. Indeed, in quiet corners of this Building, its Members tell us that they want those powers to be devolved to the Assembly.

In his opening remarks, Mr Kennedy talked about everything but policing and justice. There was no objection at all to the substantive point before us today: the devolution of policing and justice. It shows that what his party is doing today is for purely party political reasons. Its opposition is entirely manufactured and is not consistent with its historical position.

Mr B McCrea: Will the Member give way?

Mr Hamilton: No, I will not give way. The Member will have time to answer the accusations and valid criticisms that I have thrown at him. The Ulster Unionist Party may want to tell the British Secretary of State to butt out of the affairs of Northern Ireland, and it may want to tell its Tory paymasters to get stuffed, but it will not tell the people of Northern Ireland that they cannot make progress. The DUP, and the DUP alone, offers the people of Northern Ireland the opportunity to make progress and to move forward, and that is what I am backing today.

Mr Speaker: I call Alan McFarland.

Mr Storey: Captain McFarland. *[Interruption.]*

Mr Speaker: Order.

Mr McFarland: Major, please. I will start by declaring my membership of the Assembly and Executive Review Committee and by paying tribute to the Chairperson, the Clerk and the staff for the outstanding work that they have done with us over the past few years.

For five years up until 2006, I served on the Policing Board with Alex Attwood, Sammy Wilson, Ian Junior and Fred Cobain, constructing the outstanding, modern Police Service that we have today. During 2006, I served on the Preparation for Government Committee, and we nursed the fledgling negotiations between the DUP and Sinn Féin around the table for the first time. However, we were not allowed to refer to them as negotiations. The DUP insisted that it was a scoping exercise, and we got into the most awful trouble every time we used the word "negotiations". Indeed, I recall a major row between Willie McCrea and Martin McGuinness, when Willie took unkindly to a lecture from Martin McGuinness, and it is interesting that, 24 hours ago, Martin was still running around in a state of pompous lecturing.

For the past three years, I have served with the Assembly and Executive Review Committee, and in front of Members today is the latest of our three extremely fat tomes on policing and justice. I am telling everyone that, because I spent the past eight years of my life developing policing and justice so that it can be devolved here; therefore, there is no doubt that my party and I wish to see it devolved here. We need local legislation so that anyone who is found guilty of attacking an elderly person in their

home, socialising at night at the Odyssey with a six-inch Bowie knife on their hip, annoying neighbours with antisocial behaviour or attacking the fire, police or ambulance services should receive a sentence that will act as a meaningful deterrent rather than the sort of sentences that they get at present. We need that legislation to be allowed to be developed here. Why then does the Ulster Unionist Party object to the motion?

We have been trying to fix a broken Executive and trying to persuade the DUP and Sinn Féin to adopt a four-party coalition, which is what it is supposed to be, and a consensus in government, which is surely what we all strive for here. Surely, that is not too much to ask for. However, despite all the fine, inclusive words over the past month, we have encountered again the blockage that has been with us since 2007. The Executive are a two-party junta. generalissimo Robinson and generalissimo McGuinness have their parties ruthlessly drive issues through the Executive and Committees. Where is the equality and listening to others' views in all that?

We had 154 days of chaos in the halted Executive, and it is a bit rich for Martin McGuinness to lecture us on vetoes as he did earlier. The Sinn Féin Executive Minister is on an ideological crusade, destroying grammar schools and prep schools against the wishes of all the other parties in the Assembly. Our efforts at Hillsborough and over the past week to fix the dysfunctional Executive have been blocked by the junta once again.

The Ulster Unionist Party would like to see policing and justice devolved to the Assembly, but we object to the corruption of the democratic process that sees Lord Ford gerrymandered into the role of Justice Minister.

2.15 pm

Mr Ford: On a point of order, Mr Speaker. I understand that, on occasions, you have ruled that Members should be referred to by their correct name. I know that it pleases Mr McFarland to make that cheap, snide remark, but it is becoming a bit boring. If he wishes to refer to me, may I ask that he addresses me properly?

Mr Speaker: Order. I have said in the House on several occasions that Members should be referred to by their proper name, and that also applies to parties.

Mr McFarland: It is interesting that some people react faster than others to the cut and thrust of politics. We also believe that it makes no sense and, in fact, is dangerous to devolve policing and justice to this cracked and broken two-party junta of an Executive. My party and I will not support the motion.

Mr A Maginness: For too long, policing and justice has been a stumbling block. I hope that the devolution of policing and justice will become a stepping stone to a more stable society. I hope that lessons have been learned from the misuse of power, which led to Stormont being prorogued 38 years ago. I remind Mr Ford that one of the greatest misuses of power that led to the demise of Stormont was, of course, Bloody Sunday.

The SDLP has a vision for a society coming out of the Troubles that is at peace with itself and whose citizens are at peace with one another. We envisage a society that has a system of justice that is just, fair, compassionate, accessible and sensitive to the needs of all its people and is practical and effective in meeting the needs of all in society. The transfer of policing and justice is only the beginning; it is not the conclusion or completion of devolution. It is a process of reinforcing and, at times, rebuilding the confidence of ordinary people in the institutions of justice and policing.

That positive achievement could not have been realised had it not been for the recreation of policing under Patten. The SDLP is proud to take credit for the heavy lifting in that regard. Without the infrastructure of policing, no society can properly afford security to its citizens, and without fair policing and an acceptable police force we cannot have the rock on which justice and policing can be firmly placed.

Acceptable policing has provided the basis for the transfer of policing and justice powers, but the issue of policing is not finished yet. We want community policing. We believe that we are working towards that, and that should be an objective of all the parties in the Assembly. It is our aim and the aim, I hope, of other parties to achieve that. The SDLP seeks a justice system that serves the needs of all the people and grants justice. We believe that to be the paramount aim.

We envisage the creation of a charter of rights for victims of crime; the establishment of a sentencing guidelines council; legislation on

knife crime; the Prisoner Ombudsman based on statute; and we want the Assembly to work closely with the new Law Commission and its deliberations. On policy, my party wants to see the implementation of the Criminal Justice Inspection recommendations. We also want to see reform of the Prison Service and the development of the prison estate. We want to see the building of a new women's facility. We want to see the building of a new prison. We believe that it is essential that a new policing college be built here.

My party seeks a review of the work of the Public Prosecution Service. Last week's events highlight the deficiencies that exist there. Above all, the Assembly must address that office's accountability to the people of Northern Ireland.

My party also wants to see a review of the criminal injuries compensation scheme, which is unfair to victims of crime. We also want to see the setting up of a criminal justice policy review forum and the reform of legal aid. Without that, ordinary people will not have access to their rights in the civil courts and will not receive justice. We want to see the review of the monetary jurisdiction of County Courts and the High Court.

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

Mr A Maginness: Finally, there are many outstanding issues that need to be addressed, particularly in relation to the intelligence service, North/South relationships and so on.

Mr Speaker: The Member's time is up.

Mr A Maginness: Those issues require ongoing work.

Mr McCartney: Go raibh maith agat, a Cheann Chomhairle. Ar dtús, ba mhaith liom mo bhuíochas a ghabháil leis an Chéad Aire agus leis an LeasChéad Aire as ucht an tuairisc seo a chur os ár gcomhair inniu. Ba mhaith liom freisin mo bhuíochas a ghabháil le Cathaoirleach an Choiste, Jimmy Spratt, as an obair atá déanta aige agus ag foireann an Choiste.

I welcome the motion that has been tabled by the First Minister and the deputy First Minister, and I commend the Assembly and Executive Review Committee's second report. A resolution would set in motion the legislative process for the transfer of justice and policing matters to the Assembly; the establishment of a Justice Department and, in turn, a Justice Minister;

and all that flows from that. That is what people elected us to do, and that is what this Assembly will achieve today. The Committee's report is an important component of that. I want to take the opportunity to thank the Committee Chairperson, Jimmy Spratt, for his work and the Clerk and his staff for their contribution. Patience was required throughout the process; he showed remarkable patience.

It is understandable that many people who, perhaps, are listening to the debate would believe that the issue concentrates solely on policing. Nothing could be further from reality. As important as policing is, it is only part of the process that leads to transfer and, indeed, its reality. Other agencies that will be transferred include the Court Service, the Public Prosecution Service, the Prison Service, the Prisoner Ombudsman, the Probation Board, the forensic science laboratory, the Criminal Justice Inspection, the Youth Justice Agency and the Legal Services Commission, which deals with legal aid, as well as many others to boot. With that transfer comes all those agencies' budget lines. Indeed, it brings with it an ability to make changes and to introduce new legislation. Going down that list of agencies, I believe that I can say without contradiction that all of us have, in recent times, dealt with them and found that doors were closed simply because they were not within the Assembly's remit. With transfer, those agencies will come under the auspices of the Justice Department and Justice Minister. Their work will be open to scrutiny by the justice Committee. That is the Government's responsibility. It is our responsibility as elected representatives and, importantly, it is what the people who elected us want us to do.

Many people believe that the current criminal justice system does not work for the benefit of the community. Transfer provides new opportunities to change that. It will now be our responsibility to make the criminal justice system work for the community's benefit.

The Hillsborough agreement lists areas that the new Department will address as an addendum to the Programme for Government. Under the banner "Equality of access to justice", they will include a sentencing guidelines council; review of alternatives to prison custody; the power of the Prisoner Ombudsman to be reviewed in the light of experience elsewhere; and calls for a review of conditions of detention and management and oversight of all prisons. I

note that Alban Maginness cited a number of them. His party's lukewarm reception to the Hillsborough agreement must be warming up.

Indeed, many people down through the years have said that our current prison system requires major reform. Now is the time to fulfil that, and we have the opportunity to do so now. For example, the Assembly debated issues of prison policy on two separate occasions. The first occasion was when the report of the Criminal Justice Inspection was debated, and the second occasion was the debate on the Prisoner Ombudsman's report into the death of Colin Bell when he was in Maghaberry prison. On both occasions, it was noticeable that no representatives of the Prison Service or the agencies that were involved found it necessary to be at the Assembly to listen to the debate. Indeed, many Members remarked on that. A marker was put down during those debates about what should transpire as a result of the recommendations that were made. Given that, however, none of those agencies contacted me, and I do not know of any other Member who was contacted. That is a damning indictment of ourselves.

The opportunity now exists, and we should not miss it. Whenever events occur, such as deaths in custody, we all run to microphones and say that this and that should not happen, yet we have no powers of scrutiny or powers to ensure that any recommendations will be implemented. That opportunity now exists. People who talk about the transfer should see it in its completeness and should not narrow it down to one issue or to an issue of their own reckoning. This is an opportunity to do the right thing for the people who elected us to do the right thing.

Mr Donaldson: I welcome the opportunity to participate in the debate and to support the devolution of policing and justice powers to this Assembly. We were reminded that, in 1972, the then unionist Government decided to close the doors on Stormont because they were losing those powers. I note that their successors in the Ulster Unionist Party stated that they have no principled opposition to the devolution of the powers. Therefore, I find it a little curious that they are here today to vote against the devolution of the powers. Their history speaks to them of the need to have these powers in a devolved Parliament and government.

When we examine the case for devolution and see those who support its happening now, we

see that they include the Chief Constable of the Police Service of Northern Ireland and the chairman of the Police Federation for Northern Ireland. Given all the difficulties that the Police Service and the RUC before it have encountered, if those people can put their hands up and say that now is the right time for devolution, who are we to second-guess them?

Mr Kinahan: Dr McCrea, who is a member of Mr Donaldson's party, said that he would vote against the devolution of policing and justice powers. I wonder, therefore, how many other members of his party will be voting for the devolution of policing and justice powers.

Mr Speaker: The Member has an extra minute.

Mr Donaldson: Thank you, Mr Speaker, for the extra minute. The Member will be able to see clearly that this party is united in its support for the devolution of policing and justice powers. Let there be no doubt about that. The divisions in his party's position are more evident in the Member's ranks than in ours. Has the Member of Parliament for North Down, who is that party's single Member of Parliament, endorsed the Ulster Unionist Party position? I doubt it.

As the Member for North Antrim said, Mrs Kate Carroll spoke on the radio this morning and said that despite her hurt, pain and sense of loss, she felt that now was the right time for politicians to move forward. Oh that we all had the courage of people such as Kate Carroll, who can set behind them their difficulties and their personal feelings and recognise that this is the right thing to do and that this is the right time to do it.

I have not heard any coherent argument from the Ulster Unionist Party as to why it opposes the devolution of the powers at this time. The Ulster Unionist Party's deputy leader, Mr Kennedy, told us that it was something to do with the Irish language. I have read the Hillsborough agreement from back to front, and I cannot see any reference to the Irish language. He then told us that it was something to do with the Army being withdrawn from Northern Ireland in October this year. That is absolute nonsense. That matter was not even discussed at Hillsborough; it was not even an issue at Hillsborough. It is just something that he had to dream up as a fig leaf to cover his embarrassment for opposing the devolution of policing and justice powers.

When people have to make things up and scare-monger to justify their position, it says a lot about the credibility of their position. *[Interruption.]*

2.30 pm

Mr Speaker: Order.

Mr Donaldson: I recently attended a church service in Newry, along with the deputy leader of the Ulster Unionist Party, to commemorate police officers of the Newry subdivision who had given their lives in defence of our freedom and to protect the entire community. Some of them were murdered in the mortar attack on Newry police station 25 years ago. Afterwards, I spoke to the families of those police officers, and they told me that it is time to move on. However, I respect that there are others who do not share that view. I respect their position and the integrity of that position, because it is principled opposition; it is not just about timing.

Mr B McCrea: Us.

Mr Donaldson: It does not include you, the Member for Lagan Valley, because your opposition is not principled. It is all to do with party politics, not principle. I can respect people who oppose the devolution — *[Interruption.]*

Mr Speaker: Order. Members must make their remarks through the Chair.

Mr Donaldson: I can respect people who have a principled opposition to the devolution of policing and justice powers, but I do not respect those who seek to play games with the issue.

A year ago, the House stood in unity when the murderers were out on the streets murdering two soldiers and Constable Stephen Carroll, whose widow spoke on this subject this morning. The House was united in sending them a very clear message that they will not have their way. What is it that they are trying to do? They are trying to destroy the Assembly and the political progress that we have made. Why did they explode that bomb outside Newry courthouse? Why choose a courthouse? It was chosen because it is symbolic. What was the message? The message was that they wanted the devolution of policing and justice to be stopped. It saddens me that today the House is not united in sending them a very clear message, which is that we intend to press ahead. We will not allow the bombers and gunmen to have their way.

Even at this late moment, I wish only that those in the Ulster Unionist Party would reflect on their position. Whatever their reservations about timing, frankly, that is not good enough. It is time for us to unite again and send a clear message to the terrorists out there who seek to undermine the progress that we are making — those who want to drag us back to the dark days of the past. We should send them a united message, and I hope that, even yet, the Ulster Unionists will see sense and make the right decision, give principled leadership and join us in the lobbies to support the motion.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. This is a very big day for the Assembly and for our communities. Unfortunately, I missed some of the debate this morning, but I am picking up that it is a very emotional day for people.

I would like to touch on some of the issues that we have encountered in our community concerning the fact that a lot of constituents see all the agencies as one. The example that I will use is of multi-agency meetings that include the PSNI, the council, residents, community groups, statutory bodies, and so on. More often than not, when serial offenders in our community appear in front of the courts, the PSNI object to bail, yet they are granted bail. Those are the sorts of linkages that I am talking about. People need to feel that local people are making all of the institutions accountable. That is very important. Massive strides have been made, particularly on policing, over the last while. Massive strides have even been made on engagement with different statutory bodies. However, there are sometimes blatant and obvious gaps between them all. Today will be the start of a process that will ensure that people can see that there will be seamless links.

Absolutely nothing will be sorted out in one day. Other Members have said that this is the start of a change. It is the first day of real change and of local power being in the hands of local politicians, most of whom enjoy a substantial mandate. For example, there have been recent cases in my community, such as the murder of Thomas Devlin and Harry Holland. There are many others that do not get the same type of publicity, for obvious reasons.

It is also a big day for the many families who have sought and been denied justice. It is not a day for party political point scoring. There have

been many difficulties across the House, in my community and in the communities of other Members about historical legacies and what those will mean for people. Many people have suffered much pain.

Leadership starts in this House, and, as Members, we will go back to our constituencies to do the work that we were elected to do, such as that which is done at the multi-agency meeting that I described earlier. Elected representatives, residents, the PSNI and other statutory bodies are trying to bring an end to criminality in their communities by working with each other. When policing and justice is devolved, the people who are trying to eradicate really bad aspects of antisocial behaviour will know that one of the biggest gaps has been plugged. Indeed, they will know that there will be local accountability, and that is very important.

The pain that we all share, regardless of which side of the House we sit on, will not end today. In fact, if we are being totally honest, the people who have lost someone at the hands of the police and the families of policemen who have been lost are the very people who have told us all to wise up and to get on with it. People who are living with the legacy of the conflict, whatever end of the community they come from, are telling us to wise up and get on with it.

We have also heard that message from residents and constituents whose quality of life is, at times, zilch. They find it hard to tackle and to bear the levels of criminality that they face. All agencies, communities and stakeholders are trying to work together to make a real difference to people's lives, and today is a big day for them. For that and many other reasons, I support the motion. Go raibh míle maith agat.

Mr Ross: In 2007, the unionist electorate endorsed the Democratic Unionist Party. They endorsed the manifesto on which we stood, which was to bring strong and accountable devolution to Northern Ireland. That manifesto included our desire for responsibility for policing and justice to be returned to the hands of Stormont.

We made it clear that we wanted two conditions for the devolution of policing and justice: we wanted community confidence; and we wanted to ensure that there would not be a Sinn Féin Justice Minister. As a result of legislation that the House has passed already, we know that there will not be a Sinn Féin Justice Minister; Sinn Féin will not nominate to the

post of Justice Minister. In addition, under the mechanism by which the Justice Minister will be elected, cross-community support will be required. It is important that a position such as that of policing and justice Minister, which has sensitivities, can command the support of both communities and maximum buy-in from this House and the greater Northern Ireland community.

As part of the agreement that was made, the Chief Constable will retain 100% control over policing operational matters, there will be no political interference in the judicial system and, as has been said earlier, responsibility for national security will remain in the hands of Westminster. That is consistent with what we said we wanted, and it is consistent with what the unionist electorate backed us to do and endorsed in 2007.

In addition, following the Hillsborough agreement, we have secured a financial package for the devolution of policing and justice worth £800 million. During the credit crunch and at a time when there are pressures on government finances, that is a substantial package for the devolution of policing and justice and has been welcomed by the Chief Constable. A package has been agreed for the part-time Reserve, and progress has been made on parading, including the abolition of the Parades Commission by the end of this year.

All of that helps to build confidence. The fact that there will not be a Sinn Féin Justice Minister now or in the future guarantees confidence within the unionist community. The DUP has been active in consulting with the community, and we have ascertained that that confidence is now there. Indeed, opinion polls of recent days have confirmed that position. As my colleague Ian Paisley Jnr said, the wider community in Northern Ireland want to see progress. They want us to get on with it, and they want devolution to deliver for Northern Ireland and make real progress in this country.

Our achievements can be contrasted with those of the Ulster Unionist Party, which has now stated its opposition to the motion and to the devolution of policing and justice powers. Earlier, Mr Kennedy, in what I presume was a Freudian slip, said "I give up" when he meant to say "I will give way". The unionist community gave up on the Ulster Unionist Party for a number of reasons in 2003. We need to look at the Ulster

Unionist Party's position in 2003. At that time, it supported the devolution of policing and justice powers. It wanted those powers to be devolved by 2005. Indeed, my colleague Simon Hamilton made that point earlier. However, the Ulster Unionist Party wanted to devolve those powers in a context that was very different to that which exists in Northern Ireland today. At that time, Sinn Féin refused to support the police, law and order, and the courts. In addition, the Ulster Unionist Party did not seek any safeguards or blocks on who the Justice Minister would be. Indeed, at the time, the Ulster Unionist Party said that the appointment of a Sinn Féin Justice Minister was inevitable. Those were the words of the Ulster Unionist Party. Such an appointment is not inevitable under the Democratic Unionist Party, and we have ensured that Sinn Féin will be blocked from getting the position of Justice Minister.

It appears that the Ulster Unionist Party has learned little over the years. Even today, it argues for a system of election for the Justice Minister through d'Hondt. That, of course, would open up the position to Sinn Féin again, and the unionist community across Northern Ireland will be cognisant of that. Indeed, during the Hillsborough negotiations, the UUP said that we should not discuss the issue of parading or link anything to the devolution of policing and justice powers.

Mr Easton: Does the Member agree that, if the Ulster Unionists vote no today, they will be voting against extra money to tackle the dissident terrorist threat in Northern Ireland and that they will also be voting — *[Interruption.]*

Mr Speaker: Order.

Mr Easton: Does the Member agree that they will also be voting to retain the Parades Commission?

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

Mr Ross: If the Ulster Unionist Party has its way today, £800 million for the Police Service will be lost. I do not think that that will be lost on the wider unionist community.

Interestingly, I listened to a radio interview this morning with David McClarty, who said that we should not worry because the motion will be agreed even if his party votes against it. That probably highlights the sort of principled position that the Ulster Unionist Party claims

that it has today. Indeed, we have heard much about how its opposition to the motion is to do with the dysfunctional Executive. Let us have a look at the Executive that existed in the previous mandate under the Ulster Unionist Party and the SDLP. That Executive collapsed three times and made fewer decisions than the current Executive. Therefore, when the Ulster Unionist Party talks about dysfunctionality, it is probably speaking from a position of great experience.

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

Mr Ross: I do not think that the unionist community will listen to the Ulster Unionist Party, because that party has lost all credibility in recent days. I therefore have no hesitation in supporting the motion, and I hope that Members will also endorse it.

Mr McGimpsey: I presume that we have yet to see the snowmen on the DUP Benches, because this is a warm day and we are having a warm debate in the Assembly. However, no doubt, they will be along in due course.

[Interruption.]

Mr Speaker: Order.

Mr McGimpsey: In the interests of good relations in the Assembly, party colleagues and I responded to an invitation yesterday from the deputy First Minister to talk to him. We were introduced to what I presume is his new good relations strategy. It is called "get out".

My party is not and never has been against the devolution of policing and justice powers in principle. In fact, we have advocated it. However, there was never any deal to devolve those powers in 2005. That is false. We believe firmly that we need to aspire to the devolution of policing and justice powers. However, the problem is that the Executive are clearly dysfunctional. For example, the Executive did not meet or function for 150 days. The Executive are dysfunctional, and there is a battle a day. As a Minister, I can tell Members that this Executive are different from that which existed during the days of Ian Paisley. I can assure the House of that. At least when Ian Paisley was First Minister, we had a First Minister with the ability to show some leadership. That leadership is long gone. *[Interruption.]*

2.45 pm

Why are we here today? We are here as a result of Sinn Féin blackmail. Sinn Féin said that there would be political consequences unless policing and justice powers were devolved. To demonstrate that, Sinn Féin closed down the Executive for 150 days, threatened the DUP, and warned that it would walk out and collapse the institutions. At that point, of course, our Secretary of State threatened elections. Faced with the prospect of elections, the DUP caved in. That is why we are here today. It has nothing to do with principle on the part of the DUP. *[Interruption.]* It has nothing to do with anything other than the DUP's caving in at the prospect of elections. *[Interruption.]*

Mr Speaker: Order.

Mr McGimpsey: I understand the angst in the DUP, Mr Speaker, because it knows that some day it will have to face the electorate. The DUP, clinging to office, knows that it is only putting off the evil day.

What has the DUP conceded in order to make this deal? It has conceded the existence of a gerrymandered and undemocratic Justice Minister, and I am ashamed that Members from the Alliance Party would allow themselves to be used in that way. It has conceded something around an Irish language Act — we still do not know what — and has agreed to side deals.

Mr Weir: Will the Member give way?

Mr McGimpsey: I leave it to the DUP to give way. I will not give way to it. *[Interruption.]*

We have the promise — *[Interruption.]*

Mr Speaker: Order.

Mr McGimpsey: We have the promise — *[Interruption.]*

Mr Speaker: Order.

Mr McGimpsey: We have the promise of an all-Ireland parliamentary forum. We have the promise of an all-Ireland civic forum. We have the on-the-runs. The DUP now wants to put its hands up for that. *[Interruption.]*

Mr Speaker: Order.

Mr McGimpsey: It is what Gerry Adams referred to as a staging post.

However, there are practicalities involved. If we devolve policing and justice powers, if the dissident threat continues to manifest itself, and if the Justice Minister feels the need to call in the Army, where will Sinn Féin stand then? Will Sinn Féin support the Army's being brought in to support the police or will we go back to having a dysfunctional Executive? *[Interruption.]* Those are very real questions. For 25 years, the British Army was what stood between this society and general civil war. *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mr Storey: We do not want to hear him.

Mr Speaker: Order.

Mr McGimpsey: Thank you, Mr Speaker.

I hear that the DUP is united: the united snowmen party. And where is Nigel Dodds? *[Interruption.]*

Mr Speaker: Order. Please allow the Member to be heard.

Mr McGimpsey: Where is Nigel Dodds? He said that there would be no devolution of policing and justice powers in his political lifetime.

This is not the time to devolve policing and justice powers. Devolution is a precious commodity and is the future that will produce peace and a settled society that we can hand on to the next generation.

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

Mr McGimpsey: This proposal threatens everything that we have achieved so far.

Mrs D Kelly: For many reasons, some people believe this to be a very poignant day. Some claim that, with agreement on the devolution of policing and justice powers, the final piece of the devolution jigsaw is in place. Although the SDLP believes in, and has long called for, the devolution of policing and justice powers, other outstanding matters need to be resolved; for example, building reconciliation, establishing a bill of rights, and building stronger and better North/South relationships.

Others will claim that it is a poignant day, on which the people of the North no longer have a British direct rule justice Minister. However, we have a Sinn Féin/DUP contrived deal for their anointed one. For nationalists, it is indeed a

poignant day, as Sinn Féin colludes with the DUP to gerrymander nationalist votes, to sacrifice the principles of the Good Friday Agreement, and to make deals on parading and a CSI strategy for a shared future that exclude the other parties and, more importantly, were made over the heads of the people. For the post of Justice Minister, no nationalist need apply.

If one refers to paragraphs 3A and 3B of the motion, one can see that events like Bloody Sunday would not be covered under devolved matters. Indeed, the Minister of Justice would not necessarily be given any information if agents handled by MI5 were involved.

The SDLP has put on the public record its views on that issue in relation to the murder of Kieran Doherty, and, in private meetings with the British and Irish Governments over many years, it has highlighted the dangers and risks of no one in the North having oversight of, or being accountable for, MI5.

Paragraph 1D of the motion deals with the Royal prerogative of mercy in relation to terrorists. It is interesting that the British Secretary of State said that today was a poignant day as he sought to pile pressure onto the political parties. His suggestion that anyone who is not a cheerleader for the Hillsborough Sinn Féin/DUP deal is somehow ignoring the recent upswing in dissident republican violence is, quite frankly, outrageous.

There are other matters that a Justice Minister here will have no say in or control over, and that is a matter of concern for the SDLP. The Director of the Public Prosecution Service will be able to hold Diplock trials, yet the Minister of Justice will have no say in that. There is also a need for equality monitoring throughout the criminal justice system to establish how criminal justice is handled and secured and how the agencies that provide criminal justice are staffed.

Today is a poignant day for many victims of not only the recent dissident republican violence but republican and loyalist terrorism of the past 40 years. Where is the justice for the disappeared, many of whose bodies have not yet been recovered and many of whom are only now being named as their murders are owned up to by the IRA?

Today is also a poignant day for those in the SDLP and the Ulster Unionist Party who have always provided leadership and done the heavy lifting to ensure that the power-sharing institutions were brought into being. It is a

day of poignancy when we see those who did their best to bring down the institutions over many years — some for 30-odd years — in the Chamber, and one wonders whether the 3,000-odd deaths ever needed to happen. It is the view of the SDLP today that dissident republican violence is wrong and futile, just as it was its view that IRA and loyalist terrorism was futile and pointless many years ago.

Mr McKay: Will the Member give way?

Mrs D Kelly: No, I will not give way; not today.
[Interruption.]

Mr Speaker: Order.

Mrs D Kelly: Other Members have spoken about other non-political people who have done the heavy lifting, such as the independent members of the Policing Board and the district policing partnerships who risked their lives to oversee policing reform. Indeed, you were a member of the Policing Board, Mr Speaker. When politicians were asked to step up to the plate and do the heavy lifting they lived up to the task.

Mr Durkan: Will the Member give way?

Mrs D Kelly: I will give way to my colleague.
[Interruption.]

Mr Speaker: Order.

Mr Durkan: I thank the Member for giving way. The Member has recalled the first phases of devolution under the Patten plan, which included the transfer of powers from the Secretary of State to the Policing Board and the Chief Constable of the PSNI. Does she agree that that period shows — just as the Policing Board was able to confound low expectations at that time — that devolution, even with all the difficulties that we are aware of, can still work? Does she also agree that adding to the suite of the Executive's powers may be a way of improving the functionality and performance of the Executive, contrary to the argument that has been made by some other parties?

Mrs D Kelly: Of course I agree with my party colleague on that matter.

Perhaps Mr McKay of Sinn Féin will realise that my not giving way to him was the first time that the SDLP has excluded his party from anything. The SDLP did not exclude Sinn Féin from any of the talks or negotiations, and it is interesting —

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

Mrs D Kelly: I will. In conclusion, it is a poignant day for the wider police family who remember the murder of their colleague and friend Stephen Carroll. I pay tribute to them and to his widow.

Mr G Robinson: Today's debate must be one of the most historic since the Assembly came into being. Today, we take another step to show the world that Northern Ireland can truly be master of its own destiny. As we all know, some people are afraid of progress, and they oppose, politically or violently, the political stability that the motion further supports.

My party is delivering on a manifesto promise to complete the devolution of policing and justice powers. To ensure that proper funding is in place, our First Minister negotiated an additional £800 million. Despite the TUV's belief that it has the right to rule, using an approach that has long since proven detrimental to unionists, my party knows that the people of Northern Ireland want future stability, peace and economic growth, and the devolution of policing and justice powers will help to deliver that.

The fact that the police and the courts will be operationally independent of the Justice Minister ensures that, unless parties such as the TUV continue to split the unionist vote, neither can come under the control of Sinn Féin, now or ever.

Over £400 million will be used to compensate RUC officers who have damaged hearing and to make recognition payments to officers of the RUC part-time Reserve. The agreement also covers personal protection weapons, which is a subject that has caused much concern to current and former members of the security forces.

In a short time, the Parades Commission will be abolished, much to the relief of the unionist people, who regarded it as contributing to the overall parading problem. A fairer system with greater local input will be established.

Those are all elements of an agreement that many believed would be impossible for Northern Ireland's politicians to achieve. I urge all Members to support the devolution of policing and justice powers, because it is much too important an issue with which to play petty politics. Support for the motion will show that Northern Ireland has matured politically.

Mr Speaker: As Question Time commences at 3.00 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the first Member to speak will be Mrs Naomi Long.

The debate stood suspended.

3.00 pm

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

Oral Answers to Questions

Social Development

Mr Deputy Speaker: It is now time for a rather sedate Question Time with the Minister for Social Development, Ms Margaret Ritchie.

Housing Executive: Savills Report

1. **Mr Weir** asked the Minister for Social Development for her assessment of the Savills report on the Housing Executive's housing stock. (AQO 903/10)

The Minister for Social Development

(Ms Ritchie): In 2008, we decided to carry out an independent assessment of the Housing Executive stock and its maintenance costs. I commissioned Savills to carry out a stock condition survey to determine the ongoing investment required for the Northern Ireland Housing Executive stock.

The Savills team concluded that the Housing Executive stock was by far the best-quality housing stock that it had ever inspected across Britain and Northern Ireland. In 1974, 6.3% of properties were deemed unfit; the corresponding figure today is less than 1%. Looking at the results of the 2009 house condition survey, the Housing Executive should be commended for maintaining its housing stock to a high standard. The survey shows that the work undertaken in its properties has been of high quality. The Savills report indicates that we need to take a fresh look at our overall maintenance strategy, and that is what we are doing.

My officials continue to work with the Housing Executive to assess the recommendations in the Savills report and are developing a maintenance investment strategy based on those recommendations. As the Member knows, the Social Development Committee tabled a motion on the Savills report yesterday.

Mr Weir: Mr Deputy Speaker, I am acutely aware of what you said about this Question Time being less controversial. Therefore, Members may be

glad that we are discussing the Savills report and not the Saville report.

Given that the Savills report recommends reducing investment in the major capital works programme, what assurance can the Minister give my constituents that there will be investment in Housing Executive homes and that the necessary work will be carried out in the small number of houses that the report deemed to be poor or very poor?

The Minister for Social Development: Mr Weir asks a very pertinent question. Investment in the planned maintenance programme over the past five years has been greater than investment in the newbuild programme. I will continue to invest in the planned maintenance programme and in the response maintenance programme. However, I am conscious of the limited resources that will be available to me as a result of issues regarding capital receipts. A large part of the budget is predicated on capital receipts and income from land sales.

I have not yet finalised my Department's budget for next year, but I will still bring forward money for planned maintenance, response maintenance and elemental response. Members will recall that the Savills report referred to the fact that, until now, we renovated properties from the front door to the back door. That was the multi-element improvement scheme. The Savills report tells us that that scheme is not the best value for money. It states that the best way to ensure value for money is to carry out elemental works by replacing kitchens or bathrooms when they have reached the end of their useful lives.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the Savills report is about cutting back on maintenance and raising rents? Does she also agree that that will hit the quality of housing in the long term and put people in debt, especially those who will be unable to pay higher rents?

The Minister for Social Development: Mr McCann will be aware that the Savills report stated strongly that the Housing Executive provided the highest quality of maintenance throughout these islands. I have no doubt that that high level of maintenance will continue.

He also raised the issue of rent convergence. As I said yesterday, we are looking at that issue. I will bring a paper to the Social Development

Committee on the issue, because I want to see the greatest possible equity and fairness, even though many people on low incomes find it difficult to make ends meet and, if they are not in receipt of benefit, find it difficult to pay rent.

I am in no doubt that no decisions have been taken on how the report's findings will be taken forward, and I am awaiting the maintenance investment strategy from the Housing Executive, which will help to shape my views on the way forward for maintenance in all Housing Executive properties. As I said yesterday — I referred to it again this morning — it is worth pointing out that the portfolio of properties owned by the Housing Executive now equates to the portfolio of properties in the private rented sector. We must consider that fact in the overall context of housing provision.

Ms Lo: The Savills report pointed out that the Housing Executive does a lot of ground and security work that is not included in landlords' functions in Great Britain, where such work is usually carried out by the local authorities. Is the Minister thinking about approaching local councils or the Department of the Environment about a joint funding mechanism to take on that type of work?

The Minister for Social Development: Ms Lo must have considered the Savills report forensically. The large areas of amenity lands that cost the Housing Executive a considerable amount of money to maintain is one of many areas that the report examined. We are considering the issues to determine how those areas can be best used to benefit the local population. I await the report on the maintenance strategy and the estate management strategy from the Housing Executive.

The Member raised the issue of councils. We must always remember that the functions of councils in Britain are different to those here. In Britain, councils have responsibility for housing and estates. That does not happen in Northern Ireland, and it is not part of the suite of functions that will be devolved to councils under the review of public administration.

Mr Burns: The Savills report highlighted certain aspects of the Northern Ireland Housing Executive's costs. Does the Minister have any view on the Housing Executive's land and estate management costs?

The Minister for Social Development: The Savills report provided useful information for the Department for Social Development's (DSD) annual subsidy determination for the Housing Executive's landlord function and will assist the Housing Executive and my officials in housing division in targeting resources to where they are most needed. We must remember that resources are scarce at the moment, and we must ensure that they are targeted at the people who need them most.

Savills highlighted the significant costs that are associated with the maintenance of the amenity lands in and around Housing Executive estates. My colleague will understand that that was the issue that Ms Lo raised. We have real opportunities to use that land better, and I have asked the Housing Executive to come up with a plan to offer sites to tenants for use as allotments. That would benefit the local community. Ultimately, if the Housing Executive land bank is put to best use, we can reduce estate management costs substantially.

Moneymore: Antisocial Behaviour

2. **Mr I McCrea** asked the Minister for Social Development what role her Department is playing in addressing antisocial behaviour in Moneymore. (AQO 904/10)

The Minister for Social Development: I presume that the question relates to antisocial behaviour in a housing context as opposed to matters that should be addressed directly to the Police Service.

The Northern Ireland Housing Executive is committed to tackling any form of antisocial behaviour wherever it occurs on its estates. It will seek to respond to instances of antisocial behaviour whether the complainant is a Housing Executive tenant, private tenant, owner-occupier or any other person who is visiting its property. It is also committed to preventing antisocial behaviour through a range of interventions, support and diversionary measures, and it works closely with other agencies in that respect.

The Housing Executive has not received any recent complaints about antisocial behaviour in the Moneymore area but is aware that the police are investigating a number of recent incidents of a criminal nature. The Housing Executive has entered into an information-sharing protocol with the PSNI, Cookstown District Council and the Youth Justice Agency to facilitate closer

partnership working. I will be pleased to accept the details of any specific concerns that Ian McCrea has about the situation in Moneymore.

Mr I McCrea: I thank the Minister for her answer. I am sure that she is aware that it is difficult for the community in Moneymore to live with the blight of antisocial behaviour. She mentioned that the Housing Executive's role in dealing with antisocial behaviour is different from that of the PSNI. There is a concern —

Mr Deputy Speaker: Please ask a question, Mr McCrea.

Mr I McCrea: I am coming to the question, Mr Deputy Speaker.

There is a concern among tenants in the private rented sector that there is little that the Housing Executive can do about antisocial behaviour. Will the Minister consider removing or suspending housing benefits that are being claimed by people who live in privately rented accommodation and who are responsible for the most extreme instances of such behaviour?

The Minister for Social Development: That would be a punitive course of action. Measures such as suspending housing benefits or initiating eviction proceedings are always a last resort. We will always attempt to address such problems through preventative measures, and only if those fail will compulsory actions be initiated that could lead to eviction.

I take Ian McCrea's point about suspending housing benefits. I presume that the Member asked the question because he has information about particular cases of antisocial behaviour. Perhaps he will provide the details of those cases to me so that they can be fully investigated.

Mr Armstrong: Does the Minister agree that the situation in Moneymore is worse than anywhere else in mid-Ulster because of a historical lack of investment in facilities for young people in that area? Will she make some funds available to assist such facilities?

The Minister for Social Development: Mr Armstrong will appreciate that I am not totally acquainted with what is happening in Moneymore. Perhaps he will advise me about that so that I can conduct a proper investigation from a housing perspective. Youth Service provision is an issue for another Department. However, Mr Armstrong is probably aware that the Housing Executive, to facilitate closer

partnership working, has entered into an information-sharing protocol with the police, Cookstown District Council and the Youth Justice Agency. The Housing Executive and other agencies recently published a leaflet that outlines that working relationship and the responsibilities of each agency. Individual cases are considered at regular inter-agency meetings, and decisions are made about future action and determining the lead agency's responsibility.

There may be particular instances of antisocial behaviour that affect tenants who are trying to lead a normal daily life, and I sympathise with those people. Perhaps Mr Armstrong could furnish me with the details of any such instances so that we can carry out a full investigation and provide you with a full and detailed written reply.

Mr Deputy Speaker: Minister, I am feeling a little neglected, because you seem to be addressing your remarks away from the Chair. I call Mickey Brady.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Is the Minister open to giving stronger powers to local authorities and communities to deal with antisocial behaviour under the new housing Bill?

The Minister for Social Development: I am happy to consider any issues that relate to the forthcoming housing Bill. However, the Member will be aware that that Bill will deal with the regulation of private landlords and light-touch landlord registration. The Member has been seeking those measures for some time. There is no doubt that there is a direct correlation between legislation for the private rented sector, regulation of landlords and possible antisocial behaviour.

Shared Future

3. **Mr O'Loan** asked the Minister for Social Development for an update on the work of her Department in promoting a shared future. (AQO 905/10)

The Minister for Social Development: Since becoming Minister, the progression of the concept of a shared future for all has been at the forefront of my agenda. That is because I, like many others, realise that if we fail to build an inclusive future, we jeopardise our opportunity to secure lasting peace, sustainable communities and economic prosperity. We run the risk of playing

into the hands of those who use random, callous acts of violence to try to turn the clock back. For that reason, I have ensured that shared future objectives are integral to my Department's policies and programmes. Those objectives include the delivery of shared housing and the provision of quality shared spaces in physical development projects across Northern Ireland, work to address the problems at interface areas, and encouragement of cross-community work in disadvantaged communities.

3.15 pm

However, the impact of my work is hampered, undoubtedly, by the absence of a strategic approach to that vital issue across government. Members will be aware that following 14 public meetings across the North about a shared future, I have made a commitment to bring a paper to the Executive on that critical issue. Members will also appreciate that the conventions governing such matters mean that I cannot go into detail of what such a paper might contain, but it breaks no confidence if I tell Members that it will propose measures for picking up the pace on a shared future and ensuring that the characteristics of shared future thinking find their way into the DNA of policy development and decision-making across the Executive.

I hope that the paper will receive the support of my Executive colleagues and that its proposals will help to ensure that a shared future becomes a priority for the Executive as a whole.

Mr O'Loan: I thank the Minister for her answer and for the leadership that she has shown on the matter. Does she have any view on the cohesion, sharing and integration (CSI) strategy that was agreed by the Office of the First Minister and deputy First Minister (OFMDFM) recently?

The Minister for Social Development: We are told that the cohesion, sharing and integration strategy that has been languishing in OFMDFM for years has been agreed. If that is true, I welcome it. However, it is a matter of concern that when I asked for a copy of it, I was refused one, but then I am just a democratically elected Executive Minister. When I was refused a copy, I asked when I could receive one. On 25 February, I was told, inexplicably, that it would be two weeks. I look forward to getting my copy of the document on Thursday, and I hope that there will not be any more excuses on the matter.

If CSI is agreed, and if it still has any substance, it can provide a long-term vision and a practical framework for achieving a shared future. It can provide a vision framework to help all of us to work together to build a future that is free from sectarianism and division. I would like to think that everyone in the House would aspire to that as we try to build a more normal and reconciled society on this part of the island.

Mr Hamilton: It is remarkable how parties that have complained for years about the lack of CSI and that did nothing about it now seem to complain about progress having been made.

Everyone agrees on the concept of a shared future in housing. Will the Minister outline whether there have been any retrenchments in existing shared future housing developments where unfortunate incidents have happened? What mechanisms are in place to ensure that agreements that are signed up to are maintained by all residents in those developments?

The Minister for Social Development: I am surprised by the Member's comments. What is absolutely true about the SDLP is that since its foundation, it has always believed in a truly reconciled society. That is inherent in us; it is part of our DNA. We work for a reconciled society. We have implemented a shared society through partnership arrangements in local government since 1973. It is to be regretted that other parties are only latter-day converts to that concept.

Mr Hamilton raised issues about shared future estates and neighbourhoods, which are two aspects of the shared future housing agenda. I will launch a further tranche of shared future neighbourhoods shortly. Every development in the newbuild housing programme is screened in accordance with a shared future. The Member should convey to me any issues that he has in relation to an already constructed shared future housing scheme, and I will have those investigated fully.

I hope that every Member in the House aspires to a shared future and a shared future in housing through shared future neighbourhoods and estates, of which there are now many throughout Northern Ireland.

Mr Beggs: The Department for Social Development has a key responsibility in town centre, housing and community regeneration. Does the Minister agree that her exclusion from

significant involvement in developing the CSI strategy is a major mistake and another sign of a degree of dysfunctionality in the way in which the Office of the First Minister and deputy First Minister operates?

The Minister for Social Development: I agree with Mr Beggs that it is deeply regrettable that the CSI strategy has not been an inclusive process. Inclusion and bringing people together are at the very core of cohesion, sharing and integration, and all parties need to be involved in the strategy. It is regrettable that the CSI paper was not available at the last Executive meeting, given that we were told on the public airwaves, two days before the meeting, that it had been agreed by the First Minister and deputy First Minister without recourse to Executive colleagues. That is hardly the way to run government.

Incapacity Benefit

4. **Mr Boylan** asked the Minister for Social Development how many people are currently in receipt of incapacity benefit. (AQO 906/10)

The Minister for Social Development: There are currently 97,143 incapacity benefit claimants in Northern Ireland. That figure includes those who are entitled to payment of the benefit and those who, although not entitled to payment, receive weekly National Insurance credits. The figure equates to 8.8% of the working-age population.

Employment and support allowance (ESA) has replaced income support that is paid on the grounds of a new claimant's incapacity and incapacity benefit. However, incapacity benefit remains available to those who satisfy the linking rules. There are two ways in which linking rules can apply to clients. First, people who received incapacity benefit previously can return to receiving the benefit at the same rate providing they reclaim within eight weeks of the end of their previous claim. Secondly, those who have been incapacitated for more than 28 weeks may qualify providing their claim has not been disallowed and they started work or training within one month of the end of their previous claim.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. Does she agree that the fact that people on incapacity benefit are not classed as economically inactive has a serious impact on the unemployment figures?

The Minister for Social Development: I thank the Member for his question. The best place to deal with that issue is the House of Commons, where it is possible to amend the parity legislation that deals with welfare reform and other matters relating to benefit. One is better to be in the place in which the parent legislation originated.

Mr Bell: Given the concerns in my Strangford constituency about incapacity benefit and other benefits, what impact, if any, does the Minister feel there will be on the contracting out of medical assessments?

The Minister for Social Development: I thank Mr Bell for his question. That is one of the issues under consideration. I want to ensure best quality in benefit uptake and ensure that those who are entitled to benefits are able to access them, whether through their local social security jobs and benefits office, an advice centre or the constituency office of a Member of the Assembly.

It has been remiss of me not to have said this previously, but it is possible for Members to view the way that employment and support allowance is calculated by visiting the ESA centre at James House. So far, to my knowledge, only one Member, Dolores Kelly, has taken the opportunity to make that visit. That access is available to all Members.

Mrs M Bradley: Will the Minister indicate how the planned welfare reform, which emanates from the UK Government in London, will impact upon benefit claimants in the North?

The Minister for Social Development: The stated aim of welfare reform is to encourage and enable as many people as possible to return to the labour market. To that end, the reforms will ensure that the welfare system provides people with the opportunities that they need to improve their skills, prepare for work and move off benefits and into employment where that is appropriate.

However, I am concerned that the welfare reform proposals, which will be introduced in full whether a Labour or Conservative Government are elected in Westminster, could be applied in a way that is unfair. In the North, we have less affordable childcare than in Britain, and there are other distinguishing factors. As the detailed application of welfare reforms will be decided in London, it is important, as I stressed earlier to Mr Boylan,

that all our MPs take their seats and engage on this issue at Committee Stage of welfare reform Bills in the House of Commons. It is pointless for a certain party to complain about British welfare legislation and parity issues when, by not taking its seats in the House of Commons, it does little to change the legislation.

Community Development: North Antrim

5. **Mr Paisley Jnr** asked the Minister for Social Development for an update on the delivery of the community development fund in north Antrim. (AQO 907/10)

The Minister for Social Development: I congratulate Mr Paisley on his selection to follow in his father's footsteps in north Antrim. I hope that he gets a much bigger vote than Jim Allister, even if that leaves him a few thousand votes short of my colleague Declan O'Loan. *[Laughter.]*

I presume that Mr Paisley refers to the range of community support in north Antrim. We provide support and funding totalling £527,000 to community development in north Antrim through the following programmes: the neighbourhood renewal programme, which covers Ballykeel and Ballee estates; the small pockets of deprivation programme, which provides funding to the Carnany, Castle and Glebeside areas of Ballymoney; the Dunclug community chest, which seeks to build community cohesion; the areas at risk programme, which provides support to communities in Harryville and the Doury Road area of Ballymena; the community investment fund, which provides support to the Ballymoney Community Resource Centre; and the community support programme, which provides funding through district councils in the north Antrim constituency. I recall that the Member has raised the issue of Doury Road with me in the past. I am sure that he appreciates that there has been much investment in community support in that constituency.

Mr Paisley Jnr: I appreciate the Minister's good wishes, but I hope that her foretelling of the future is faulty.

In my constituency, the Good Morning Ballycastle project assists the elderly, the Ballykeel Community Association assists the young, the elderly and business start-ups, and Mosside Community Association tries to address all those needs. They provide a snapshot of community

needs, and they all benefit from DSD funding, as the Minister said.

Mr Deputy Speaker: You must ask a question, Mr Paisley.

Mr Paisley Jnr: When that funding evaporates in March, what means has the Minister to ensure that the valuable work that those associations carry out will continue for another valuable period of investment?

The Minister for Social Development: I hear what the Member says about the good community development that is taking place in those areas, and, from my visits to them, I know about that good work and the involvement of local community volunteers in promoting community cohesion and development.

If the Member sends me further details, I will be happy to look at them.

3.30 pm

(Mr Speaker in the Chair)

Executive Committee Business

Policing and Justice Powers

Debate resumed on motion:

That this Assembly prays that the following matters, as set out in schedule 3 to the Northern Ireland Act 1998, should cease to be reserved matters:

1. Those matters in paragraph 9 with the exception of—

A. The subject matter of the following provisions of the Regulation of Investigatory Powers Act 2000—

(a) Chapter 1 of Part 1, so far as relating to the prevention or detection of serious crime (within the meaning of that Act), and

(b) so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder—

(i) Chapter 2 of Part 1, and

(ii) Parts 2 and 3.

B. In relation to the prevention and detection of crime, the subject matter of Part 3 of the Police Act 1997.

C. The operation of—

(a) sections 21 to 40 of, and schedules 3 and 4 to, the Justice and Security (Northern Ireland) Act 2007, and

(b) section 102 of, and schedule 12 to, the Terrorism Act 2000.

D. In relation to terrorism, the exercise of the royal prerogative of mercy.

E. The operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

F. So far as it was a policing and justice matter (within the meaning of section 4) immediately before the coming into force of the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010—

(a) the subject matter of the Misuse of Drugs Act 1971;

(b) the subject matter of sections 12 and 13 of the Criminal Justice (International Co-operation) Act 1990 (substances useful for the manufacture of controlled drugs).

G. The Serious Organised Crime Agency.

H. In relation to prisons, the accommodation of persons in separated conditions on the grounds of security, safety or good order. (In relation to subparagraph H, “prisons” includes any institution for the detention of persons because of their involvement, or suspected involvement, in crime.)

2. Those matters in paragraph 9A (the Chief Inspector of Criminal Justice in Northern Ireland).

3. Those matters in paragraph 10 (public order) with the exception of—

A. The subject matter of the Public Processions (Northern Ireland) Act 1998.

B. In relation to the maintenance of public order, the armed forces of the Crown (including the conferring of powers, authorities, privileges or immunities on members of the armed forces for the purposes of the maintenance of public order).

4. Those matters in paragraph 11 with the exception of the operation of the temporary provisions, as defined in section 47 of the Police (Northern Ireland) Act 2000.

5. Those matters in paragraph 11A (co-operation between the PSNI and Garda Síochána with respect to certain matters).

6. Those matters in paragraph 12 with the exception of—

A. Items for the time being specified in article 45(1) or (2) of the Firearms (Northern Ireland) Order 2004; and the subject matter of article 45(10) of that Order.

B. The security of explosives, including—

(a) the prevention of loss or theft of explosives, (b) the prevention of the use of explosives for wrongful purposes, and

(c) the detection, identification and traceability of explosives.

(subparagraph B does not include the security of fireworks, or the licensing of shotfirers, or the subject matter of section 2 of the Explosives Act (Northern Ireland) 1970.)

7. Those matters in paragraph 14A (rights of appeal to the Supreme Court, and legal aid for such appeals).

8. Those matters in paragraph 15 (matters relating to the Courts) with the exception of the operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

9. Those matters in paragraph 15A (the Northern Ireland Law Commission).

10. *Those matters in paragraph 17 (the Social Security Commissioners and Child Support Commissioners for Northern Ireland). — [The First Minister (Mr P Robinson) and the deputy First Minister (Mr M McGuinness).]*

Mrs Long: I welcome the move to allow for the devolution of policing and justice powers to the Northern Ireland Assembly, and I support the motion. It is good that, as on other issues, locally elected and locally accountable people will have the opportunity to influence and direct policy on policing and justice matters and to work with their colleagues in the Executive to bring some coherence to policing and justice policy.

I also recognise that the devolution of policing and justice is the final piece of the devolution process, which has been outstanding since 1998. It is a good sign, despite the criticism that it has drawn, that there now seems to be sufficient agreement to complete the devolution process. I cannot see that there is a negative in that. So, that is a good sign.

From the beginning, much of the debate on the issue has been characterised as rancorous, and it has only gone downhill since then. People are tired of the tone of the debate, and certainly the public and the people with whom I am in contact would like to see real debate and real progress on the issues. People want to see the Assembly work and survive. They do not want to see it move from crisis to crisis, and most of them recognise that the devolution of policing and justice is a key aspect of progress.

David Ford laid out the Alliance Party's position, and I will not retread that ground. However, I want to look at some of the arguments that were made for voting against the motion. The first and primary argument is that the Executive are dysfunctional. I want to tackle that, because it is an important issue in the mind of the public. I believe that the Executive are dysfunctional and, on occasion, fail to perform. However, unlike those who put forward that argument, I do not believe that that is entirely the responsibility of the DUP and Sinn Féin. All four parties in the Executive have contributed at different times to its dysfunctionality. *[Interruption.]*

Mr Speaker: Order.

Mrs Long: The Ulster Unionists are making a lot of noise in the corner, which is not unusual. What ultimately matters, however, is how they handle these issues. It is worth bearing it in

mind that, when the DUP did to them what they are now trying to do to the DUP, the DUP's stated aim was to destroy these institutions. Is that what the Ulster Unionist Party is seriously about, and is that the stance that it is taking out to its electorate? I wonder how clearly thought through that position is.

Furthermore, part of the dysfunctionality has been due to the fact that the smaller parties in the Executive have tried to be both in the Executive and opposed to the Executive. That is dysfunctionality in essence, and it needs to be addressed. When people are in the Executive, they need to stand up and take decisions as a collective. That needs to be seen to happen, as that is part of the dysfunctionality. When the Ulster Unionist Party leader Sir Reg Empey and the SDLP leader Margaret Ritchie come together with their task force, they will, hopefully, be able to bring forward proposals that will deal with that part of the dysfunctionality, as well as all the other issues that they have highlighted.

Danny Kennedy accused me of not listening to what the Ulster Unionist Party said, but I did listen. He said that he was not happy that the Executive now act only in the interests of the two and the few. I did not hear Mr Kennedy raise his voice when his party was one of the two and the few. Members need to be aware of consistency in their own behaviour.

At the core of the current issues about dysfunctionality is the fact that we have lurched from crisis to crisis, much of it driven by the focus on policing and justice. It has distracted Members from the ordinary business of government. On many occasions, it has led to a hiatus on other matters while people take hostages around the Executive table on policy issues to further their position. The continuation of that uncertainty is not good for governance or Executive functionality. The devolution of policing and justice powers will make a significant contribution to resolving that dysfunctionality.

The Alliance Party's position regarding the justice Ministry has already been clarified for the public mind. The topic is not up for debate today, although, given the ire that we have drawn from the SDLP in particular, one would think that it was. Today, the Alliance Party speaks on the SDLP side of the argument because we are in favour of the devolution of policing and justice powers. I noticed that the former SDLP leader, Mark Durkan, had to intervene during

Dolores Kelly's speech to remind her that she does not have common cause on this issue with the Ulster Unionist Party. From listening to her speech, it sounded as if she did.

It is hugely important that policing and justice —

Dr Farry: I am grateful to the Member for giving way. Given the SDLP's inconsistencies today, does she not think that it is ironic that one SDLP Member complains about a potential protocol that would give the Justice Minister the ability to interfere with operational aspects of the Chief Constable's role, which is a smoke-screen, and other Members complain that the PPS has too much independence and there must be some interference. The SDLP is all over the place.

Mr Speaker: The Member will have an extra minute.

Mrs Long: I absolutely agree with my colleague. In some cases, we have seen inconsistency on those issues. We had a debate on the CSI strategy, and that topic was raised again today. Let us be very clear: the leader of the SDLP is happy to nominate a Justice Minister without there being any progress at all on a shared future. She is also willing to throw aside the common understanding of a shared future by continuing to pigeonhole members of my party, who have made a stand to say that we do not fit the two tribes mentality. She continues to pigeonhole us in a sectarian way that does not reflect our expressed identity. That is not the essence of a shared future.

When it comes to the position of the Ulster Unionist Party — *[Interruption.]*

Mr Speaker: Order.

Mrs Long: The position of the Ulster Unionist Party ultimately requires courage. What the party has done tactically is foolish.

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

Mrs Long: It is clear that the party has no influence on the process — *[Interruption.]*

Mr Speaker: Order.

Mrs Long: It looks like petty electioneering. The UUP has differentiated itself from the DUP.

Mr Speaker: The Member's time is up.

Mrs Long: How does it differentiate itself from the TUV?

Mr Shannon: Members will not be surprised to hear that I support the motion. I hope that every Member, even those who have concerns, will recognise that certain groups and certain people have put much hard work into this process so far. Other Members here today — we heard them because the debate has been acrimonious to say the least — sniped and made remarks not because they have that option but because they stayed at the side of the playground, unwilling to play ball and screaming foul play at any opportunity.

We are not tumbling into the devolution of policing and justice powers headlong at full speed with no thought or consideration about what we are doing. That could not be further from reality. It has taken a long time to come to the decision to support the devolution of policing and justice powers. That has ensured security for the people of the Province, as well as £800 million for policing, the police Reserve pension, hearing loss claims, legal aid and the organisation of the Justice Department. We ensured that there are adequate resources available for the future and for those who secured our safety in days gone by. My colleague Ian Paisley Jnr made comments earlier about Allan Bresland and Jimmy Spratt, and we recognise their contribution.

After intense talks in the past, the DUP negotiating team managed to pull together the deal that was needed to allow the Province to prosper. Despite all the media attention and the machinations of some Members, we achieved something that will satisfy the people of the Province. The agreement will provide a constructive way forward.

Earlier today in the Chamber, we heard comprehensive reports from the Chairperson of the Assembly and Executive Review Committee and the deputy First Minister. They went into great detail about the precise nature of the Bill and about what will happen next. I congratulate all those who worked so hard in putting the agreement together because their contribution is sometimes not recognised.

It is no secret that I am well known for my constituency work. I work hard on the ground and listen to what is said. For every person who has expressed concern to me and whose concerns, heightened by gossip-mongers, I have

allayed, 10 more have told me to get the job done so that Northern Ireland can move forward. I have been approached by ex-servicemen from the RUC and Army who have heard many rumours about the deal, spread by those who seek to sow seeds of discord to suit their own political agenda.

I have been able to state with certainty that there will be no Sinn Féin control of policing and justice or a Sinn Féin Justice Minister. That guarantee is and will remain enshrined; to that we are committed. I have had Loyal Institution members in my office — more than one Member in the Chamber is also a member of a Loyal Institution — who understood that the deal was looked at by the Orange and by the Black Institutions, which were satisfied with their gains. Those people have told me so. The 95% of people who supported the deal on Saturday past is a clear indication of that.

The agreement means that the Parades Commission will not be in place next year; that additional resources have been secured for the police and the courts; that there is money for the part-time Reserve and more officers on the streets; and that there is more money for those who suffered loss of hearing in service and who fought for years to win it and have long deserved it. We do not nor will we ever forget the sacrifice made by those men and women in the past. The devolution of policing and justice makes provision for that too. There will be more funding for legal aid, which means that people in need of help from the courts will be able to receive it. Ask any mother embroiled in a custody battle and she will say that that her legal aid is essential.

Now is not the time for Ulster Unionists to beat their chests and say that they do not agree and want no part of the deal. Unfortunately, that deal is here. It was secured by the Good Friday Agreement, in which they had a very strong hand. We are tied into matters; therefore, we have worked within the framework of the Executive, of which Ulster Unionists are a part, to secure the best financial and security package for the Province.

Most Members in the Chamber are fathers or mothers who remember when they were driving their kids somewhere in the car and the wee ones in the back seat would ask, “Are we there yet? Are we there yet?”. There they are — the Ulster Unionists — asking whether they are

there yet. The DUP, the SDLP, Sinn Féin and the Alliance Party are in the driving seat, and we are moving forward. Those Ulster Unionist children are in the back seat saying, “Are we there yet?”. They want us all to do the hard work, but they will not do anything to contribute to it. If anyone wants to know who those people are, they are the ones in the short trousers with the teddy bears.

I support the motion. The Ulster Unionists should stop whingeing from the back seat; join in the conversation with everyone else in the car; support the motion; and move forward with policing and justice.

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

Mr Shannon: They should do it now and have the guts to support us. *[Interruption.]*

Mr Speaker: Order.

Sir Reg Empey: Today’s proceedings are the normal procedures of parliamentary democracy. They are procedures that we have inherited from the Mother of Parliaments and, as in any parliamentary democracy, there will be different points of view. Some parties will agree with the motion, and some will not. That is how parliamentary democracy functions. Those of us who find ourselves, in good conscience, unable to support the motion believe that the conditions are not yet right. We are doing what we were sent to this House to do: exercising our judgement. We are seeking to serve the best interests of all the people of Northern Ireland.

Those who have any understanding of Ulster Unionism will know that we do not take pleasure in voting no. I am immensely proud of the sacrifices my party has made for the cause of peace. Our determination to make Stormont work for all the people of Northern Ireland — unionists, nationalists, all of us — continues. Our wholehearted support for the brave men and women of the PSNI continues unabated.

Before, during and after the Hillsborough process, my party declared that it would make a judgement on the basis of three fundamental principles. The first is the need for the power-sharing Executive to function as a four-party coalition. To say that the Executive have not done so since May 2007 is to state the obvious. If the Executive are to represent all the people of Northern Ireland, they will have to function

as any other coalition functions, on the basis of equality between the coalition partners.

The second principle is the pressing need to ensure that the Executive address rather than ignore the education debacle. For more than two years, the Executive have not discussed post-primary transfer. That is not the only matter in education — far from it — but it is holding up progress on other fronts. My party does not expect others to agree with it about all education issues. It is, however, looking for consensus in place of strife.

3.45 pm

Thirdly, there is the matter of policing and justice itself. Ulster Unionists believe in the devolution of policing and justice powers. However, we do not believe in devolving those sensitive powers to an Executive who are incapable of deciding how to transfer children from primary to post-primary schools, for example. The stark fact is that the leaders of the parties in the Executive have not had a single conversation together about how to respond to the dissident threat or about how the institutions will approach major disagreement between the parties on policing and justice matters. That concerns me greatly. Does it not seem reasonable that, by this stage, we should have had some preliminary talks to ensure that we are able to stand together when the inevitable challenge comes from those elements?

None of our three principles has been addressed in a meaningful way. The Executive are still not working as they should, and there is no prospect of them operating as a genuine coalition, as we saw from the deputy First Minister's rant against my party this morning. The education debacle remains unaddressed. The context for the devolution of policing and justice powers remains unstable.

I recognise that the First Minister attempted to address some of my party's concerns, but he faces the same issue that my party and I face: Sinn Féin's attitude. Progress is being held up by Sinn Féin's unwillingness to accept the normal democratic conventions of coalition government. Sinn Féin's rejection of the Executive's working together as a coalition of equal partners has been gravely disappointing. I hope that, in the days to come, Sinn Féin will reflect on that and move to a position that is in the interests of good government for all the people of Northern Ireland. When lecturing us earlier about instability in the institutions, the

deputy First Minister seemed to forget that Sinn Féin is the party that brought the Executive to a standstill for over 154 days during a global economic crisis. That same party now has the bare-faced cheek to lecture others about the workings of the Executive.

The Ulster Unionist Party is unable to support the motion. My party and I have, in good faith, sought compromise, and so we will exercise our right according to the principles of parliamentary democracy. We will vote against a motion that we believe is not in the best interests of our society at this time, and we will do so as a democratic political party that is pledged to making power-sharing work in an inclusive manner for all the people of Northern Ireland.

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

Sir Reg Empey: We exercise our right to refuse to bow to the blackmailing and bullying to which we have been subjected in recent weeks.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom tacú leis an rún.

Despite the comments of the previous Member to speak and some other Members and despite media commentary, the debate is not about the Ulster Unionist Party; it is about the transfer of policing and justice powers to the locally elected representatives in the Chamber. Everything does not have to be perfect on day one — far from it — but local politicians must start to build a new justice system and a new framework with which to manage policing and justice matters.

As the final Sinn Féin Member to speak, I wish to comment on a few of the contributions thus far. I want to nail — if necessary, I am sure that Mr Speaker will correct me if I cannot use this terminology — the lie that the SDLP has been using not only in the Chamber but on the airwaves about how the Justice Minister will be appointed and about where the agreement to do so came from. How to appoint the Justice Minister is not in the Hillsborough agreement. It was not agreed or sorted out in Hillsborough. It was sorted out in the Chamber on 1 December 2009 at 6.26 pm, as recorded in Hansard:

“Question put and agreed to.

Resolved:

That the Department of Justice Bill [NIA 1/09] do now pass.” — [Official Report, Vol 46, No 4, p254, col 1].

Perhaps the SDLP has not read the Bill, so I shall read what it voted for at 6.26 pm on 1 December 2009. Clause 2 relates to the Minister in charge of the Department of Justice. It states that the Department of Justice is to be in the charge of a Minister appointed by virtue of a nomination —

“(a) made by one or more members of the Assembly; and

(b) approved by a resolution of the Assembly passed with the support of —

(i) a majority of the members voting on the motion for the resolution,

(ii) a majority of the designated Nationalists voting, and

(iii) a majority of the designated Unionists voting.”

At 6.26 pm on 1 December 2009, the SDLP voted for that clause. If the SDLP is serious that that is gerrymandering, a corruption of democracy and a dismantling of the Good Friday Agreement, why did it vote for it at 6.26 pm on 1 December 2009? If the SDLP honestly believes that, why did it vote for it? Mr Speaker, you will perhaps challenge me again, but I will tell you why the SDLP voted for it: because it does not believe its own propaganda. The SDLP knows that, when it goes on the airwaves and stands in the Chamber and talks about Sinn Féin denying it its democratic right, it is lying, because it voted for it. It was not arranged at Hillsborough or in any back room anywhere else with the DUP. The SDLP voted for it in the Chamber.

In a recent interview, Margaret Ritchie spoke about the beginning of her new leadership and how she would perhaps bring the parties to court over the fact that the SDLP was being denied the justice ministry. That would be an interesting court case. It would be entitled ‘Ritchie v Ritchie’, because she is part of those who established the voting mechanisms for the establishment of that ministry.

Moving on, today is not about the Ulster Unionist Party, the SDLP or Sinn Féin. It is about the continuing building of the peace process. While many on the opposite Benches —

Mr A Maskey: In the case of Ritchie v Ritchie, would it be appropriate for her to seek counsel from Mr Maginness or Mr Attwood as former solicitors?

Mr O’Dowd: I would advise her to seek legal advice from another quarter, but that is another story.

This is about building another chapter in the peace process. Members on the opposite Benches rightly talk about their experiences of the past, but it has not been an easy journey for republicans either. The policing journey has not been an easy one for republicans, and we have had to make many compromises that were difficult for us. Indeed, some republicans could not go along with those compromises. I respect that. They have left and have gone on to other ventures. I am not talking about those armed groups; I am talking about the people who have decided that they cannot agree with the Sinn Féin strategy, and that is fair enough. However, Members on the opposite Benches, particularly those in the Ulster Unionist Party who have just lectured the deputy First Minister, need to realise that politics is about the art of compromise.

Everything is not perfect in the Executive, and everything is not perfect across many of its Departments, but if we are serious about putting up a challenge to those who threaten violence on our streets today is an opportunity to do that. It is an opportunity to move forward on the peace process with a united voice and to bring justice and policing powers to the Assembly whereby we appoint the Minister and the scrutiny Committee and we start scrutinising and rebuilding a justice service that everybody can be involved in.

On Sunday, I attended a march for a family who have been waiting 20 years for an inquest for their son and brother. On Monday, I attended a court case for six families who have been waiting three decades for an inquest to be held into the death of their loved ones. The justice system thus far has let down many people. We have the challenge of creating a justice system that will not be perfect overnight, but it can deliver a new beginning to policing and justice in this society.

Mr Attwood: I agree with the deputy First Minister that the devolution of policing and justice is long overdue, and the very fact that we are discussing it today is a tribute to the people who, over a long time, went about implementing the changes to policing and justice that were outlined in the Good Friday Agreement. It is also a tribute to those who joined the PSNI

and who applied to the PSNI, to the people who were members of the first and second Policing Boards and to all the rest of the people who were advocates for change. This vote today is first and foremost their achievement. However, in voting for the devolution of justice and policing powers, we are not voting for the Hillsborough agreement.

At the beginning of the debate, the deputy First Minister explained that the motion is long because it was decided that it was necessary to err on the side of completeness and transparency. He added that we were entering an era of joint and equal working. If nationalism is to be excluded from government, it will be not an era of joint and equal working but the reverse. It is not to err on the side of completeness and transparency to do deals on parading over the heads of the community or to fail, to date, to publish a so-called agreement on a shared future. If the deputy First Minister believes those words about transparency and an era of joint and equal working, let us see the proof in the shared future strategy and on parading.

Mr O'Dowd: Will the Member give way?

Mr Attwood: I am coming to you now.

Mr O'Dowd spoke about how the SDLP has voted. The SDLP has been consistent in voting for the principle of devolution of justice powers and opposing its terms. *[Interruption.]* I will come to the Department of Justice Bill.

Mr Speaker: Order.

Mr Attwood: In every debate and vote on the matter in the Chamber, that has been the principle. Unlike the principle that Mr O'Dowd outlined on 1 December 2009, when he said that, if the SDLP was interested in having an extra seat in government, it should:

"fill in a CV, present it to the DUP and have discussions on the matter." — [Official Report, Bound Volume 46, p239, col 1].

[Interruption.]

Mr Speaker: Order.

Mr Attwood: In any case, if it is not unparliamentary to talk about a lie, Mr O'Dowd said that what we did in the vote was an endorsement of the exclusion of nationalists from government and that that was when it happened. That is wrong. On 9 February

2010, Martin McGuinness said something that deserves to come back to haunt him. He said:

"Every single Member knew from the very beginning of this term of the Assembly that there was no prospect whatsoever of the Democratic Unionist Party agreeing to the transfer of policing and justice powers in the context of the d'Hondt mechanism." — [Official Report, Bound Volume 48, p97, col 2].

He said that "every single Member" knew: that is you and you and you and you.

Mrs D Kelly: Will the Member give way?

Mr Attwood: I will give way in a second. In May 2007, Sinn Féin knew that it was the intention of Peter Robinson and the DUP not to go down the road of running d'Hondt. That is when the lie began; that is when the error was committed; and that is when the injustice and inequality towards nationalism was introduced.

Mrs D Kelly: Will the Member also acknowledge the consistency of the Alliance Party's inconsistent approach? *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mr Attwood: It is curious that Mrs Long said that there were inconsistencies in how other parties behaved. Will she answer the question that Mr Ford failed to answer last week? Last November, Anna Lo, who, unfortunately, is not in the Chamber, said that it would be almost impossible for progress to be made on justice matters unless the Executive produced a cohesion, sharing and integration strategy to show that they are doing all that they can to eradicate prejudice. Mrs Long cannot have it both ways. Her party cannot, on the one hand, say that the Executive have to produce a strategy and, on the other hand, on the basis of an unpublished and unfinished secret document written by the First Minister and the deputy First Minister, nominate for the justice Ministry. The Alliance Party cannot have it both ways.

Mrs Long: Will the Member give way?

Mr Attwood: No, I will not. *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr Attwood: We want to see the devolution of justice powers work to the maximum. Good comments were made by Members, including Sinn Féin Members, in that regard. We have

differences with the UUP today over the vote, but I do not diminish by one iota the fact that, for years, the UUP, unlike the DUP, attempted to make progress on policing and politics, and it led when the DUP failed. What I find utterly reprehensible is the behaviour, unseemly words and conduct of the Secretary of State. That same behaviour was demonstrated this morning by the deputy First Minister, who said that the UUP's was one of the most dysfunctional political positions that he had ever come across. How those who, along with loyalism and state forces —

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

Mr Attwood: — were responsible for threats and terror can refer to other people as having dysfunctional political positions escapes me.

4.00 pm

Mr Bell: With regard to policing, is it not, in fact, a good day for Northern Ireland and its entire people? Northern Ireland has come of age. It is a new day and a new dawn. The hope that exists throughout Northern Ireland, in communities from the west to the east, is that the Assembly can take responsibility for policing and get it right.

As a unionist who has decried the loss of those powers when I was just two years of age —
[*Interruption.*]

Dr Paisley says that I am a beautiful baby. I was two years old when unionism lost those powers. I turned 40 years of age of Sunday. I am delighted that unionism will regain those powers.

Of all the skills that policing requires, surely chief among them is the ability to deliver justice. Many Members are able to celebrate the time when they got elected. However, when I was originally elected to Craigavon Borough Council in 1997, I could not celebrate because the lives of Constable Graham and Reserve Constable Johnston were taken by brutal acts of terrorism. I saw the blood of innocent heroes on the streets of Lurgan. I can never celebrate becoming elected, because that memory will always be with me.

It takes courage for men and women from all backgrounds to continue to police Northern Ireland. They literally risk life and limb. Constable Carroll was a hero who risked his life, which he laid down for our tomorrow. Heroes, such as Peadar Heffron, have lost limbs to defend me,

my children and society in Northern Ireland. We owe a great deal to those police officers.

Many Members, such as Councillor Kelly and others, have received death threats. When I was chairman of Craigavon District Policing Partnership, death threats came to me. Police visited my wife at home. She was told that I could not come home until I had been to the nearest police station. I had to leave my young children.

It was then that we determined that we would never ever give in. Policing had to be got right. The Chief Constable and the courts had to be operationally independent. There could not be a Sinn Féin Justice Minister. Is it not the case that had we not done what we are doing, 1,200 police officers would have been made redundant? Imagine that in the current context of attacks on elderly people, antisocial behaviour and domestic burglaries. What faith would the community have in the Assembly if it walked away and made 1,200 police officers redundant? Great progress has been made.

Earlier, the House heard a half-hearted speech from Sir Reg Empey. He is on the wrong side of history. I believe, genuinely, because of contacts that I have, that many Members on those Benches do not agree with the stance that their party has taken.

Mr Easton: Does the Member agree that the fact that that party's only MP, Lady Sylvia Hermon, divulged to me just last Friday during a meeting at Bangor police station that she supports the devolution of policing and justice to Northern Ireland represents yet another split within the Ulster Unionist/Conservative Party?

Mr Speaker: The Member will have a minute added to his time.

Mr Bell: Thank you, Mr Speaker. The Member makes his point well.

I thank the leader of Her Majesty's Opposition, Mr David Cameron, and the shadow Secretary of State for Northern Ireland who have shown statesmanship in their support of what the Assembly is doing today.

It appears that, for the Conservative Party, putting the best interests of Northern Ireland first is more important than the paltry position of the Ulster Unionists. Is it not now the case that a great gulf is fixed between the Conservative Party and the Ulster Unionist Party? One party — the Conservative Party — is supporting us,

while the other is playing cheap party politics. I wonder whether, if C S Lewis were writing today, he would term it “the great divorce”.

Mr Kennedy told me that he did not want to go through the Lobby that supported the deal for all the people of Northern Ireland. I am proud to be in a Lobby that does not include his party. There are those with the bomb and the bullet, and there are those like the TUV with the ballot, who are seeking to destroy Northern Ireland and take it backwards. In fact, the only voluntary coalition the TUV currently has is with the dissident terrorists and some elements of the Ulster Unionist Party. That is a Lobby that nobody will want to go through.

Now that David Cameron has abandoned Sir Reg, he is, in this case, nobody's fool, but that is only because he freelances.

Dr Farry: I support the motion. Today's vote is important for the reasons set out by David Ford and Naomi Long earlier. We should recognise the efforts that have been made by the DUP and Sinn Féin to get us to this point today. The road has been tortuous, but we are here, and we should recognise and celebrate that fact.

The SDLP claims that it has always been consistent on this issue. In fact, it has not. It has flip-flopped on the issue. When the principles of the Department of Justice Bill were being discussed at Second Stage, the SDLP voted no. It then tried to amend the Bill, and failed at every occasion. At the Bill's Final Stage, after realising the error of its ways, it voted yes. We have seen the SDLP do a U-turn. It has not been consistent at all.

However, the importance of what happens today is not the vote that is about to happen shortly. It is about what happens afterwards with delivery; it is about the Executive delivering and beginning to function on a much stronger partnership footing than has been the case up until now; it is about delivering on policing and justice, with better services for victims and witnesses, more visible policing on the streets, increased integrity in sentencing, better management and rehabilitation of offenders, and the prevention of offending and antisocial behaviour on the streets of Northern Ireland. It is also about getting more joined-up government and ensuring that the Department of Justice can work with other Departments to provide real solutions to the people of Northern Ireland. That is the real added value and the real prize of devolution.

It is also about progress on a shared future, which is important both in its own right and to ensure that the divisions on the ground, which are a difficult context for policing and justice, are also addressed to make life easier and improve our criminal justice system.

There has been a lot of comment with regard to the Alliance Party and the post of Minister. Let me make it clear: the Alliance Party has never chased that post. *[Interruption.]*

Mr Speaker: Order.

Dr Farry: We have always sought to be constructive. Of course, we are ambitious to play a role in Government, but we are more ambitious for this society. We have not been interested in the perks of office; we have been interested in ensuring that any Minister in post has the ability to deliver.

Mrs Long: The things that we were concerned about were, for example, the structures into which it would be devolved, the kind of programme that the Minister would be able to follow, and progress on CSI. Does the Member not agree that those are selfless things, because they benefit whoever the Minister might be?

Mr Speaker: The Member has a minute added onto his time.

Dr Farry: I thank my colleague for her intervention. It is about ensuring that the system works, irrespective of who happens to be sitting in that office. We have now had clarity that the Minister will be a full member of the Executive, and we have had clarity regarding the security of programme. Already, the Hillsborough agreement has the outlines of what a programme could be, and we have progress on a cohesion, sharing and integration strategy. For the first time ever under devolution, we have the two leading parties finding some agreement on the most difficult and challenging issue facing this society. The Ulster Unionist Party, and particularly the SDLP, should not forget that when they were in charge, they failed miserably to produce any policy in that area. Irony of ironies; it was only when direct rule resumed that progress was finally made. I have not seen the document, and no doubt it contains flaws; but what is important is that it is issued for public consultation and that there is movement after 30 months of deadlock in the Executive.

I agree with Reg Empey that he and the Ulster Unionist Party are entitled to vote as they wish. If they wish to find themselves on the wrong side of history, as was mentioned, they are entitled to place themselves there. I think that it will be a betrayal of what that party has sought to achieve over the past number of years in bringing peace and stability to Northern Ireland, and I think it is well out of step with the majority of people who vote for that party, but that is for that party to defend.

What they are not entitled to do is to peddle falsehoods and erect straw men. For example, Minister Michael McGimpsey was on 'Good Morning Ulster' this morning talking about the Executive interfering with the hypothetical situation — which I hope we do not see — of the British Army being recalled to the streets of Northern Ireland. This afternoon, that same Minister spoke about the Justice Minister directing the recall of the British Army. That is complete and utter rubbish, which is at clear odds with all of the published documents. Frankly, I am astonished that any person would display such ignorance, or, if they do understand what is going on, actually try to peddle things that are false.

What they are doing is putting themselves in league with Jim Allister and the TUV: that is the argument that he is using. It is not a reasoned argument coming from a mainstream, moderate unionist party; it is the argument being made by reactionary unionism. It is ironic that the Ulster Unionist Party is now trying to move itself to the right of the DUP; something that will no doubt confuse the electorate. The integrity of UCUNF as a project must now be in question. How can there be a situation in which some UCUNF candidates go to the polls in May saying that they support the Hillsborough agreement while their colleagues say that they do not? How can a party hold such positions on one of the most important issues facing society?

Let us vote yes today, and let us vote to make the Executive less dysfunctional. Let us vote for a better and shared future.

Mr Poots: I am proud of the role that my party has played over the last three years in securing peace in Northern Ireland. I am proud of the fact that we forced issues that failed to be forced before. I am proud of the fact that Sinn Féin had to sign up to support the rule of law and order in Northern Ireland, and now have to

sign up to a British justice system, which will be administered here back home in Northern Ireland. It is the DUP that forced that issue.

I am proud of the fact that we forced decommissioning on to the agenda and ensured that those matters were dealt with before Sinn Féin could enter government. That is not something that the Ulster Unionists did: it is something that they failed to do. The body language of the leader of the Ulster Unionist Party today tells the story. The members of that party do not know where they are or where they are going. They have remained consistent in one thing: consistently getting it wrong in the decisions that they took in 1998, and they are consistently getting those decisions wrong even today. In the past, they have said yes to everything, and now they seem to be in a land of delusion, and do not know what to be saying yes or no to any more.

Mrs Foster: Is it not strange today to see the Ulster Unionist Party taking the position of lecturing our party about stability and the dysfunctionality of the Executive, when it was that party that brought the Executive down, not once, not twice, but three times in the past when it was in the position to do so? Does the Member agree that when we talk about the dysfunctionality of the Executive, one Minister in the Executive from the Ulster Unionist Party needs to look at his role, in particular, in relation to dysfunctionality?

Mr Speaker: The Member will have an added minute in which to speak.

Mr Poots: I fully agree with the Member. We have heard a lot of huffing and puffing, but one thing is for sure; the Ulster Unionist Party is not going to blow the house down. We are going ahead with the project because we are interested in delivering peace and better community relations. We are interested in delivering jobs and in taking Northern Ireland forward.

The Ulster Unionists have not engaged in the issue on the basis of a principle; they have engaged in it on the basis of pettiness. They are throwing the toys out of the pram. I suggest to the Ulster Unionist Party that the time has come for it to grow up and show a degree of maturity. Putting Ken Maginnis on the radio this morning — the man who introduced 50:50 recruitment to the RUC — was not the best tactic to use when talking about policing in Northern Ireland.

We are getting rid of 50:50 recruitment at the end of this year, and it is interesting that the Ulster Unionist Party's partners in UCUNF voted last week to retain 50:50 recruitment in Northern Ireland. That is the policy of the Ulster Unionist Party, yet it does not know to vote for a good deal for unionism, a good deal that the DUP delivered at Hillsborough and before.

4.15 pm

This morning, I heard Mr McGimpsey speak. He has got it wrong so often. He got it wrong when he said that there would be a Sinn Féin Minister. We have heard the discussion on how the vote will take place. There will be a cross-community vote. The DUP ain't voting for a Sinn Féin Justice Minister, so, in the cross-community vote, he must be referring to the Ulster Unionist Party voting for a Sinn Féin Minister. We ain't doing it. Mr McGimpsey then went on to tell us — *[Interruption.]*

Mr Speaker: Order. Allow the Member to be heard.

Mr Poots: I understand why the Members do not want me to be heard. They do not like what they are hearing, because those are the facts.

Mr McGimpsey then went on to ask whether the Justice Minister would call in the Army if the Chief Constable required its support. How does Mr McGimpsey not know the facts? Did he not read the agreement? Has he not read the legislation? Has he such a misunderstanding of political life and of parliamentarianism that he does not know what he is talking about? The Chief Constable will have operational control of the police, not the Justice Minister. We ensured that at Hillsborough. Moreover, judges will not be appointed by the First Minister or the deputy First Minister. They will also retain their operational integrity.

It is interesting to hear those who are against mandatory coalition barking and complaining outside of the House. They are, in fact, engaged in a voluntary coalition, and by "they" I mean the TUV of Mr Allister; Óglaigh na hÉireann, or whatever it is called; the Real IRA; and the Continuity IRA. They all want to pull down this House and to destroy what is happening in Northern Ireland. We are not going for that; we are delivering progress in Northern Ireland. We are delivering the deal and moving things forward.

I can remember very well this House being pulled down on three previous occasions by the

then First Minister, David Trimble. The DUP has never had to threaten to pull any House down once it got into the position that it is in. It has been Sinn Féin that has threatened to pull the House down. Trimble pulled it down because he was not getting what he wanted, and Sinn Féin threatened to pull the House down because it has not got what it wanted. The DUP has stood firm for the unionist community, and it will continue to do so.

I am delighted that the ugly scaffolding of the Belfast Agreement is being removed by appointing the Minister by cross-community vote.

Mr Speaker: Time is almost up.

Mr Poots: I hope that, in future, we will move to having cross-community votes for the appointment of all Ministers and that mandatory coalition will be completely removed.

Mr Speaker: Time is up.

Mr Poots: The Ulster Unionist Party wants to ensure that there is another nationalist Minister in the Executive.

Ms Purvis: By this time, all that can possibly be said about policing and justice has been said. I shall add the Progressive Unionist Party's policy on the devolution of policing and justice to the record.

In summary, my party's policy is: get on with it. The Progressive Unionist Party wants devolution to be completed. That is a key step towards political maturity in the Province and towards elected representatives taking full responsibility for the running of our country. The PUP believes that the devolution of policing and justice is an opportunity for leadership and a chance to make a genuine contribution to Northern Ireland's political growth and development by publicly demonstrating that Members of the Assembly have confidence in the abilities and stability of our governing institutions, even when it comes to highly charged issues such as policing and justice.

Devolution of policing and justice will also deliver an enhanced level of accountability to the people of Northern Ireland and allow more direct representation of their needs to the Departments and agencies that are responsible for delivering the services and benefits that are part of justice and policing powers. That is my party's policy, and it is a very good one.

I wish to make a couple of brief observations about the debate. Whoever takes up the post of Justice Minister must work to extremely high standards of impartiality and professionalism and demonstrate that he or she has a comprehensive understanding of all the issues that affect community safety, criminal justice and policing. I appeal to that individual to put those standards first and to ignore the distractions of political point-scoring, which are always a temptation, because they would undoubtedly damage this important development.

Many individuals worked hard to make peace and political progress a reality, and some Members have taken personal and political risks to get to this stage. Outside the Chamber, many individuals make important contributions to community safety and well-being every day and work hard to keep relationships within and between communities, as well as between the police and communities, constructive and effective. In some ways, those men and women have taken policing and justice into their own hands in the very best sense of that phrase. They have filled the vacuum that was left behind as the political process struggled towards this day. They have come up with creative, productive and local solutions to problems that were left in the wake of the Troubles and by the enduring impact of poverty, deprivation and isolation. I commend those individuals for their work. I hope that we will soon see the benefits of putting locally accountable political representatives in charge of the services that are associated with policing and justice. I support the motion.

Mr B Wilson: I also support the motion. Indeed, I believe that policing and justice should have been devolved many years ago. The devolution of policing and justice is important because it is seen by many, inside and outside Northern Ireland, as the next stage in moving to a normal, democratic society. The Green Party has always supported a devolved local Assembly, because we feel that that is the only way to deal with the major social and economic issues facing the people of Northern Ireland. Deadlock over policing has threatened the institutions, and the people of Northern Ireland have a right to expect more responsible behaviour from their politicians than they have seen.

This debate has extended over many months, and, at times, has descended into farce, with

Prime Ministers jetting in and out of Belfast, and politicians from across the globe phoning our political leaders at all times of the day and night. Although all political parties profess to support the devolution of policing, some of them seem to be going out of their way to find reasons why they should not. Anything less than an overwhelming vote in favour of the motion will seriously undermine the credibility of the Assembly.

The credibility of the Assembly has been seriously eroded in the past year. The people want the Assembly to work, but they see it gridlocked on virtually every issue. Some Members pointed out that there is public concern about the Assembly's failure to deliver and its perceived inability to make difficult decisions. Instead of political leaders trying to reach agreement, politics has been reduced to the traditional zero-sum game. Every issue is presented in such a way that there must be a clear winner and loser, leaving no room for compromise. Instead of looking for a win-win situation in which all parties gain and therefore increase confidence in all sides of the community, there appears to be more value placed on defeating political rivals than on good governance. The devolution of policing and justice is a win-win situation. All parties profess to agree that it needs to happen and that it has widespread public support, so why do the Ulster Unionists seem to be so keen to reject it?

The long debate on policing and justice has been littered with red herrings as various factions try to undermine it. First, it was the condition of resolving the parading issue. Did anyone seriously believe that the parading issue, which has bedevilled the country for more than 200 years, could be resolved in a few days? That was a deliberate attempt to prevent an agreement. However, the most cynical and petty attempt to disrupt progress was to introduce the 11-plus as a precondition. Although we all want the 11-plus mess to be resolved, no one could seriously have expected it to be resolved in that timescale.

Members of the Ulster Unionist Party have tried to portray themselves as macho men who will not be bullied by Woodward, Cameron, Brown, Bush or Clinton. *[Interruption.]* In fact, they are not macho. They are seen as ineffective, and their decision to oppose the devolution of policing and justice powers is another kick in the teeth for the ordinary unionist voter in north

Down who wants the Assembly to succeed.
[*Interruption.*]

Mr Speaker: Order.

Mr B Wilson: The discussion goes beyond policing and justice. Resolution of this issue will be a sign that the two main parties can reach agreement on a major issue, and it will provide hope for further progress on issues such as the economy, education and health. That is a positive feature that can be built on.

I have been active in Northern Ireland politics for more than 40 years, and throughout that time I have always campaigned for a devolved government that is based on power sharing. Therefore, I strongly supported the Belfast Agreement and felt that it was a major step towards full power sharing devolution. That devolution was to evolve and was to include the devolution of policing and justice powers. Unfortunately, over the past few years, gridlock and stagnation have blighted that evolution. The vacuum that was created by stagnation has been filled by cynicism, dissident republicans and the TUV. Today's motion is an opportunity to get Northern Ireland back on track, to dispel cynicism and to undermine dissident republicans and the TUV. We have reached a level of political maturity. The motion reinforces the Belfast Agreement, and therefore, I support the motion.

The First Minister (Mr P Robinson): Today the Assembly is being asked to complete the process of devolution. This vote represents the end of one process and the beginning of another. It is yet another step towards a better future for everyone in Northern Ireland. Progress will allow the Executive to refocus on the issues that really concern the people of Northern Ireland.

Whenever I approach the issue of policing and justice, I do so on the basis of the commitments that my party made during the 2007 Assembly elections. The promises and pledges that we made are in our manifesto, which was authored by the party officers and endorsed by the party executive and by the overwhelming majority of the unionist electorate. One of the co-authors of that manifesto, which indicates that we support the devolution of policing and justice, was one Jim Allister. With his DUP party officer colleagues, Jim Allister co-authored that document. He voted for it in the party officer meeting. He voted for it in the party executive. He campaigned on it for our candidates in the country, and he voted for it in that election.

Therefore, support for the devolution of policing and justice powers goes throughout the unionist community. At least it did, until one person changed his mind and took some colleagues with him. I am committed to fulfilling the pledge that I made to the Northern Ireland electorate to devolve the powers of policing and justice in the right circumstances. I believe firmly that we have the right circumstances.

The Ulster Unionist Party has made it clear that it supports the devolution of policing and justice powers in principle and that it has always done so. Its approach today is more a matter of tactics or strategy than of principle. I understand that. That is the cut and thrust of politics, and perhaps it is a normal part of politics. However, it is a little disappointing that some of the Ulster Unionist Party's criticisms of the devolution of policing and justice powers are simply factually inaccurate.

Earlier in the debate this morning and as recently as this afternoon, the Health Minister, Mr McGimpsey, said that the Executive would have a role to play if it were necessary to bring the Army back into Northern Ireland.

In fact, while hyperventilating during his 'Good Morning Ulster' interview, he asked what would happen if a Justice Minister wanted to bring in the Army because of the dissident threat. What would happen if the Chief Constable said that he needed the support of the Army? Would he get the support of the Executive? Would Sinn Féin Ministers put their hands up for it?

4.30 pm

I would have thought that any Member of the Assembly would have done sufficient research for a debate to be aware of the factual position, and I would certainly have thought that a ministerial colleague would have done so. However, clearly he has either not done that work or is attempting to deceive people outside the House, so let me put clearly on the record what the position is. Paragraph 2.2 of the annex to the national security protocol makes it clear — I quote for Mr McGimpsey and others — that:

"The police operational response, including any request for military assistance, is a matter for the Chief Constable who has operational responsibility and is independent".

I hope that that kills off the nonsense that has been poured out by some elements of the Ulster Unionist Party.

Mr McGimpsey was not prepared to stop there. During that interview he went on to talk some crazy claptrap about an Irish language Act, North/South bodies and on-the-runs, while his colleague has talked about the Army having to leave by October. Where do they get this nonsense? Who makes it up for them? It is complete trash, and the Ulster Unionist Party knows it is trash, which makes it all the more sorry.

The Ulster Unionist Party's degree of desperation in trying to blacken the process of the devolution of policing and justice causes it to scrape around in the gutter. It is prepared to take up any old — I was going to say "lie", and I can say that. I am talking about the Ulster Unionist Party, and it is permissible in those circumstances. That party knows that what it said is not true and that it is simply a means of scaremongering and deceiving those outside the House. It is the product of the manure heap. It would be disgraceful behaviour from any Member of the Assembly, but it is all the more unforgiveable when it comes from a Minister.

I have also heard that Jim Allister, in the course of some broadcast, has tried to add to the scaremongering by saying that there will be a Sinn Féin Minister of Justice in 2012. If Jim Allister or the Ulster Unionist Party want to vote for a Sinn Féin Justice Minister in 2012, they can, but the DUP will not be doing so.

Mr S Wilson: They would have one now.

The First Minister: Yes. Let us be clear: the proposal that was made by the Ulster Unionist Party for the election of the Justice Minister would have operated through d'Hondt, so Sinn Féin would have had a chance of taking that post after the next election if it was to become the largest party. Happily, however, the unionist electorate will have sufficient sense to ensure that Sinn Féin does not become the largest party, and it will continue to support the strong and consistent unionist party that is the DUP.

I have done all that I can to encourage the Ulster Unionist Party to support the motion. I entered the process of engagement with that party, both at Hillsborough Castle and afterwards, in good faith. I wanted that party to be fully involved, and, as a result of the Hillsborough Castle Agreement, Sir Reg Empey and Margaret Ritchie are now chairing an important Executive working group on the functioning of the Executive. Good work is being done by that working group. We have not been

able to reach all-party agreement on those matters as yet, but last night I offered Sir Reg tangible evidence of a four-party coalition and a public assurance that the DUP would not use its votes on the Executive to override the votes of any three Ministers if they wanted a matter to be further considered. That offer was made in the context of the UUP supporting the devolution of policing and justice, and I am disappointed that it does not appear that that will happen. Nonetheless, I am prepared to repeat that offer in circumstances in which the Ulster Unionist Party and the SDLP approach Executive business in good faith. Whatever the outcome of the vote today, we should not be distracted from doing what is right.

That working group is making constructive proposals, and my party has been able to offer support for the ideas that have been tabled so far. We continue to support proposals that can improve the performance of the Executive. However, I must point out that the current Executive are already functioning better than their predecessor. During the current Administration, we have taken 539 decisions, whereas the previous Administration, led by the Ulster Unionist Party and the SDLP, took only 320. Yet those are the two parties that talk about dysfunctionality. The current Executive function almost twice as well as theirs. Their Executive had to be suspended on three occasions before eventually collapsing after a fourth suspension. That demonstrates a greater level of functionality and performance by this Executive. We have also been able to handle more difficult decisions than the previous Administration were able to take on board.

The basic argument being advanced by the Ulster Unionist Party on why it is not prepared to agree to today's motion is that it does not believe that the Assembly and Executive are yet ready for the powers to be devolved. I say to Sir Reg that he should not make the perfect the enemy of the good. I believe that it is right that we continue to improve the performance of the Executive. It is right that we continue to improve the processes of the Executive and the way in which we operate. As has already been seen, year on year we are able to take more and better decisions as an Executive, and I hope that that will continue.

The Member for North Down Mr McFarland recalled his days as a member of the Preparation for Government Committee when

it was dealing with policing and justice. I hope that Mr McFarland remembers what he said on that occasion, because he did not remind the House of it. He acknowledged that there was not sufficient confidence in the unionist community to allow the devolution of policing and justice powers at that time. He said that it was, therefore, not possible to agree to devolution. However, he went on to say that, should the barrier of Sinn Féin's refusal to announce its support for the police be removed and devolution restored to Northern Ireland — both of which things have happened — his party would believe that the time was right for the devolution of policing and justice powers. That was the position of the Member for North Down then. In the intervening period, he seems to have moved away from that position for party political reasons.

Let us make no mistake about it: the Ulster Unionist Party wants the motion to pass today. It simply wants to preen itself as though it is against the proposition. Not only does the Ulster Unionist Party's partner, the Conservative Party, want it to happen, not only does the wider unionist community want it to happen, but it is clear from five separate polls that the party's voters want it to happen. Privately, many of the Ulster Unionist Assembly Members want it to happen as well.

It is time for us all to move forward. There must be no going back to the bad old days. Throughout history, there are times of challenge and defining moments. This is such a time; this is such a moment. The motion refers to the transfer of policing and justice functions. It puts back in place the powers that the founders of the state won for us almost 100 years ago and that were taken out of local control in the 1970s. However, the decision that we take today is about so much more.

Some have not embraced the new era of politics and do not yet accept the validity of the institutions, probably because they did not take the lead role in their construction. For that reason, they have dithered, dallied or sought to destroy or damage the institutions. I do not suggest that anyone in the Chamber or outside thinks that the system is flawless. Any coalition is difficult to operate, and a mandatory coalition is the most difficult of all. The vote is a matter of completing and maintaining devolution. It is about whether we move forward together as a society. It is about whether we have the courage

to give leadership to our community. Leadership is not about saying, "After you"; it is about saying, "Follow me". Leadership is not about choosing what is easiest or what best suits our party interests; it is about doing what is right for our people.

Northern Ireland does not need leaders who are timid or leaders who dither and dally. We need leaders who can stretch their imagination. We need to push the boundaries of change and progress in Northern Ireland. As leaders in our society, we can settle for continuing to reflect the divisions in society, or we can work to heal those divisions. That is the journey that my party is on, and I hope that everyone in the House will join us on that journey. I commend the motion to the House.

Mr Speaker: Before I put the Question, I advise the House that section 4(2A) of the Northern Ireland Act 1998 requires that the motion be passed with parallel consent.

Question put.

The Assembly divided: Ayes 88; Noes 17.

AYES

Nationalist:

Mr Adams, Ms Anderson, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Dallat, 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.

Unionist:

Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Ms Purvis, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Other:

Dr Deeny, Dr Farry, Mr Ford, Ms Lo, Mrs Long, Mr Lunn, Mr McCarthy, Mr Neeson, Mr B Wilson.

Tellers for the Ayes: Mr P Maskey and Mr Shannon.

NOES

Unionist:

Mr Armstrong, Mr Beggs, Mr Cobain, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McGimpsey, Mr McNarry, Mr K Robinson, Mr Savage.

Tellers for the Noes: Mr Kennedy and Mr McCallister.

Total votes	105	Total Ayes	88	[83.8%]
Nationalist Votes	44	Nationalist Ayes	44	[100.0%]
Unionist Votes	52	Unionist Ayes	35	[67.3%]
Other Votes	9	Other Ayes	9	[100.0%]

Question accordingly agreed to.

Resolved (with cross-community support):

That this Assembly prays that the following matters, as set out in schedule 3 to the Northern Ireland Act 1998, should cease to be reserved matters:

1. Those matters in paragraph 9 with the exception of—

A. The subject matter of the following provisions of the Regulation of Investigatory Powers Act 2000—

(a) Chapter 1 of Part 1, so far as relating to the prevention or detection of serious crime (within the meaning of that Act), and

(b) so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder—

(i) Chapter 2 of Part 1, and

(ii) Parts 2 and 3.

B. In relation to the prevention and detection of crime, the subject matter of Part 3 of the Police Act 1997.

C. The operation of—

(a) sections 21 to 40 of, and schedules 3 and 4 to, the Justice and Security (Northern Ireland) Act 2007, and

(b) section 102 of, and schedule 12 to, the Terrorism Act 2000.

D. In relation to terrorism, the exercise of the royal prerogative of mercy.

E. The operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

F. So far as it was a policing and justice matter (within the meaning of section 4) immediately before the coming into force of the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010—

(a) the subject matter of the Misuse of Drugs Act 1971;

(b) the subject matter of sections 12 and 13 of the Criminal Justice (International Co-operation) Act 1990 (substances useful for the manufacture of controlled drugs).

G. The Serious Organised Crime Agency.

H. In relation to prisons, the accommodation of persons in separated conditions on the grounds of security, safety or good order. (In relation to subparagraph H, "prisons" includes any institution for the detention of persons because of their involvement, or suspected involvement, in crime.)

2. Those matters in paragraph 9A (the Chief Inspector of Criminal Justice in Northern Ireland).

3. Those matters in paragraph 10 (public order) with the exception of—

A. The subject matter of the Public Processions (Northern Ireland) Act 1998.

B. In relation to the maintenance of public order, the armed forces of the Crown (including the conferring of powers, authorities, privileges or immunities on members of the armed forces for the purposes of the maintenance of public order).

4. Those matters in paragraph 11 with the exception of the operation of the temporary provisions, as defined in section 47 of the Police (Northern Ireland) Act 2000.

5. Those matters in paragraph 11A (co-operation between the PSNI and Garda Síochána with respect to certain matters).

6. Those matters in paragraph 12 with the exception of—

A. Items for the time being specified in Article 45(1) or (2) of the Firearms (Northern Ireland) Order 2004; and the subject matter of Article 45(10) of that Order.

B. The security of explosives, including—

(a) the prevention of loss or theft of explosives,

(b) the prevention of the use of explosives for wrongful purposes, and

(c) the detection, identification and traceability of explosives.

(subparagraph B does not include the security of fireworks, or the licensing of shotfirers, or the subject matter of section 2 of the Explosives Act (Northern Ireland) 1970.)

7. Those matters in paragraph 14A (rights of appeal to the Supreme Court, and legal aid for such appeals).

8. Those matters in paragraph 15 (matters relating to the Courts) with the exception of the operation of sections 1 to 8 of, and schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued.

9. Those matters in paragraph 15A (the Northern Ireland Law Commission).

10. Those matters in paragraph 17 (the Social Security Commissioners and Child Support Commissioners for Northern Ireland).

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

Committee Business

Amendment of Standing Orders

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 the motion and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

The Chairperson of the Committee on Procedures (Lord Morrow):

I beg to move

After Standing Order 44 insert –

“44A. OFFICE OF MINISTER OF JUSTICE

(1) The office of Minister of Justice must be filled by applying the procedures set out in paragraph 3D(4) to (8) in Part 1A of Schedule 4A to the Northern Ireland Act 1998 within a period of seven days beginning with the day on which –

(a) the determination mentioned in paragraph 3D(2)(a) takes effect;

(b) the resolution mentioned in paragraph 3D(2)(b) is passed;

(c) the direction mentioned in paragraph 3D(2)(c) is given;

(d) the period of exclusion mentioned in paragraph 3D(2)(d) comes to an end as so mentioned; or

(e) the Minister of Justice ceases to hold office as mentioned in paragraph 3D(14), otherwise than by virtue of an Assembly election.

(2) Where under paragraph 3D in Part 1A of Schedule 4A to the Northern Ireland Act 1998 a person is nominated to be Minister of Justice –

(a) that nomination must take effect; and

(b) the person nominated must affirm the terms of the pledge of office and take up the office;

within 30 minutes of the nomination, unless the person nominated, or another member of the Assembly asks the Assembly to extend that time limit, and gives a reason or reasons for so asking, and the Assembly approves the extension.

(3) If a vote to fill the office of Minister of Justice is delayed under Standing Order 28(1) in order to comply with a petition of concern, the time periods set out in paragraphs (1) and (2) shall not run for the period of that delay, provided that that delay is no longer than one sitting day.”

Amendments need to be made to Standing Orders as a result of the anticipated devolution of policing and justice powers. The Committee on Procedures has been working for some considerable time on producing Standing Orders to facilitate the transfer, although, as with all such matters, there has been a last-minute rush to get everything finalised. I thank the Committee for its hard work on what were, at times, quite technical issues. I also thank the Committee Clerk and other staff who have been extremely helpful and hard-working.

The motion is one of a number that the Committee on Procedures will bring forward before the end of the month. There is a possibility that the Minister of Justice could be nominated before 12 April, when policing and justice powers are due to be devolved. The Assembly needs to have this Standing Order in place now to allow the nomination to be made and for the Assembly to vote on it, just in case the decision is taken to appoint the Minister before 12 April.

The Northern Ireland Act 1998, which was amended in 2006 and 2009, sets out in detail the procedure for appointing a Minister of Justice. The Act allows for Standing Orders to provide some supplementary detail on the procedure, and the Standing Order before the House today provides that detail. It is based on the 2009 model for the appointment of the Minister.

The new Standing Order 44A will make provision for the nomination of the Minister of Justice following the model used for the nomination of other Ministers. It states that the office of the Minister of Justice must be filled within seven days of certain events taking place, such as the determination, resolution, direction and other events as listed in schedule 1 to the Northern Ireland Act 2009.

5.00 pm

It also states that the nomination must take effect and that the person who is nominated as Minister of Justice must affirm the Pledge of Office and take up office within 30 minutes of the nomination. The period for the appointment of other Ministers is 15 minutes, but it has been set at 30 minutes for the appointment of the Minister of Justice to allow for the possibility of a division. As Members know, there is no vote on the appointment of other Ministers. The title of Standing Order 44 will be expanded to make

it clear that it does not apply to the Minister of Justice.

Among the issues considered by the Committee was how a petition of concern will impact on the nomination and taking up of office. Members will be aware that the effect of a petition of concern is to delay the vote by one day and turn it into a cross-community vote. In the event that a valid petition of concern is tabled, it is necessary for the Standing Order to make provision that the one-day delay does not impact on the seven-day and 30-minute timescales that I mentioned earlier. Accordingly, the one-day delay will be discounted when calculating the time period within which the Minister of Justice must be appointed. As the vote on a Minister of Justice is already on a parallel consent basis, no further change is needed.

As I said, the Committee on Procedures will bring more Standing Orders on policing and justice, and an amended Standing Order on sub judice, to the House before the end of March. If the Assembly agrees to today's motion, and to the amendments to Standing Orders that will be tabled later this month, the Committee on Procedures agrees that the reprint of all the amendments will be issued together to keep the amount of paper used to a minimum. However, the revised Standing Order presented today will be available on the Assembly's website from tomorrow, provided that it is agreed by Members. I commend the motion to the House.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Chathaoirleach agus leis an Chléireach. I thank the Chairperson for tabling the motion and acknowledge his work in bringing the changes to Standing Orders to the Assembly. I also want to acknowledge the work of the Committee Clerk and her staff.

We have just had an important debate on the devolution of policing and justice powers, as indicated by the attendance in the Chamber and the media attention. That should not undermine the important work that has been carried out by the Committee in relation to Standing Orders. The decision that has just been made must be reflected in Standing Orders. Indeed, without the relevant Standing Orders, the important decision that was made five or ten minutes ago would have no standing. I acknowledge the work that was carried out by the Committee,

the Chairperson and the Committee staff. We support the changes to Standing Orders.

Mr K Robinson: I will follow the example of Lord Morrow, who presented the Standing Orders to the Assembly with brevity. As Mr McCartney said, we have just had an important debate on the devolution of policing and justice powers. My party put forward its concerns and principles. The House chose to go in another direction, and we accept the democratic situation that flows from that. I pay tribute to the Committee Clerk and the staff who helped us to work through the Standing Orders in the knowledge that a Minister of Justice may be appointed one day.

The procedures outlined in the motion aim to make the situation as clear as possible. Only time will tell whether the person nominated for the office of Minister of Justice is taking a poisoned chalice. Nevertheless, that person will have 30 minutes to take up office after his or her nomination. It does not seem as though there will be a rush for the job. However, some may be persuaded to take it on and others not. Thirty minutes seems to be a reasonable period of time. Our concern is whether whoever is nominated and takes up office will have the legal competence to face the difficult tasks that lie ahead and that will be addressed by further Standing Orders.

There is nothing else that I and my party want to say, other than the changes to Standing Orders are fairly straightforward. We support them, and we thank all those who helped us to get to this situation.

Mr O'Loan: The amendment to Standing Orders is the technical stage of what has been decided. It creates the formal arrangements for the appointment of a Minister of Justice. My party has made its views heard on the nature of the previous motion. I will not repeat them or challenge the proposed amendment of Standing Orders.

Permit me to say something; it will not be lengthy. This should be a day of celebration that, at long last, the Assembly takes control of the justice function. The SDLP has long called for that. However, it can only be a day of very qualified celebration. In the previous debate, Mark Durkan spoke of how the additional function could add to the cohesion of the Executive, and I am sure that that possibility exists. However, to achieve that, it would have

been wise to have started well. We have not started well.

The comment has been made that this day, on which we make a momentous decision on the devolution of justice powers, is the first anniversary of the death of Constable Stephen Carroll. I heard his widow Kate speaking on the radio this morning, as I am sure many other Members did. Hers was a voice of wholeness and integrity. Wholeness and integrity are not what have marked out this process. On the contrary, it has been marked out by dishonesty and hypocrisy. That is nowhere more evident than in the designs to appoint a Minister of Justice. The d'Hondt mechanism of proportionality was not accidental; it was a key element of the Good Friday Agreement. It may not last forever, but, at this stage, it is a vital part of the architecture that holds us together.

The party that is constantly referred to in relation to the post of Minister of Justice has chosen to be opportunistic, rather than principled. It should hardly need saying that a Minister of Justice should have an instinct for justice. A prospective Minister who cannot see the point of the Saville Inquiry into the deaths on Bloody Sunday has no such instinct.

In conclusion, and this summarises what I have to say —

Mr I McCrea: On a point of order, Mr Deputy Speaker. Will you rule on whether this has anything to do with what we are here to debate? The Member has just gone off on a political rant that has nothing to do with an amendment to Standing Orders.

Mr Deputy Speaker: I am sure that the Member will want to stick to the subject.

Mr O'Loan: As I said, I will be brief. We are dealing with an amendment to the Standing Orders that enable the creation of a Ministry of Justice. It is fair that I should comment on them.

In conclusion, I have a very deep concern. It is that, as we build further the superstructure of this Assembly, we simultaneously undermine its foundations.

Mr Neeson: I thank the Committee Clerk and her staff, the Chairperson, Deputy Chairperson and my colleagues on the Committee on Procedures. We have been busy preparing for the devolution of policing and justice in recent weeks.

Today is a momentous day not only for the Assembly but for the people of Northern Ireland. I welcome the decision that has been taken.

The Committee has been dealing with many of the issues related to policing and justice. The amendment to Standing Orders is necessary for the appointment of a Minister for policing and justice. Next week, we will deal with the appointment of a Committee for policing and justice. The Committee on Procedures has been busy drawing up draft amendments to Standing Orders for that. I support the motion.

Dr Farry: I, too, support the motion.

The amendment to Standing Orders puts into practice what has been agreed by the Assembly on the way forward. They are Standing Orders to elect or re-elect a Minister irrespective of the personality, and I regret Mr O'Loan's comments about personalities. I could make comments about the personality of any candidate, and point out that more than one person has announced their candidacy. I will not do that. It is not appropriate to the debate or for the Assembly to go down to that sort of level.

The SDLP is entitled to make its argument about d'Hondt and the structures of the Good Friday Agreement ad nauseam, but I am not required to agree with what is said. A cross-community vote as a means of electing a Minister is an enhancement of power sharing; far from detracting from power sharing, it will build confidence. How can anyone argue that a person elected by a cross-community vote is illegitimate, because people from all backgrounds — unionist, nationalist and other — would have shown their confidence for that person?

Mr O'Loan: I will put the argument to the Member so that he may begin to understand why a cross-community vote may not represent what it is purported to be and what the Member argues it to be, namely, something that is in the best interest of the whole community. Is it not conceivable that we could have a situation in which there is a numerically dominant party in each section of our community, and that it may suit each of those parties very well, for their very separate reasons, to agree on a particular outcome despite what they say about what they wish to achieve? They may, in the end, have agreed on a very different outcome, and that very different outcome, sought by each party for

its own selfish, particular interests, may not in fact serve the whole community.

Dr Farry: That was a rather convoluted argument from Mr O'Loan. Let me put it this way: I support the Good Friday Agreement and the principle of power sharing. Power sharing is what lies at the heart of the agreement, not d'Hondt, which is a system of proportionality; indeed, it is one of several systems of proportionality that could have been used to determine an Executive.

There are other ways that an Executive can be formed in a power-sharing context. My party and I have argued for electing an Executive based on parties coming together voluntarily around an agreed programme and seeking cross-community legitimacy in the Chamber, and having a situation whereby parties can move in and out of Government depending on the circumstances. I qualify that by saying that all parties, particularly Sinn Féin, should be entitled to move in and out of Government and that that system is not designed to do down any political tradition or party. It is about ensuring that we have good government.

That is what I would like to see, and my party will continue to campaign for that to improve the structures. At this stage, however, we are talking about one mechanism to elect one Minister: it is not a Trojan Horse for a much wider reappraisal of the Executive and the way that it is formed. That is a debate for another day. However, there is a major deficiency in the election under d'Hondt, because, in essence, it puts Ministers in silos based on how a particular mathematical formula would work out.

We have seen evidence of how one party can impose its will on the policy outcomes of a particular aspect of the Executive. For example, the DUP imposed its will on whether we have an environmental protection agency: it said no; four other parties said yes, but the DUP's view prevailed. In education, four parties are working together to find common interim arrangements. One party, which happens to control the Ministry, is saying no, and its view prevails.

Power sharing is not, as the SDLP often says, about a power carve-up. However, I think that its understanding of power sharing is fundamentally different from mine. Power sharing is about ensuring the collective ownership of decisions that are taken on behalf of the common good of society; it is not about dividing society up into little fiefdoms. A Minister from a particular party

can impose his or her will on an agenda because of the lucky dip nature of d'Hondt. We cannot afford to have that situation in this society.

5.15 pm

We should not be naive about the importance of the justice issue. It was justice issues that brought down the Stormont Parliament in 1972. It was such a difficult issue in 1998 that it could not be devolved at that time. It is only this afternoon that the Assembly has finally requested —

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

Dr Farry: Therefore —

Mr Deputy Speaker: Your time is up. *[Laughter.]*

The Deputy Chairperson of the Committee on Procedures (Mr Storey): The debate has been slightly longer than is usual when it comes to speeches or discussions in the House regarding Standing Orders. I thank the Members who made contributions. The debate recognises the importance of what has taken place in the House today. As the Chairperson mentioned at the start of the debate, the Committee on Procedures worked hard to prepare all the Standing Orders on policing and justice powers so that the Assembly is ready to facilitate the transfer of those powers. The appointment of the Minister of Justice will probably be the first step, followed by the establishment of the justice Committee. Members can look forward to a raft of amendments in the near future, including those to cover the establishment and membership of the new justice Committee and various consequential amendments.

Raymond McCartney referred to the work of the Committee staff. I place on record my appreciation to the staff for the way in which they have dealt with the issue to date. Ken Robinson accepted the democratic situation in which we find ourselves in relation to the previous debate. He commented on the office of the Minister of Justice being taken up within 30 minutes of nomination and the rationale for that period of time.

It is unfortunate, and regrettable, that Mr O'Loan took the opportunity to make a political point. Those comments should have been made in the previous debate. Mr Neeson and Mr Farry supported the establishment of these Standing Orders and the changes that will flow from them.

I commend the motion to the House.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

After Standing Order 44 insert —

“44A. OFFICE OF MINISTER OF JUSTICE

(1) The office of Minister of Justice must be filled by applying the procedures set out in paragraph 3D(4) to (8) in Part 1A of Schedule 4A to the Northern Ireland Act 1998 within a period of seven days beginning with the day on which —

(a) the determination mentioned in paragraph 3D(2)(a) takes effect;

(b) the resolution mentioned in paragraph 3D(2)(b) is passed;

(c) the direction mentioned in paragraph 3D(2)(c) is given;

(d) the period of exclusion mentioned in paragraph 3D(2)(d) comes to an end as so mentioned; or

(e) the Minister of Justice ceases to hold office as mentioned in paragraph 3D(14), otherwise than by virtue of an Assembly election.

(2) Where under paragraph 3D in Part 1A of Schedule 4A to the Northern Ireland Act 1998 a person is nominated to be Minister of Justice —

(a) that nomination must take effect; and

(b) the person nominated must affirm the terms of the pledge of office and take up the office; within 30 minutes of the nomination, unless the person nominated, or another member of the Assembly asks the Assembly to extend that time limit, and gives a reason or reasons for so asking, and the Assembly approves the extension.

(3) If a vote to fill the office of Minister of Justice is delayed under Standing Order 28(1) in order to comply with a petition of concern, the time periods set out in paragraphs (1) and (2) shall not run for the period of that delay, provided that that delay is no longer than one sitting day.”

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

School Newbuilds: Hollywood

Mr Deputy Speaker: The proposer of the topic will have 15 minutes in which to speak. All other Members who speak will have approximately six minutes.

Mr Weir: I see that I am speaking to a rapt House. We do not quite have the earlier atmosphere. I suspect that today's Adjournment debate on the newbuild and the education sector in Hollywood may not make the headlines tonight. Nevertheless, the issue is vital to the people of Hollywood; to those who are involved with the schools; to parents in north Down and east Belfast whose children attend the schools; to teachers at the schools; and to everyone who has an interest Hollywood schools.

Let me say at the start that although there is some community frustration at the lack of clarity on the way forward, the debate is not an attempt to have a go at the Minister. That frustration pre-dates the Minister. The debate is a sincere bid to secure some clarity and certainty for the people of Hollywood and to get some assurance that there is a positive way forward. The debate was sparked by the Department's failure, in response to my questions for written answer, to make it absolutely clear when or if things were moving ahead. I hope that the Minister will be able to provide some assurance on that to the House today.

In the past, a lot of the focus has fallen on one particular Hollywood school, but this scheme affects four schools in the town. It involves Priory Integrated School; Hollywood and Redburn primary schools, which, it is proposed, will be amalgamated; and Hollywood Nursery School. The proposals are wide-ranging in many ways. By its nature, the project is multi-school and multi-sector; it involves the integrated and controlled sectors. It also affects a wide range of pupils, from preschool age to school leavers.

All of the schools that I have mentioned have made an outstanding contribution to education in north Down. I could quote chapter and verse

of the various school inspections that reflect on the good work that they do. In many ways, those schools are a model for the future. Between them, they encompass more than 1,000 children, so the issue is not inconsiderable.

However, the excellent work that is being done by teachers on issues like sustainability, the revised curriculum and the entitlement framework is being hampered by a long-running problem in Hollywood. To quote one member of staff, the school buildings are no longer viable. That has been the case for a long time. Indeed, I had the opportunity a while ago to visit one of the schools, and I could see that the fabric of the building was in a very poor state. There was a clear need for capital build.

That need has been recognised for a considerable time and has resulted in an overall appraisal of the schools, which resulted in what is called option 4. Option 4 is a multi-school approach that involves a newbuild 450-pupil post-primary school at the Redburn site, demolition of the old Priory Integrated College building, the construction of a new 21-classroom primary school at the Priory site and a new nursery school at the Hollywood Primary School site.

Thus, in effect, there would be a newbuild for Priory; the amalgamated Hollywood and Redburn primary schools, which between them have a current enrolment of about 520, would go onto the old Priory site; and the nursery school would move to the old Hollywood Primary site. That was agreed a number of years ago. On 1 March 2006, the then direct rule Minister, Angela Smith, said that, as part of a package of overall investment that included other schools such as Bangor Grammar School, a holistic approach would be taken to schooling in Hollywood. It is worth quoting a couple of her remarks:

"It is crucial that all our children have the best facilities possible ... My announcement today holds the promise for thousands of children to learn, and teachers and other staff to work, in modern facilities."

Since that announcement, another block to progress has been that the anticipation of capital newbuilds has restricted the amount of maintenance work being done, particularly by the education board.

In June 2006, the project took a further step forward when the then Minister Maria Eagle

announced how the investment was to be procured. At the time, all capital projects were expected to proceed under traditional procurement procedures.

At the beginning of 2007, a problem arose when the Secretary of State indicated that the project, which had already been approved, needed to be reviewed in light of the Bain review. That created a degree of delay. Nevertheless, although there were issues about numbers at Priory Integrated College, it demonstrated that it is oversubscribed and that it meets the Bain targets. Indeed, the lack of newbuild is the only thing that is holding the project back.

Shortly before devolution, Maria Eagle confirmed that the project could proceed. From that point on there has been a degree of frustration about the lack of movement on the schools project. Although work was scheduled to begin this year, as a result of capital-spend restrictions on the Department as part of wider pressures on the Executive, the project is again in question. We are seeking the Minister's assurance that it will go ahead and that a definitive timeframe can be ascribed to it.

Hollywood children, like those in every other part of Northern Ireland, deserve to be educated in the best possible facilities, which must be fit for purpose and adequate. Therefore, I issue a simple plea to the Minister to give that assurance, clarity and certainty by giving the green light to the children and parents of Hollywood so that they know that the capital-build elements of the project will move ahead on time. I look forward to the debate and to hearing the Minister's remarks. Hopefully, she will also give us her assurance.

Mr Cree: I apologise because I will only be able to stay for a short time. I am pleased to see the Minister looking resplendent in the corner. I just hope that she is listening. She always does. I also hope that she will try to move the matter on for us.

The development of Priory Integrated College has been under consideration for a long time. The school does excellent work, and it is greatly respected throughout north Down. The present scheme is innovative, because it proposes a holistic approach and a complementary solution to education in Hollywood. I know of no other school that covers all three education levels, which do and will work together.

Some four months ago, an economic appraisal was sent to the relevant education and library board, but we have heard nothing since. We know from questions to the Minister that a review of the project and the capital spend is under way; however, we would like to know when that process will be resolved. Many plans have been made, but they are being held up. I am sure that the Minister has studied the matter, so I urge her to look at the merits of the composite scheme and to give the matter a push in the right direction. The work has been done, and the cause is a deserving one that is in the interests of educating young people, so it deserves immediate action.

Mr Deputy Speaker: Flattery is always worth a try.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Member for North Down for bringing the debate to the Floor. I share his concerns about the issues that have arisen in relation to the Hollywood schools. Indeed, the problem is more widespread than the Hollywood area.

In 2003, a Department of Education press release featured Hollywood Primary School, Redburn Primary School and Priory Integrated College on a list of newbuilds.

In 2008, I noticed that in the Council for Integrated Education's magazine, 'Learning together', there was a photograph of the Minister accepting a thank-you card from the then acting principal of Priory Integrated College, Peter McCreadie, and some pupils. However, two years later, no sod has been cut, and there is still uncertainty about the future of the project. There is disappointment among governors, teachers, parents, pupils and past pupils. There is confusion in Hollywood about what the future holds, and there is confusion everywhere that newbuilds are awaited. That is not surprising, because there is also confusion emanating from the Department.

5.30 pm

As I said earlier, departmental officials have told members of the Education Committee on several occasions that there will be no newbuilds in the coming year. The Minister issued a press statement saying that there would be £170 million available for newbuilds in the coming year, and she told us that projects may or may not go ahead, depending on the ongoing review. There seem to be contradictory messages coming

from the Department, and schools that were told that their projects would be on site in the spring of this year are still awaiting word. Schools that are affected include, in my constituency, St Joseph's Primary School, Madden; St Oliver Plunkett Primary School, Forkhill; Dromintee Primary School; Abbey and St Clare's primary schools, Newry; St Joseph's Primary School, Newry; and, in South Down, Carrick Primary School, Burren. I am sure that there are many others throughout the North of Ireland.

Department of Education officials gave the Committee a paper entitled 'Schools Estate — Capital Programme'. According to that paper, there was £192 million available for capital works. When the Executive's reduction of £22 million was netted from that, £170 million remained. However, that figure is almost committed already. For example, £101 million is committed to PPP payments, £17.2 million is committed to existing major works that are under way, £30 million is committed to minor works, and £22 million is committed to site works and other fees.

The sum of those figures indicates that the £170 million that the Minister mentioned in her press release has already been used up by existing schemes, and that seems to indicate that there is no headroom expenditure for fresh, major capital projects. I do not know whether the Minister realises that that is the case, and one wonders who is correct. Are her officials correct, or is she correct? We need to know the answer to that question. We need to know what exactly is happening in the review of capital schemes and what stage it is at. When will it be finished? Is there money for new capital projects? If so, how much money is there? When will schools, such as those in Holywood that are awaiting newbuild premises, know for certain where they stand?

Governors, teachers, principals and pupils of the schools in Holywood, and the other schools that I have referred to, need to know the facts. I hope that the Minister will be in a position today to clear up the confusion and tell us exactly what the future holds for new capital schemes, not just in Holywood but throughout the North of Ireland. Go raibh míle maith agat, a LeasCheann Comhairle.

Dr Farry: I declare an interest as a member of the board of governors of Priory Integrated College and as a member of North Down

Borough Council. I thank Peter Weir for securing this important Adjournment debate.

In some respects, this is a *déjà vu* experience for us all, because we had an Adjournment debate on Priory Integrated College in November 2007. It occurred in the context of the go-ahead for the college having been put on hold by the direct rule Ministers in light of the Bain report's recommendations.

At that stage, we were using our good offices to ask the Minister to move ahead with the scheme for the redevelopment of the schools in Holywood. I was pleased, and the governors and the wider community in Holywood, including the parents and pupils, were more delighted when in February 2008, the Minister gave the go-ahead for the redevelopment. Since then, tremendous progress has been made in trying to deliver on the new vision for education in Holywood.

I appreciate that we have hit some difficulties, given the financial context in which Northern Ireland finds itself. Indeed, Dominic Bradley outlined some of those issues in greater detail. However, I take consolation from the fact that the Minister has said that money is available for ongoing capital investment. Things are not grinding to a halt, but it is obvious that times are more difficult. Continued capital investment is important not only for our construction industry and the wider economy but in enabling us to continue to invest in our schools estate. Such investment is important not only in providing a better environment for children to learn but in ensuring that we are providing a modern infrastructure. In many respects, the proposals for Holywood meet that vision.

There is more to the situation than our merely seeking to rebuild a number of schools. The issue is about addressing the new policy environment, particularly the worthy policies on sustainable schools that the Minister has articulated. It is also about area planning and collaboration between schools through the entitlement framework. What is happening in Holywood is a strong example of that. For example, Priory Integrated College has taken a powerful lead in a lot of learning areas, and that is applied not only in Holywood but down the Ards Peninsula. It is to be welcomed that children are moving between Priory Integrated College and other schools and that they are taking advantage of different courses and having a more rounded access to education.

The Minister also recognises the importance of investment in the infrastructure. I congratulate her on visiting Priory Integrated College in her first few weeks in office. I think that that visit was back in May 2007. At that stage, I am sure that she could not have helped but notice the poor state of repair of the college building, which is well over 50 years old.

The schools in Holywood are working closely with the community. There is strong support in the community in Holywood and elsewhere for reinvestment in the schools estate, and the community is keen to help those students who are involved. There is also potential for North Down Borough Council to collaborate with Priory Integrated College on the development of a new 3G sports facility, which the community and pupils in the school could use. That is a clear example of the potential for joined-up government in that it ensures that we use our scarce resources to the maximum benefit, and in doing so, help our students and the wider community with their development.

The proposal is also a rationalisation of the schools estate. It is important that we do not lose sight of that. It is a way of making the schools estate more efficient. We are not asking for an increase in the level of funding to do more; we are looking for an invest-to-save initiative. In particular, we are seeing the merger of two primary schools on one site. Priory Integrated College is heavily oversubscribed and has to turn people away. We could have a primary school with a roll of over 500 students, which would make it one of the larger primary schools in Northern Ireland and well above the Bain threshold. There is also a heavy demand for nursery places in Holywood. We want sites to be juggled so that Priory Integrated College will move on to the Redburn Primary School site, Redburn Primary School and Holywood Primary School will merge on the old Priory Integrated College site, and, finally, the Holywood Primary School site can be used for the new nursery unit. However, we need to continue with the Priory Integrated College scheme, which has gone to planning. Although that has been placed under a certain degree of uncertainty, it is important that we deliver all elements of that new vision for Holywood.

I know that the Minister is well aware of the situation. I appreciate that she is in a difficult financial position, but I am sure that she agrees that this project makes a lot of sense.

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

Dr Farry: Hopefully the review will be concluded and have the right result.

Mr Easton: I welcome the opportunity to speak on this important matter, which involves education in my constituency of North Down. I also want to say well done to my colleague Mr Weir, who secured the Adjournment debate on this important issue.

The proposal to build a new 450-place post-primary school at the Redburn site, to demolish the old Priory Integrated College building and to construct a new 21-classroom primary school at the site, as well as a new nursery school at the Holywood Primary School site, is considered to be the best way forward to ensure the necessary education provision for pupils who currently attend controlled schools in Holywood and those who are likely to attend in the future. Therefore, it is recommended for acceptance.

As far back as March 2006, which is four years ago, the then Education Minister Angela Smith announced a £380 million investment for school building programmes. Contained in that announcement was the acceptance of the proposal that is the subject of this debate. It was, however, subject to review in accordance with the Bain report. Nevertheless, in March 2007, Education Minister Eagle stated:

"I would like the remaining assessments for the schemes on hold completed with the relevant authorities within the next two months to see whether there is a strong case for the schemes to proceed."

At the end of March 2007, the South Eastern Education and Library Board (SEELB) asked the Department of Education for clarification on what additional information it required in order to allow the delayed projects to be released. In May 2007, the Department responded to the SEELB, raising concerns about the number of pupils attending Priory College. Later in May, the board responded and the Department accepted that the project met all the criteria set out in the Bain report.

However, in September 2007, the Department raised yet more concerns about the school's religious balance, whether parents supported the move to the Redburn site, and how developments at other schools would impact on Priory Integrated College. The board responded

later that month. In November 2007, a debate was held in this very Chamber. Although the Minister acknowledged that the school was below the threshold determined by Bain, she stated that if a school provided a high standard of service, the threshold did not necessarily have to be met.

On a visit to the school in May 2007, the Minister said that she was impressed by the good work of the principal and staff, as well as their evident commitment to the delivery of quality education in the school. She added that she hoped that a decision would be made on the application as soon as possible, but that she did not have development plans for the school in front of her. The board, however, said that the Department had sufficient information in its possession to enable it to make a decision.

Three years later, we are still waiting. The question that comes to mind immediately is where the money went for the plan that was announced by Education Minister Smith in 2006. This delay is completely unacceptable. I call on the Minister to make a decision on this application, to let it go forward, and to find the money for it.

Mr McFarland: I thank my colleague Peter Weir for securing the debate. Three of my colleagues have now gone through the factual history of all of this. Mr Deputy Speaker, you will be glad to hear that I do not propose to do the same.

I know that one of the earliest visits that the Minister made in office was to Priory Integrated College. Therefore, she has been there and is in no doubt of the issues that are involved. She will have seen how particularly useful this plan is for the development of schools in North Down. It is neat and covers a number of schools that might otherwise require separate builds. It made lots of sense when she visited the college; it has made lots of sense since.

I understand that she is in difficult financial straits with regard to a number of capital builds. However, this project is a particularly good one. It would be a terrible pity if the hopes of people in Holywood and North Down, the children who attend these schools and the staff who teach them were dashed if that excellent plan were to crash at this stage. As other colleagues have done, I ask the Minister to find the money for this and to let it go ahead.

5.45 pm

Mr B Wilson: Like my colleagues, I congratulate Peter Weir on initiating the debate. I declare an interest as a member of North Down Borough Council. As Mr Farry pointed out, we are discussing potential joint efforts with Priory Integrated College.

I want to come back to Angela Smith's statement of 1 March 2006 on investment in a school building programme. There were around 10 different schools in the South Eastern Education and Library Board, and very few of them have got very far. Bangor Grammar School was one of the first to be informed that it would benefit from the programme, followed by three schools in Holywood. In addition, as a member of the board of governors of St Columbanus College, I raised with the Minister previously the fact that its building project has also been delayed. I understand that it was due to be on site last month.

Dominic Bradley put the issue into a wider context. Most of the schemes are under review. I understand that most of them have passed their review, but they are still waiting for a response. As has been pointed out, it is very frustrating that that response has been delayed. I understand that architects are being laid off by certain schools because they cannot go ahead with the development.

As far as I am concerned, Priory Integrated College is a special school. My son went there when it was Holywood High School. In 1995, it voted to become an integrated school and, at that stage, there was concern about its long-term future. The situation was reviewed in the Bain report. However, the college has expanded in the past few years, and its student numbers have greatly exceeded the numbers required. There was a need for a new school when my son went there in 1996, and now, 14 years later, the need is much greater.

The plan that was devised to incorporate primary, secondary and nursery schools is an ideal solution for the education facilities in Holywood. I feel that it should be given priority if money becomes available. I ask the Minister to consider the benefits to the community as it very much involves providing facilities for the community. I ask the Minister to take that into consideration when she is deciding on the allocation of the cash.

The Minister of Education (Ms Ruane): Go raibh maith agat, a LeasCheann Comhairle. Tugaim buíochas don Chomhalta as an deis seo a thabhairt dom chun plé a dhéanamh ar na tionscadail chaipitil atá beartaithe in Ard Mhic Nasca. Ó ceapadh i mo Aire Oideachais mé, creidim gur thug mé le tuiscint go soiléir go bhfuil sé mar aidhm agam oideachas ardchaighdeáin a dhearbhu do gach páiste agus duine óg agus go bhfuil comhionannas mar chroílár ag gach rud a dhéanamid, lena n-áirítear soláthar scoileanna nua.

I thank the Member who secured the debate for providing the opportunity to discuss the proposed capital projects for Holywood. Since I became Minister of Education, I believe that I have made it clear that my overall aim is to ensure a quality education for all our children and young people and to ensure that equality is at the core of everything that we do, which includes the delivery of new schools.

We have made good progress in updating the schools estate in many areas, with new schools just completed and occupied and more on site. However, I want to take a fresh look at how we deliver capital projects. I want to make sure that we put the right type of school in the right place to meet the needs of children and young people, and I want to avoid making the mistakes that were made in the past because of the lack of area planning. Since 2007, 39 major projects have been completed, and 16 projects are on site.

Most Members here will be aware that in October 2009, I commissioned a review of current projects to validate that all are consistent with the policy framework that I am putting in place to ensure that we meet our statutory duties on equality and targeting on the basis of identified need. The policies driving that review include, to name but a few: sustainable schools; the revised curriculum; the entitlement framework; Every School a Good School; the revised literacy and numeracy strategy; the early-years strategy; the special educational needs review; an inclusion review; and the review of Irish-medium education. I will reiterate briefly some of the detail of those policies and highlight their importance to our education system as we seek to ensure that the right capital projects are delivered.

The sustainable schools policy is crucial to improving the system for all our children, because the education system — as Members

will have heard me say on many occasions — is letting down too many children. We need to ensure that all our young people get a first-class education, regardless of their background or where they live.

To that end, the policy sets out six criteria for helping to assess the viability of schools. Those criteria are both quantitative and qualitative. Consideration will be given to the educational experience of the children; the financial position; leadership and management of the school; accessibility; enrolments and links with the community; and, above all, the provision of a quality education. The latter must be the overriding consideration. Obviously, equality needs to be at the core of all that.

From September 2010, all pupils in our schools will be taught through the revised curriculum, which has at its core a focus on knowledge and on the skills that pupils need to apply that knowledge in everyday situations. It concentrates on raising standards in reading, writing and maths, and on preparing young people for all aspects of life and work, while giving schools and teachers greater flexibility to deliver lessons in a way that suits pupils' needs.

We have also recently introduced Every School a Good School: a policy for school improvement to raise standards in all schools across the North of Ireland. That is a pupil-centred policy with equality and improvement at its heart. It sets out my Department's commitment to raising standards and reducing educational underachievement. Every child should, and must, have access to high-quality education in a school setting that is characterised by good leadership, excellent teaching and strong links between school, parents and communities.

I know that there are good schools that are already doing what is advocated in Every School a Good School, and I do not seek to detract from that. However, there are still too many schools where pupils are not reaching their full potential. I believe that all schools are capable of improvement, even the good ones.

The strategy for raising achievement in literacy and numeracy is a vital component of my Department's approach to improving standards, thereby assisting young people to acquire the literacy and numeracy capabilities that allow them to realise their full potential.

The review of Irish-medium education includes a specific recommendation regarding the development of Irish-medium post-primary provision. I have accepted that recommendation in full recognition of the fact that the sector has grown steadily at primary level over the past number of years, resulting in increased demand for Irish-medium post-primary provision. It is my sincere intention to make Irish-medium education available at all levels to the parents and children who wish to avail themselves of it. The Irish-medium review also identified the issue of poor accommodation in many Irish-medium primary schools, and I am looking into that.

All the policies that I have detailed are intertwined and designed to ensure the best possible outcomes for all. Given the financial constraints that we face, I am sure that Members will agree that it is crucial to get the investment right. I look forward to support from all the parties in the House for getting further resources, because we are all aware of the importance of school builds. That matter affects all our constituencies. It is against those policies and the wider financial context that all proposed capital projects are being assessed.

Progress of the capital projects for Priory Integrated College, Holywood Primary School and Holywood Nursery School will be dependent on the outcome of the review. The outcome will inform the development of a more strategic approach to capital investment decisions and management of the schools estate. Projects will then be prioritised for progression in the coming financial year, taking account of available resources.

Tá áthas orm go raibh deis agam an tionchar a mhíniú go hiomlán a bheidh ag na beartais chomhlántacha ar eastát na scoileanna agus an dóigh a gcruthóidh soláthar scoileanna nua córas níos fearr oideachais.

I am pleased to have had the opportunity to explain fully how the complementary policies will impact on the schools estate and how the delivery of the new schools will create a better education system.

Adjourned at 5.55 pm.

